

MINUTES of **MEETING** of the **LOCAL REVIEW BODY** held in the Council Chambers, Midlothian House, Buccleuch Street, Dalkeith on Tuesday 24 November 2015 at 2.00 pm.

Present: - Councillors Bryant (Chair), Baxter, Beattie, Bennett, Constable, Milligan, Montgomery and Rosie.

Apologies for Absence: - Councillors de Vink and Imrie.

1. Order of business

The Clerk advised that at the request of the Applicants, the Review Request relating to Planning Application Ref 15/00158/DPP Formation of temporary test piling facility; associated car parking, access roads and buildings at Shewington, Rosewell, which was due to be considered by the Local Review Body at today's meeting – Agenda Item No 6(a) refers – had been deferred. It would now instead be considered at the LRB meeting scheduled for Tuesday, 19 January 2016. In order to save on copying cost, LRB Members were asked to retain their agenda papers for the January meeting.

2. Declarations of Interest

Councillor Milligan reminded Members that with regards to the Notice of Review Request relating to the Former Arniston Gas Works, Gorebridge, he may know one of the applicant and he would therefore be declaring an interest and taking no part in the consideration thereof. He would however remain during the discussion as he did not believe his presence would interfere with the LRB ability to come to an objective decision.

3. Minutes

The Minutes of Meeting of 20 October 2015 were submitted and approved as a correct record subject to the addition of the reasons for granting planning permission for the development at the Former Arniston Gas Works, Gorebridge site.

4. Decision Notices – (a) Land at Stone Place, Mayfield (15/00199/DPP)

With reference to paragraph 4 of the Minutes of 20 October 2015, there was submitted a copy of the Local Review Body decision notice upholding a review request from Mr R Mackay, Rightway Property Ltd, 2A Stone Place, Mayfield seeking a review of the decision of the Planning Authority to refuse planning permission (15/00199/DPP, refused on 14 April 2015) for the change of use of vacant ground to allow the siting of site huts for the use as a builders welfare facility (retrospective) on land at Stone Place, Mayfield and granting planning permission subject to conditions.

Decision

To note the LRB decision notice.

(b) Land at Springfield Farm, Lasswade (15/00120/DPP)

With reference to paragraph 5(b) of the Minutes of 1 September 2015, there was submitted a copy of the Local Review Body decision notice dismissing a review request from Ms F Battey, Springfield Farm, Polton, Lasswade seeking a review of the decision of the Planning Authority to refuse planning permission (15/00120/DPP, refused on 29 April 2015) for the erection of fence and gate and formation of access track (part retrospective) at that address and upholding the decision to refuse planning permission for the reasons stated in the original decision notice.

Decision

To note the LRB decision notice.

Eligibility to Participate in Debate

In considering the following item of business, only those LRB Members who had attended the site visit on Monday 23 October 2015 participated in the review process, namely Councillors Bryant (Chair), Baxter, Beattie, Bennett, Constable, Milligan, Montgomery and Rosie.

5. Notice of Review Requests Considered for the First Time - Whitehill, Nine Mile Burn, Penicuik (15/00592/DPP)

There was submitted report, dated 17 November 2015, by the Head of Communities and Economy regarding an application from Derek Scott Planning, 21 Lansdowne Crescent, Edinburgh, seeking on behalf of their clients Newhall Farm Partnership, a review of the decision of the Planning Authority to refuse planning permission (15/00592/DPP, refused on 28 August 2015) for the erection of a dwellinghouses and formation of access at Whitehill, Nine Mile Burn, Penicuik. 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 23 November 2015.

Thereafter, the LRB gave careful consideration to the merits of the case based on all the information provided. Whilst noting the present and emerging development plan policies, the LRB debated whether there where material planning considerations that justified a departure. The LRB also discussed whether the potential impact of any development could be mitigated by appropriate screen planting and also possible issues of precedent if consent where to be granted for the proposed development.

Councillor Montgomery, seconded by Councillor Bennett, moved that the Review Request be upheld and that planning permission be granted subject to the recommended conditions detailed in the Head of Communities and Economy's report.

As an amendment, Councillor Baxter, seconded by Councillor Constable, moved to dismiss the Review Request and uphold the decision to refuse planning permission on the grounds given in the original decision notice.

On a vote being taken, two Members voted for the amendment and five for the motion which accordingly became the decision of the meeting.

Decision

The Local Review Body agreed to uphold the review request, and grant planning permission, subject to the following conditions:

1. Prior to the commencement of development, the following details shall be submitted to and approved in writing by the planning authority:
 - a) Details and samples of the proposed colour of the external wall and roof materials;
 - b) Details of the proposed colour of the window and door frames;
 - c) Details of any proposed walls, fences or other means of enclosure, including position, design, dimensions, materials and colour finish;
 - d) Details of the proposed hardstanding materials;
 - e) Proposals for the treatment and disposal of foul surface water drainage from the proposed house; and
 - f) Details of a scheme of landscaping. Details shall include the position, number, size and species of all trees and shrubs that are proposed to be planted, as well as identifying all trees on site which are proposed to be removed and retained.

Reason: *These details were not submitted with the application; in order to ensure the development is in keeping with and does not detract from the surrounding area.*

2. Unless otherwise agreed in writing by the planning authority, the wall materials shall be natural stone and smooth or wet dash render.

Reason: *To ensure that the proposed materials are of a high quality and in keeping with the character and appearance of the rural area.*

3. The scheme of landscaping required in terms of condition 1f) above shall include details of additional planting along the areas shaded in green on approved drawing number 580-P-GA-01A.

Reason: *To ensure the landscaping is carried out to an acceptable standard, in the interests of protecting the visual amenity of the area.*

4. The scheme of landscaping approved in accordance with condition 1f) shall be carried out and completed within six months of the building either being completed or brought into use, whichever is the earlier date. Any hedging or trees removed, dying, severely damaged or becoming seriously diseased within five years of planting shall be replaced in the following planting season by trees or shrubs of a size and species similar to those originally required.

Reason: *To ensure the landscaping is carried out and becomes successfully established.*

(Action: Head of Communities and Economy)

The meeting terminated at 2.32 pm.