

# Minute of Meeting



## Local Review Body

Date	Time	Venue
Tuesday 30 March 2021	1.00pm	Virtual Meeting using MS Teams

### Present:

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

### In Attendance:

Derek Oliver, Chief Officer Place	Joyce Learmonth, Lead Officer Major Developments and Enforcement
Duncan Robertson, Lead Officer Local Developments	Mhairi-Anne Cowie, Planning Officer: Local Developments
Mike Broadway, Democratic Services Officer	

## 1 Apologies

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No apologies for absence had been received.

## 2 Order of Business

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The order of business was confirmed as outlined in the agenda that had been previously circulated.

## 3 Declarations of interest

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

## 4 Minute of Previous Meeting

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The Minutes of (i) Special Meeting held on 23 November 2020; (ii) Meeting held on 30 November 2020; and (iii) Special Meeting held on 14 December 2020, were submitted and approved as correct records.

## 5 Reports

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### Declaration of Interest/Sederunt

During the initial introductory overview by the Planning Advisor, Councillor Cassidy, having become aware that the applicant was a customer of his own business, although he did not know the applicant personally, declared a non-pecuniary interest and withdrew from the meeting during consideration of this particular review at 1.08 pm, shortly prior to the commencement of the oral presentations.

Agenda No	Report Title	Presented by:
5.1	Notice of Review Request Considered for the First Time – Land 250m North West of Fyrnlea, Penicuik (20/00472/PPP).	Joyce Learmonth
<b>Executive Summary of Report</b>		
<p>There was submitted report dated 18 March 2021 by the Chief Officer Place, regarding an application from Holder Planning, South Charlotte Street, Edinburgh seeking, on behalf of their client Mr S Lamb, Valley Landscaping Ltd, a review of the decision of the Planning Authority to refuse planning permission in principle (20/00472/PPP, refused on 31 August 2020) for the erection of a dwellinghouse and formation of access at land 250m North West of Fyrnlea, Penicuik.</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>		
<b>Summary of Discussion</b>		
<p>In accordance with the procedures for the Local Review Body, Joyce Learmonth, as Planning Advisor gave a brief overview of the review hearing procedures and outlined the background to the case.</p>		

Thereafter, oral representations were received firstly on behalf of the applicant from Robin Holder, Holder Planning the applicant's agent; also present were the applicant, Stephen Lamb, Andrew Carrie, Andrew Carrie Traffic & Transportation Ltd and Brian McAllister, Yeoman McAllister Architects, and then from Mhairi-Anne Cowie, the local authority Planning Officer; following which both parties 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. In particular consideration was given to the impact that the proposed development would potentially have on the landscape of the area; the applicant plans to consolidate his horticulture business on the site; and the proposed access arrangements.

### Decision

After further discussion, the LRB agreed to uphold the review request, and grant planning permission for the following reason:

*The proposed house is required to further the horticulture business which is consolidating much of its operations on the site to the benefit of the local economy and will not have a significant impact on the landscape of the area and therefore complies with policies RD1 and ENV7 of the Midlothian Local Development Plan 2017.*

subject to the following conditions –

1. Development shall not begin until an application for the approval of matters specified in conditions for the following details has been submitted to and approved in writing by the Planning Authority:
  - a) A detailed layout plan of the site, showing the siting of the proposed house, details of vehicular access, parking provision and manoeuvring within the site and details of all walls, fences or other means of enclosure, including bin stores or other ancillary structures;
  - b) Existing and finished ground levels and floor levels for all buildings, open space and access roads in relation to a fixed datum;
  - c) Detailed plans, sections and elevations of the proposed house, indicating the colour and type of materials to be used on the external walls, roof and windows;
  - d) Details of all hard surfacing and kerbing;
  - e) Details of a sustainability/biodiversity scheme for the site, including the provision of house bricks and boxes for bats and swifts;
  - f) Details of the provision of high speed fibre broadband connections for the house;
  - g) Details of the provision of electric vehicle charging stations for the house;
  - h) Proposals for the treatment and disposal of foul and surface water drainage from the proposed house. Unless otherwise approved in writing by the Planning Authority, the surface water drainage shall comply with the standards detailed in the SUDS Manual; and
  - i) Details of a scheme of landscaping for the boundaries of the site and a plan showing the position, number, size and species of all trees and shrubs that are proposed to be planted; all trees on the site which are to

be removed and retained; and details of the means of protection of all trees that are to be retained.

**Reason:** *Permission is granted in principle only. No details were approved with the application and detailed consideration is required for the siting, massing and design of the proposed dwellinghouse and site access arrangements; to ensure protected species are not adversely affected.*

2. The vehicular access details required in condition 1a) shall include details of the visibility splay.

**Reason:** *In the interests of road safety; to ensure that a safe access is provided for the future occupants of the house.*

3. The details of the hardstanding required in terms of condition 1d) shall be porous materials.

**Reason:** *In the interests of road safety; to prevent water run-off from the site into the surrounding countryside.*

4. The scheme of landscaping approved in accordance with condition 1i) 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 trees removed, dying, severely damaged or becoming seriously diseased within five years of planting shall be replaced in the following planting season by trees of a size and species similar to those originally required.

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

5. Before the new house is occupied the installation of the means of drainage treatment and disposal approved in terms of condition 1h) above shall be completed to the satisfaction of the Planning Authority.

**Reason:** *To ensure that the house is provided with adequate drainage facilities prior to occupation.*

6. No development shall take place on site until the applicants or their successors have undertaken and reported upon a programme of archaeological (monitored soil strip) work in accordance with a written scheme of investigation to be submitted to and approved in writing by the Planning Authority.

**Reason:** *To ensure a proper archaeological evaluation of the site, which is within an area of potential archaeological interest, and that adequate measures are in place to record any archaeological finds.*

7. The dwellinghouse hereby approved shall only be occupied by the owner or a full-time employee of Valley Landscaping Limited, or any successor in title carrying out the same business as Valley Landscaping Limited, operating from the application site, together with the dependents or direct family members of such a person residing with them.

**Reason:** *There is significant pressure for sporadic residential development in the Midlothian countryside and it is necessary to restrict occupancy of the new house to somebody who has a direct involvement in the business being furthered in the locality; to ensure that the adverse impact of the development on the character and appearance of the local landscape is justified in relation to the support for a local business during challenging economic conditions; the development was justified at Local Review Body on the basis that the house was required to further the horticulture business which was consolidating its operations on the site to the benefit of the local economy; and, in the interests of ensuring that the development adheres to sustainability principles in terms of the resident of the new house living and working on the same site.*

8. The development hereby approved shall not begin until an application for approval of matters specified in conditions in relation to a phasing schedule, including the following details, has been submitted to and approved in writing by the Planning Authority:
- a) Creation of vehicular access at the site;
  - b) Establishing the horticulture business on the application site, including the erection of required buildings, ground preparation works and planting on the site;
  - c) Commencement of construction of the dwellinghouse hereby approved;
  - d) Occupation of dwellinghouse; and
  - e) Any other key and relevant works required in order to establish the horticulture business on site.

Thereafter the development of the site shall accord with the approved phasing schedule.

**Reason:** *To ensure that the reasonable and phased establishment of significant elements of the horticulture business is made prior to the commencement of construction of the dwellinghouse and the subsequent occupation of the dwellinghouse. The consolidation of much of the established business at this site was the justification put forward for the new dwellinghouse. This was a persuasive matter accepted by the Local Review Body, who also wanted occupation of the dwellinghouse to be secured and tied to the business. The Local Review Body wanted the business to be located at the site and for this to take place before the occupation of the dwellinghouse. The business use should be evident on the site before construction of the dwellinghouse commences and before the subsequent occupation of the dwellinghouse. The Local Review Body wanted these restrictions to be enforceable.*

#### Action

Planning Manager

#### Sederunt

Councillor Cassidy re-joined the meeting at the conclusion of the foregoing item of business at 1.40 pm.

Agenda No	Report Title	Presented by:
5.2	Notice of Review Request Considered for the First Time – Land at 5 Golf Course Road, Bonnyrigg (20/00317/DPP).	Joyce Learmonth
<b>Executive Summary of Report</b>		
<p>There was submitted report, dated 18 March 2021 by the Chief Officer Place, regarding an application from Slorach Wood Architects, The Station Masters Office, Station Road, South Queensferry seeking, on behalf of their clients Mr &amp; Mrs M Reekie, 5 Golf Course Road, Bonnyrigg a review of the decision of the Planning Authority to refuse planning permission (20/00317/DPP, refused on 29 September 2019) for the erection of dwellinghouse on land at address.</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>		
<b>Summary of Discussion</b>		
<p>The LRB, having heard from the Planning Advisor, 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 at length the potential impact that permitting the proposed development would have on the character and appearance of the area, and concerns regarding the proposed access arrangements and the potential impact its development might have on trees located within the application site.</p>		
<b>Decision</b>		
<p>After further discussion, the LRB agreed to dismiss the review request, and refuse planning permission for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The proposed development will have a detrimental impact on the character and setting of the existing property at 5 Golf Course Road. By virtue of its age, design and setting this building makes a significant positive contribution towards the character of Bonnyrigg. The proposal is therefore contrary to policy DEV2 of the Midlothian Local Development Plan 2017.</li> <li>2. It has not been satisfactorily demonstrated that the site can be drained of surface water in a manner that complies with Scottish Planning Policy, Scottish water guidance and the CIRIA SuDS Manual (C753). The proposal is therefore contrary to policy ENV10 of the Midlothian Local Development Plan 2017.</li> <li>3. The location of the proposed development will threaten the long-term viability of trees that by virtue of their location have a landscape value that enhances the amenity of the surrounding area. The proposal is therefore contrary to policy ENV11 of the Midlothian Local Development Plan 2017.</li> </ol>		
<b>Action</b>		
Planning Manager		

Agenda No	Report Title	Presented by:
5.3	Notice of Review Request Considered for the First Time – 41-43 Main Street, Gorebridge (19/01022/DPP).	Joyce Learmonth
<b>Executive Summary of Report</b>		
<p>There was submitted report, dated 16 November 2020 by the Chief Officer Place, regarding an application from Rick Finc Associates Ltd, Melford House, Walker Street, Edinburgh seeking, on behalf of their client Mr D Klan, a review of the decision of the Planning Authority to refuse planning permission (19/01022/DPP, refused 7 February 2020) for the change of use from post office (class 1 – shop) to flatted dwelling (sui generis); extension to building; installation of balustrade and stairs; installation of roof-lights; formation of window openings; re-rendering and replacement rain water goods at 41-43 Main Street, Gorebridge..</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>		
<b>Summary of Discussion</b>		
<p>The LRB, having heard from the Planning Advisor, gave careful consideration to the merits of the case based on all the written information provided. In discussing the proposed change of use and the reasons for its refusal, the LRB considered at length the potential impact that the loss of a retail unit, together with its conversion to a flatted dwelling might have on the character and appearance of the area.</p> <p>After further discussion, Councillor Muirhead, seconded by Councillor Imrie, moved to dismiss the review request, and uphold the decision to refuse planning permission for the reasons detailed in the case officer's report.</p> <p>As an amendment, Councillor Cassidy seconded by Councillor Smaill moved that on balance given the particular circumstance involved, to uphold the review request, and grant planning permission subject to the proposed conditions contained in the Chief Officer Place's report.</p> <p>On a vote being taken 4 members voted for the Motion and 5 for the Amendment which accordingly became the decision of the Local Review Body.</p>		
<b>Decision</b>		
<p>The LRB agreed to uphold the review request, and grant planning permission for the following reason:</p> <p><i>The proposal would bring a vacant building back into use, create residential accommodation within a town centre with good public transport links and create an attractive building within the conservation area. The extensions and external alterations would positively contribute to the surrounding area.</i></p> <p>subject to:-</p>		

1. Prior to the commencement of development, the following details shall be submitted and approved in writing by the Planning Authority:

- a) Details and a sample of all external materials;
- b) Plans to a scale of 1:20 showing details of the design of the new windows, including dimensions and cross sections of the windows;
- c) Details of the materials of any areas of hardstanding; and
- d) Details of the design, dimensions, materials and colour finish of all new walls, gates, fences or other means of enclosure.

**Reason:** *These details were not submitted with the application; in order to ensure that the development hereby approved does not detract from the character and appearance of this listed building and surrounding conservation area.*

2. The details of the windows required by condition 1b) shall include genuine timber astragals, which are not to be inserted between or planted on the panes of glass unless otherwise agreed in writing by the Planning Authority.

3. The proposed slate vent on drawing number 1906/09A is not approved: prior to the commencement of development, details of an alternative means of ventilating this area shall be submitted to and approved by the Planning Authority.

**Reason for conditions 2 and 3:** *To protect the character and appearance of the existing listed building and surrounding conservation area and ensure this maintains the visual quality of this sensitive site.*

Action

Planning Manager

## 6. Private Reports

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No private business was discussed.

## 7. Date of Next Meeting

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The next scheduled meeting will be held on Monday 17 May 2021 at 1.00 pm.

The meeting terminated at 2.28pm.