

Minute of Meeting



Local Review Body

Date	Time	Venue
Tuesday 22 October 2019	1.00pm	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

Present:

Councillor Russell Imrie (Chair)	Councillor Diane Alexander
Councillor Colin Cassidy	Councillor Stephen Curran
Councillor Jim Muirhead	Councillor Keiran Munro
Councillor Peter Smaill	

1 Apologies

Apologies for absence were received from Councillors Lay-Douglas and Councillor 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 received.

4 Minutes of Previous Meetings

The Minute of Meeting of 10 September 2019 was submitted and approved as a correct record.

5 Public Reports

Agenda No	Report Title	Presented by:
5.1	Local Review Body Decisions	Peter Arnsdorf
Outline of report and summary of discussion		
<p>There was a report submitted by the Director Education, Communities and Economy to present the formal decision notices issued following the decisions taken by the Local Review Body (LRB) at its meeting in September 2019.</p> <p>The Council's LRB considers reviews requested by applicants for planning permission, who wish to challenge the decision of planning officers acting under delegated powers to refuse an application or to impose conditions on a grant of planning permission. The decision of the Local Review Body on any review is final, and can only be challenged through the Courts on procedural grounds.</p> <p>At its meeting on 10 September 2019 the following decisions were made and are detailed in the Decision Notices:</p> <ul style="list-style-type: none">• 18/00756/DPP: Middleton Limeworks, Gorebridge – dismissal of review.• 18/00759/S42: Land at Wester Cowden Farm, Wester Cowden, Dalkeith – dismissal of review.• 19/00159/DPP: 26 Mavisbank, Loanhead – dismissal of review.• 19/00326/DPP: 17 Tipperwell Way, Howgate, Penicuik – dismissal of review.• 19/00336/DPP - Land at 1A Kirkhill Terrace, Gorebridge – dismissal of review.		

Decision
To note the LRB decision notices.

Agenda No	Report Title	Presented by:
5.2	Notice of Review Request Considered for the First Time – 16 Lady Brae, Gorebridge – Determination Report (18/00759/S42)	Peter Arnsdorf

Outline of report and summary of discussion

There was submitted a report dated 10 October 2019 by the Director Education, Communities and Economy regarding the above application. The purpose of this report was to provide a framework for the Local Review Body to consider a 'Notice of Review' for the erection of a temporary building at 16 Lady Brae, Gorebridge.

The Planning Authority on 31 May 2019 refused planning permission for the erection of a temporary building at 16 Lady Brae, Gorebridge (19/00247/DPP). Appended to the report was the Notice of Review Form and supporting statement, a copy of the case officer's report and a copy of the decision notice.

The Local Review Body had made an accompanied visit to the site on Tuesday 22 October 2019.

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 representation was received firstly from the applicant, Mr Mark Skinner, City Access Scaffolding Ltd, then from Mhairi-Anne Cowie, the Local Authority Planning Officer.

The Committee 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 this would have on neighbouring properties as well as recognising the needs of the business for this temporary structure.

After a detailed discussion during which the Committee agreed the principle of a temporary structure being in place, the period of time required before erecting a permanent structure was debated.

Councillor Cassidy seconded by Councillor Munro moved that the temporary structure remained in place for 2 years.

As an amendment Councillor Muirhead, seconded by Councillor Smaill moved that the temporary structure remained in place for 1 year.

On a vote being taken 3 members voted for the Motion and 4 for the Amendment which accordingly became the decision of the Committee.

Decision
<p>To uphold the Review Request and approve planning permission for the erection of a temporary building at 16 Lady Brae, Gorebridge (19/00247/DPP) .</p> <p>Subject to the following conditions:</p> <ol style="list-style-type: none"> 1. The building hereby approved is permitted for a temporary period only and shall be removed within one year of the date of this permission (by 22 October 2020) and the land returned to its condition prior to the development commencing within one month of the building being removed. <p><i>Reason:</i> <i>The retention of the building for longer than one year would have a significant detrimental impact on the character and appearance of the surrounding area, as well as the amenity of neighbouring residents; however the material considerations of the application mean a temporary building is considered acceptable.</i></p>
Action
Planning Manager

6 Private Reports

No private business to be discussed.

7 Date of Next Meeting

The next meeting will be held on Monday 2 December 2019 at 1.00 pm.

The meeting terminated at 1.35 pm.