

Minute of Meeting



Local Review Body

Date	Time	Venue
Monday 14 June 2021	1.00pm	Virtual Meeting, MS Teams

Present:

Councillor Imrie (Chair)	Councillor Alexander
Councillor Cassidy	Councillor Curran
Councillor Lay-Douglas	Councillor McKenzie
Councillor Milligan	Councillor Muirhead
Councillor Small	

In Attendance:

Peter Arnsdorf, Planning Manager	Mike Broadway, Democratic Services Officer

1 Apologies

Apologies for absence were received from Councillor Munro.

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 17 May 2021 was submitted and approved as a correct record.

5 Reports

Agenda No	Report Title	Presented by:
5.1	Decision Notice – 24 Newton Church Road, Danderhall (20/00541/DPP).	Peter Arnsdorf
Executive Summary of Report		
With reference to paragraph 5.1 of the Minutes of 17 May 2021, there was submitted a copy of the Local Review Body decision notice dismissing a review request on behalf of Mr and Mrs B Ramsay, 24 Newton Church Road, Danderhall seeking, a review of the decision of the Planning Authority to refuse planning permission (20/00541/DPP, refused on 18 November 2020) for the formation of access and driveway at that address and refusing planning permission.		
Decision		
To note the LRB decision notice.		

Agenda No	Report Title	Presented by:
5.2	Decision Notice – 25 Park Road, Dalkeith (20/00521/DPP).	Peter Arnsdorf

Executive Summary of Report

With reference to paragraph 5.2 of the Minutes of 17 May 2021, there was submitted a copy of the Local Review Body decision notice upholding a review request on behalf of Ms K Greve, 25 Park Road, Dalkeith seeking, a review of the decision of the Planning Authority to refuse planning permission (20/00521/DPP, refused on 13 November 2021) for the erection of an extension to dwellinghouse; alterations to window opening to form door; formation of driveway and erection of associated retaining walls; alterations to boundary walls and erection of gates, at that address and granting planning permission subject to conditions.

Decision

To note the LRB decision notice.

Agenda No	Report Title	Presented by:
5.3	Notice of Review Request Considered for the First Time – Land at Soutra Mains Farm, Pathhead (20/00890/S42).	Peter Arnsdorf

Executive Summary of Report

There was submitted report, dated 16 November 2020 by the Chief Officer Place, regarding an application from Suzanne McIntosh Planning Ltd, 45C Bath Street, Portobello, Edinburgh seeking, on behalf of their client Mr G Russell, a review of the decision of the Planning Authority to refuse planning permission (20/00890/S42, refused 11 March 2021) for the removal of condition 6 of planning permission 08/00159/OUT, to enable the long term rental of the holiday homes and in doing so use them as single dwellinghouses at land at Soutra Mains Farm, Pathhead.

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.

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 and the reasons for its refusal, the LRB considered the potential impact that removal of condition would have both in Policy terms and in terms of setting a precedent. Whilst there was general agreement on the need to try and assist business impacted by the coronavirus pandemic, opinion was divided regarding the potential impact of removal of the condition.

After further discussion, Councillor Alexander, seconded by Councillor Cassidy, moved to uphold the review request seeking removal of the condition, and grant planning permission subject to the conditions set out in the report.

As an amendment, Councillor Milligan, seconded by Councillor Muirhead, moved to dismiss the review request, and uphold the decision to refuse planning permission for the reasons detailed in the case officer's report.

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 reasons:

The development provides much needed dwellinghouses in a rural location and sits comfortably within the existing cluster of rural buildings and will not have a significant impact on the landscape or have a detrimental impact on the amenity of other properties and therefore complies with the spirit of policy RD1 of the Midlothian Local Development Plan 2017.

subject to:-

- (i) a legal agreement to secure developer contributions towards education provision and public transport. The legal agreement shall be concluded prior to the issuing of the LRB decision. The legal agreement shall be concluded within 6 months of the resolution to grant planning permission, if the agreement is not concluded the review will be reported back to the LRB for reconsideration; and
- (ii) the following condition
 - 1. A maximum of four dwellinghouses and a coffee shop shall be constructed on the site.

Reason: To define the terms of the consent.

Action

Planning Manager

The meeting terminated at 1.30 pm.