

Minute of Meeting



Local Review Body

Date	Time	Venue
24 January 2017	2.00pm	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

Present:

Councillor Bryant (Chair)	Councillor Baxter
Councillor Beattie	Councillor Bennett
Councillor Constable	Councillor de Vink
Councillor Imrie	Councillor Rosie

1 Apologies

Apologies received from Councillors Milligan and Montgomery.

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 29 November 2016 were submitted and approved as a correct record.

5 Reports

Agenda No	Report Title	Presented by:
5.1	Decision Notice – (a) 5 Thornyhall, Dalkeith [16/00575/DPP]	Peter Arnsdorf

Executive Summary of Report

With reference to paragraph 5.2 of the Minutes of 29 November 2016, there was submitted a copy of the Local Review Body decision notice upholding a review request from Ms G Hay, 5 Thornyhall, Dalkeith seeking a review of the decision of the Planning Authority to refuse planning permission (16/00575/DPP, refused on 30 September 2016) for the Alteration of Existing Conservatory Roof at that address and granting planning permission.

Decision

To note the LRB decision notice.

Agenda No	Report Title	Presented by:
5.2	(b) 7 Cochrina Place, Rosewell [16/00568/DPP]	Peter Arnsdorf

Executive Summary of Report

With reference to paragraph 5.3 of the Minutes of 29 November 2016, there was submitted a copy of the Local Review Body decision notice upholding a review request from FEM Building Design Services, 8 Plantain Grove, Lenzie, Glasgow, seeking on behalf of their client Mrs A Ainsworth, a review of the decision of the Planning Authority to refuse planning permission (16/00568/DPP, refused on 30 September 2016) for the Erection of an Extension at 7 Cochrina Place, Rosewell and granting planning permission.

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 visits on 19 October 2015 and had been present at the subsequent LRB meeting on 20 October 2015 participated in the review process, namely Councillors Bryant, Baxter, Bennett, Constable, de Vink and Imrie.

Councillors Beattie and Rosie whilst present during the debate had been unable to attend the site visit/previous meeting and accordingly did not actively participate in the proceedings.

Agenda No	Report Title	Presented by:
5.3	Notice of Review Request Considered at a Previous Meeting – Former Arniston Gas Works Site, Gorebridge [15/00335/PPP]	Peter Arnsdorf

Executive Summary of Report

With reference to paragraph 5(a) of the Minutes of 20 October 2015, there was submitted report, dated 10 January 2017, by the Head of Communities and Economy regarding a review request from RFA Ltd, 3 Walker Street, Edinburgh, seeking on behalf of their client Mr A McCulloch, a review of the decision of the Planning Authority to refuse planning permission in principle (15/00335/PPP, refused on 30 June 2015) for the erection of 10 dwellinghouses, formation of access and associated works at the Former Arniston Gas Works, Gorebridge.

The report reminded Members that the LRB had agreed to uphold the review request and where minded to grant planning permission in principle, subject to suitable conditions, and the prior signing of a legal agreement to secure developer contributions towards, education provision, children's play provision, the Borders Rail Line, town centre improvements and community facilities.

The report advised that despite repeated attempts to engage with the applicants, a legal agreement to secure the required developer contributions had still not been concluded.

Summary of Discussion

Having heard from the Planning Adviser, who responded to Members questions, the LRB considered the position that had been reached and also possible options to take matters forward.

After discussion, Councillor Baxter, seconded by Councillor Constable, moved that the applicants be provided with a further month in which to conclude the legal agreement, failing which, and without further referral to the LRB the review be dismissed and planning permission refused for the reasons outlined in the planning officers' decision.

As an amendment, Councillor Imrie, seconded by Councillor Bennett, moved that the Chair write, on behalf of the LRB, to remind the applicants of the need to conclude the required legal agreement without further delay, and that the Review Request, together with their response would be considered at the next LRB on Tuesday 7 March 2017, with a view to a decision being taken on how best to progress matters.

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

Decision

To agreed that the Chair write, on behalf of the LRB, to remind the applicants of the need to conclude the required legal agreement without further delay, and that the Review Request, together with the applicants response be considered further at the next meeting of the Local Review Body on Tuesday 7 March 2017, with a view to a decision being taken on how best to progress matters.

Action

Head of Communities and Economy/LRB Chair/Democratic Services

Eligibility to Participate in Debate

In considering the following items of business, only those LRB Members who had attended the site visit on Monday 23 January 2017 participated in the review process, namely Councillors Bryant (Chair), Baxter, Beattie, Bennett, Constable, Imrie and Rosie.

Councillor de Vink whilst present during the debate had been unable to attend the site visit and accordingly did not actively participate in the proceedings.

Agenda No	Report Title	Presented by:
5.4	Notice of Review Request Considered for the First Time – 66 Newbattle Abbey Crescent, Dalkeith [16/00508/DPP]	Peter Arnsdorf

Executive Summary of Report

There was submitted report, dated 10 January 2017, by the Head of Communities and Economy regarding an application from Mrs L Seath, 66 Newbattle Abbey Crescent, Dalkeith seeking a review of the decision of the Planning Authority to refuse planning permission (16/00508/DPP, refused on 4 October 2016) for the Erection of Store Building and Fence at that address.

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 January 2017.

Summary of Discussion

Having heard from the Planning Adviser, the LRB then gave careful consideration to the merits of the case based on all the written information provided. In particular, consideration was given to the likely impact of the fence on the 'open plan' form of the estate. The LRB acknowledged that over the years there had been a number of other similar developments within the estate and that perhaps the policy position required to be revisited. With regards the current application, it was felt that on balance the individual circumstances of the application site meant that the proposed fence and store building would be acceptable.

Decision

To agreed to uphold the review request, and grant planning permission for the following reason:

The proposed timber building and fence by means of their scale, form and design are compatible with its location and the host building and will not have a significant impact on neighbouring and nearby properties or on the character of the area. The Newbattle Abbey Crescent housing estate has evolved to a position where it is acceptable to enclose rear and side gardens with timber fencing. Furthermore the proposed fence will not obstruct the visibility of the neighbouring property to a greater extent that which already exists.

subject to the following conditions:-

1. The replacement fence shall comprise a 1.8m high vertical boarded timber fence details of the colour finish of which shall be submitted to the Planning Authority and the fence shall not be erected until this detail is approved in writing by the Planning Authority.
2. Details of the materials and external finishes of the store building shall be submitted to the Planning Authority and the store shall not be erected until these details have been approved in writing by the Planning Authority.

Reason for conditions 1 and 2: For the avoidance of doubt as to what is approved in order to safeguard the visual amenity of the surrounding area.

Action
Head of Communities and Economy

The meeting terminated at 2.30 pm.