

Minute of Meeting

Local Review Body
Monday 5 February 2024
Item No 4.1



Local Review Body

Date	Time	Venue
Monday 11 December 2023	1.00pm	Council Chambers/Hybrid

Present:

Councillor Imrie (Chair)	Councillor Smail
Councillor Bowen	Councillor Cassidy
Councillor McEwan	

In Attendance:

Peter Arnsdorf	Planning, Sustainable Growth and Investment Manager
Janet Ritchie	Democratic Services Officer
Lucy Roddie	Democratic Services Officer

1 Welcome, Introductions and Apologies

Apologies for absence were received from Councillor Alexander, Councillor Drummond, Councillor McManus, Councillor Milligan and Councillor Virgo.

2 Order of Business

The order of business was as outlined in the agenda.

3 Declarations of interest

No declarations of interest were intimated at this stage of the proceedings.

4 Minute of Previous Meeting

The Minute of the Meeting of 13 November 2023 was submitted and approved as a correct record.

5 Reports

Notice of Reviews – Determination Reports by Chief Officer Place

Agenda No	Report Title	Presented by:
5.1	23.00485.DPP - 31 Newton Village, Dalkeith LRB Report and Appendices	Peter Arnsdorf, Planning, Sustainable Growth and Investment Manager
Outline of report and summary of discussion		
<p>Peter Arnsdorf, Planning, Sustainable Growth and Investment Manager, presented the report. The purpose of the report is to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for the erection of rear extension and front porch to flatted dwelling at 31 Newton Village, Dalkeith.</p> <p>Planning application 23/00485/DPP for the erection of rear extension and front porch to flatted dwelling at 31 Newton Village, Dalkeith was refused planning permission on 1 September 2023.</p> <p>Peter Arnsdorf noted that members of the LRB had attended a site visit on the morning of 11 December 2023.</p> <p>Councillor Imrie, the Chair, thanked Peter Arnsdorf for the report and opened it up to questions.</p> <p>In discussing the proposed development and the reasons for its refusal, the Local Review Body did not agree that the proposed extension would have a detrimental impact upon the neighbouring properties and noted that no objections had been received.</p>		
Decision		

Councillor Smaill, seconded by Councillor McEwan, moved to uphold the review request and to grant planning permission for extension to flatted dwelling and erection of porch at 31 Newton Village, Dalkeith, EH22 1SN, subject to the conditions as set out in the report. This was unanimously agreed by the committee.

Action

Planning, Sustainable Growth and Investment Manager to prepare a decision notice for issuing through the Chair of the LRB.

6. Private Reports

No private business was discussed.

7. Date of Next Meeting

The next meeting is scheduled for Monday 5 February 2024 at 13:00.

The meeting terminated at 13:07.

Grant of Planning Permission

Town and Country Planning (Scotland) Act 1997 as amended

Local Review Body: Review of Planning Application Reg. No. 23/00485/DPP

F.E.M Building Design
8 Plantain Grove
Lenzie
Glasgow
G66 3NE

Midlothian Council, as Planning Authority, having considered the review of the application by Mr Ross McPhee, 31 Newton Village, Danderhall, EH22 1SN, which was registered on 6 November 2023 in pursuance of their powers under the above Act, hereby **grant** permission to carry out the following proposed development:

Erection of rear extension and front porch to flatted dwelling at 31 Newton Village, Dalkeith, EH22 1SN, in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location plan and existing floor plans and elevations	23/McPhee/PP/001(-) 1:1250 1:200 1:50	25.07.2023
Location plan and proposed floor plans and elevations	23/McPhee/PP/002(-) 1:1250 1:50	25.07.2023

Subject to the following conditions:

1. The development to which this permission relates shall commence no later than the expiration of three years beginning with the date of this permission.

Reason: *To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended by the Planning (Scotland) Act 2019).*

2. The use of concrete roof tiles on the roof of the porch is not approved: the roof of the porch shall be covered in natural slate to match the colour, size, texture and profile of the slate on the roof of the existing building.

Reason: *To safeguard the character of the building as extended and the visual amenity of the surrounding area.*

3. Within 3 months of the rear extension being completed or brought into use whichever is the earlier date the existing garage in the back garden as indicated on the approved 1:200 existing block plan on drawing no. 23/McPhee/PP/001(-) shall be removed in its entirety.

Reason: To ensure adequate private amenity space associated with the application property.

The Local Review Body (LRB) considered the review of the planning application at its meeting of 11 December 2023.

In reaching its decision the LRB gave consideration to the following development plan policy and material considerations:

National Planning Framework 4

1. Policy 1 Tackling the climate and nature crisis;
2. Policy 14 Design, quality and place; and
3. Policy 16 Quality homes.

Midlothian Local Development Plan Policies:

1. DEV2 - Protecting amenity within the built-up area.

Material Considerations:

1. The individual circumstances of the site and the application.

In determining the review the LRB concluded:

The proposed rear extension and front porch (and the demolition of the garage to the rear) do not undermine the amenity of neighbouring residents, nor are they detrimental to the character of the existing area or host building and as such the proposed development accords with the presumption in favour of development in Midlothian Local Development Plan 2017 and National Planning Framework 4.

Dated: 11/12/2023

A handwritten signature in black ink, appearing to read 'Peter Arnsdorf', with a large, sweeping initial 'P'.

Peter Arnsdorf
Planning, Sustainable Growth and Investment Manager
Advisor to the Local Review Body
Place Directorate
Midlothian Council

On behalf of:
Councillor R Imrie
Chair of the Local Review Body
Midlothian Council

NOTICE TO ACCOMPANY REFUSAL ETC.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notification to be sent to applicant on refusal of planning permission or on the grant of permission subject to conditions, or

Notification to be sent to applicant on determination by the planning authority of an application following a review conducted under section 43A(8)

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the town and Country Planning (Scotland) Act 1997

Advisory note:

If you have any questions or enquiries regarding the Local Review Body procedures or this decision notice please do not hesitate to contact Peter Arnsdorf, Planning, Sustainable Growth and Investment Manager via peter.arnsdorf@midlothian.gov.uk



The Coal
Authority

Any Planning Enquiries should be directed to:

Planning and Local Authority Liaison

Email: planningconsultation@coal.gov.uk

Website: www.gov.uk/coalauthority

INFORMATIVE NOTE

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity at the surface or shallow depth. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

Informative Note valid from 1st January 2023 until 31st December 2024