

Minute of Meeting



Local Review Body

Date	Time	Venue
25 October 2016	2.00pm	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

Present:

Councillor Bryant (Chair)	Councillor Baxter
Councillor Beattie	Councillor Milligan
Councillor Montgomery	Councillor Rosie

1 Apologies

Apologies received from Councillors Bennett, Constable, de Vink and Imrie.

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 6 September 2016 were submitted and approved as a correct record.

5 Reports

Agenda No	Report Title	Presented by:
5.1	Decision Notice – 47 Arthur View Terrace, Danderhall [16/00213/DPP]	Peter Arnsdorf

Executive Summary of Report

With reference to paragraph 5.6 of the Minutes of 6 September 2016, there was submitted a copy of the Local Review Body decision notice upholding a review request from Mr A Anderson, 62 Donibristle Gardens, Dalgety Bay, Fife, seeking on behalf of his client Mr J Raeburn, a review of the decision of the Planning Authority to refuse planning permission (16/00213/DPP, refused on 27 April 2016) for the erection of a two storey and a single storey extension at 47 Arthur View Terrace, Danderhall and granting planning permission subject to conditions.

Decision

To note the LRB decision notice.

Agenda No	Report Title	Presented by:
5.2	Decision Notice – Lothian Cottage, Lothian Bridge, Dalkeith [16/00193/DPP]	Peter Arnsdorf

Executive Summary of Report

With reference to paragraph 5.7 of the Minutes of 6 September 2016, there was submitted a copy of the Local Review Body decision notice upholding a review request from Cockburn's Consultants, 29 Ryehill Terrace, Edinburgh, seeking on behalf of their client Mr S Alexander, a review of the decision of the Planning Authority to refuse planning permission (16/00193/DPP, refused on 16 May 2016) for the erection of a two storey and a single storey extension at Lothian Cottage, Lothian Bridge, Dalkeith and granting planning permission subject to conditions.

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 3 September 2012 and had attended the subsequent LRB meeting on 4 September 2012 participated in the review process, namely Councillors Bryant, Baxter, Beattie and Milligan.

Councillors Montgomery 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 – Land to South of Hilltown House, Woolmet, Dalkeith [12/00111/DPP]	Peter Arnsdorf

Executive Summary of Report

With reference to paragraph 5(a) of the Minutes of 4 September 2012, there was submitted report, dated 11 October 2016, by the Head of Communities and Economy providing an update regarding the review request from Mr and Mrs P Spoors per RSM Tenon, Unit 1, Calder Close, Calder Park. Wakefield for the erection of four dwellinghouses at Land to the South of Hilltown House, Woolmet, Dalkeith.

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

The report advised that despite repeated requests over the past four years, a legal agreement with the applicants to secure the required developer contributions had still not been concluded

Summary of Discussion

Having heard from the Planning Adviser, the LRB discussed the position that had been reached and the possible options available to take matters forward.

Decision

That the applicants be given a further 3 months to conclude the legal agreement. But if the legal agreement was not concluded then to dismiss the review and refuse planning permission for the reasons outlined in the planning officer's decision.

Action

Head of Communities and Economy

Eligibility to Participate in Debate

In considering the following items of business, only those LRB Members who had attended the site visits on Monday 24 October 2016 participated in the review process, namely Councillors Baxter, Beattie, Milligan, Montgomery and Rosie.

Councillors Bryant whilst present during the debate had been unable to attend the site visit and accordingly did not actively participate in consideration of the review requests, although he did remain in the Chair.

Agenda No	Report Title	Presented by:
5.4	Notice of Review Requests Considered for the First Time – (a) 2 Lamb's Pend, Penicuik [16/00474/DPP]	Peter Arnsdorf

Executive Summary of Report

There was submitted report, dated 11 October 2016, by the Head of Communities and Economy regarding an application from Mr D Thomson, 22 Sill Haugh, Fountainhall, Scottish Borders seeking a review of the decision of the Planning Authority to refuse planning permission (16/00474/DPP, refused on 2 September 2016) for the Change of Use from Office (Class 4) to Residential (Class 9) to form 5 Flatted Dwellings and Associated External Alterations at 2 Lamb's Pend, 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 24 October 2016.

Summary of Discussion

Having heard from the Planning Adviser, the LRB gave careful consideration to the merits of the case based on all the written information provided. In particular, the LRB discussed the potential impact that the proposed development was likely to have on the neighbourhood, car parking and the materials to be used externally.

Decision

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

The proposed change of use and alterations to the building, are compatible with its location and the host building and will not have a detrimental impact on neighbouring and nearby properties or land users. Furthermore, bringing a vacant building back into use would help revitalise an area of Penicuik which is in need of investment.

subject to:-

(i) the prior signing of a legal agreement to secure contributions towards education provision and children's play provision; and

(ii) the following condition:-

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 all proposed wall materials; and
- b) Details of the colour and materials of the door hereby approved.

Reason: *These details were not submitted with the original application; in order to ensure that these details are in keeping with and do not detract from the character and appearance of the surrounding Conservation Area.*

The LRB further agreed that the legal agreement should be concluded prior to the issuing of the LRB decision and that in the event that the legal agreement was not concluded within a 6 month time period to sanction refusal of permission for the reasons outlined in the planning officer's decision.

Action

Head of Communities and Economy

Agenda No	Report Title	Presented by:
5.5	(b) Grange Dell Lodge, Penicuik [16/00470DPP]	Peter Arnsdorf

Executive Summary of Report

There was submitted report, dated 11 October 2016, by the Head of Communities and Economy regarding an application from Alan Hardie Architect, Suite 4, Dundas House, Westfield Park, Eskbank (16/00470/DPP, refused on 16 August 2016) for the Subdivision of Single Dwellinghouse to form Two Dwellinghouses and Associated Extension and Alterations at Grange Dell Lodge, 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 24 October 2016.

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 this particular instance, it was felt that notwithstanding the policy position, on balance the individual circumstances of the application site meant that the proposed subdivision and alterations would be acceptable however, particular care require to be taken to ensure that the design and the materials used in construction were in keeping with the character of the existing property.

Decision

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

The subdivision of the dwellinghouse into two residential units, by means of the change of use and the scale, form and design of the alterations/extension, is compatible with its countryside location. Furthermore the proposed development does not detrimentally affect the amenity of the adjoining property or affect the openness of the countryside. For the stated reasons it is considered that these material considerations outweigh the policy objection on this occasion.

subject to the following conditions:-

1. All the external walling and roofing materials and the window frame and glazing details on the proposed extension/alterations shall match those on the existing building in terms of the material used and the colour and form of that material. If any other material is proposed no development shall take place until such material has been approved in writing by the Local Planning Authority.

Reason: To ensure the quality of the development is enhanced by the use of quality materials to reflect its setting in accordance with policy DP1 of the Midlothian Local Plan and national planning guidance and advice.

2. The boundary treatment of the additional house hereby approved, including the division between the existing and proposed houses, shall comprise of native hedgerow maintained to a height no lower than 1.5 metres (once established). The hedgerow shall be planted within six months of the date of the works being completed or prior to the new house being occupied, whichever is the earlier date. Any hedging 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 protect the character and amenity of the surrounding rural area through the use of appropriate boundary treatments rather than timber fencing or inappropriate landscaping which would be of a more suburban character.

Action
Head of Communities and Economy

The meeting terminated at 2.27pm.