

## APPEALS AND LOCAL REVIEW BODY DECISIONS

Report by Head of Communities and Economy

### 1 PURPOSE OF REPORT

- 1.1 This report informs the Committee of notices of reviews determined by the Local Review Body (LRB) at its meetings in September and October 2015; and an appeal decision received from Scottish Ministers.

### 2 BACKGROUND

- 2.1 The Council's LRB considers reviews requested by applicants for planning permission, who wish to challenge the decision of planning officers acting under delegated powers to refuse the application or to impose conditions on a grant of planning permission.
- 2.2 The decision of the LRB on any review is final, and can only be challenged through the Courts on procedural grounds.
- 2.3 Decisions of the LRB are reported for information to this Committee.
- 2.4 In addition, this report includes a decision on an appeal which has been considered by Scottish Ministers.

### 3 PREVIOUS REVIEWS DETERMINED BY THE LRB

- 3.1 At its meeting on 1 September 2015 the LRB made the following decisions:

	<b>Planning Application Reference</b>	<b>Site Address</b>	<b>Proposed Development</b>	<b>LRB Decision</b>
<b>1</b>	15/00034/DPP	Honeysuckle Cottage, Nine Mile Burn, Penicuik	Erection of upper floor extension and alterations to conservatory	Review upheld. Permission granted.
<b>2</b>	15/00185/DPP	86 Main Street, Newtongrange	Erection of dwellinghouse	Review dismissed. Permission refused.
<b>3</b>	15/00222/DPP	Land adjacent 103 Lothian Street, Bonnyrigg	Formation of car park	Review dismissed. Permission refused.

<b>4</b>	15/00325/DPP	205 Main Street, Pathhead	Removal of condition restricting installation of windows	Review dismissed. Permission refused.
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3.2 At its meeting on 20 October 2015 the LRB made the following decisions:

	<b>Planning Application Reference</b>	<b>Site Address</b>	<b>Proposed Development</b>	<b>LRB Decision</b>
	15/00199/DPP	Land at Stone Place, Mayfield	Siting of Welfare Block	Review upheld. Permission granted.
	15/00120/DPP	Springfield Farm, Polton, Lasswade	Erection of fence and gate and formation of access track	Review dismissed. Permission refused.
	15/00335/PPP	Former Arniston Gas Works, Gorebridge	Residential development of 10 units	Review upheld. Permission granted subject to the prior conclusion of a legal agreement to secure developer contributions.

#### **4 APPEAL DECISIONS**

- 4.1 An appeal against the issuing of an enforcement notice to secure the removal of two dormer windows which have been erected without the benefit of planning permission at 15 Dundas Street, Bonnyrigg has been dismissed. A planning application for the development was refused on the grounds that the development would not preserve the character of the listed building, its setting or any features of special architectural or historical interest as set out in national and local planning policy. This decision was also supported by the LRB. A copy of the appeal decision accompanies this report.
- 4.2 As the works are retrospective the Scottish Government Reporter has given the applicant 9 months (until 10 May 2016) to remove the works. However the failure to carry out the required works will result in the Council having to consider taking legal action to remove the unauthorised works.

## **5 RECOMMENDATION**

- 5.1 The Committee is recommended to note the decisions made by the Local Review Body at its meetings on 1 September 2015 and 20 October 2015 and the 15 Dundas Street, Bonnyrigg appeal decision.

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