

Minute of Meeting



Local Review Body

Date	Time	Venue
Monday 6 December 2021	1.00pm	Virtual Meeting using MS Teams

Present:

Councillor Imrie (Chair)	Councillor Alexander
Councillor Cassidy	Councillor Curran
Councillor McKenzie	Councillor Muirhead
Councillor Munro	Councillor Smail

In Attendance:

Derek Oliver, Chief Officer Place	Matthew Atkins, Lead Officer Planning Obligations
Duncan Robertson, Lead Officer Local Developments	Whitney Lindsay, Planning Officer
Mike Broadway, Democratic Services Officer	Andrew Henderson, Democratic Services Officer

1 Apologies

Apologies for absence had been received from Councillors Lay-Douglas and Milligan.

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 intimated at this stage of the proceedings.

4 Minute of Previous Meeting

The Minutes of Meeting held on 26 October 2021 were submitted and approved as a correct record.

5 Reports

Agenda No	Report Title	Presented by:
5.1	Decision Notice – 10 Poplar Street, Mayfield (21/00481/DPP).	Matthew Atkins
Executive Summary of Report		
With reference to paragraph 5.5 of the Minutes of 26 October 2021, there was submitted a copy of the Local Review Body decision notice upholding a review request from Mr G Burnett, 10 Poplar Street, Mayfield seeking a review of the decision of the Planning Authority to refuse planning permission (21/00481/DPP, refused on 30 July 2021) for the formation of driveway; erection of retaining walls/fence (retrospective) at that address and granting planning permission subject to conditions.		
Decision		
To note the LRB decision notice.		

Agenda No	Report Title	Presented by:
5.2	Notice of Review – Land at Former Petrol Filling Station, Biggar Rd, Hillend (21/00148/DPP) – Determination Report.	Matthew Atkins
Executive Summary of Report		
There was submitted report, dated 19 November 2021 by the Chief Officer Place, regarding an application from Gilberts, 39 Grassmarket, Edinburgh seeking, on behalf of their client C M Roofing and Building Ltd, a review of the decision of the		

Planning Authority to refuse planning permission (21/00148/DPP, refused 6 August 2021) for the erection of nine dwellinghouses, formation of car park and associated works on land at the Former Petrol Filling Station, Biggar Road, Hillend, Damhead.

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.

Summary of Discussion

In accordance with the procedures for the Local Review Body, the Planning Advisor gave a brief overview of the review hearing procedures and outlined the background to the case.

Thereafter, oral representations were received firstly from George Gilbert, Gilberts (the applicant's agent) and then from Whitney Lindsay, the local authority Planning Officer; following which they both 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 discussing the proposed development and the reasons for its refusal, the LRB considered the potential impact that the proposed development might have both in general terms but also more specifically in terms of road safety, given the objection from Transport Scotland and the need procedurally to refer the application to Scottish Ministers prior to any permission being issued, in the event that the LRB was minded to uphold the review request and grant planning permission. The applicants' acceptance of the suggested conditions detailed in the report and willingness to work with Officers was acknowledged, although it was felt by some Members that this would have been better done at the pre-application stage.

After further discussion, Councillor Alexander, seconded by Councillor Munro, moved to uphold the review request, and grant planning permission subject to the terms and conditions set out in the report.

As an amendment, Councillor Muirhead, seconded by Councillor Curran, moved to dismiss the review request, and uphold the decision to refuse planning permission for the reasons detailed in the case officer's report.

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

Decision

The LRB agreed to uphold the review request, and grant planning permission subject to:-

- (i) referral of the application to Scottish Ministers prior to any permission being issued, due the objection from Transport Scotland;
- (ii) a legal agreement to secure appropriate developer contributions. The legal agreement shall be concluded prior to the issuing of the LRB decision. The legal agreement shall be concluded within 6 months of the resolution to grant

planning permission, if the agreement is not concluded the review will be reported back to the LRB for reconsideration; and

(iii) the suggested conditions detailed in the report.

Action

Planning, Sustainable Growth and Investment Manager

Agenda No	Report Title	Presented by:
5.3	Notice of Review – 23 Larkfield Drive, Dalkeith (21/00542/DPP) – Determination Report.	Matthew Atkins

Executive Summary of Report

There was submitted report dated 19 November 2021 by the Chief Officer Place, regarding an application from Arkiplan Ltd, 28 Grahamsdyke Place, Bo'ness seeking, on behalf of their client Ms R Lewis, a review of the decision of the Planning Authority to refuse planning permission (21/00542/DPP, refused on 24 August 2021) for the erection of a dormer extension at 23 Larkfield Drive, Dalkeith.

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.

Summary of Discussion

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; it being noted that it was at the rear of the property and also that a number of other neighbouring/nearby properties had dormer extensions of varying design and appearance, all of which led Members to the conclusion that, on balance, the scheme should be supported.

Decision

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

1. Details of the material and colour finish of the window frames on the dormer shall be submitted to the planning authority and the windows shall not be installed until these details have been approved in writing by the planning authority.

Reason: *To safeguard the character of the application property and the visual amenity of the surrounding area.*

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6. Private Reports

No private business was discussed.

7. Date of Next Meeting

The next scheduled meeting will be held on Monday 11 January 2022 at 1.00 pm.

The meeting terminated at 2.05 pm.