

**MINUTES** of **MEETING** of the **LOCAL REVIEW BODY** held in the Council Chambers, Midlothian House, Buccleuch Street, Dalkeith on Tuesday 4 March 2014 at 2.00 pm.

**Present:** - Councillors Bryant (Chair), Constable, Imrie, Milligan, Pottinger and Russell.

**Apologies for Absence:** - Councillors Baxter, Beattie, de Vink and Rosie.

**1. Declarations of Interest**

No declarations of interest were intimated.

**2. Minutes**

The Minutes of Meeting of 21 January 2014 were submitted and approved as a correct record.

**3. Decision Notices –**

**(a) Soutra Mains Farm, Blackshiels, Fala, Pathhead**

With reference to paragraph 4(a) of the Minutes of 21 January 2014, there was submitted a copy of the Local Review Body decision notice dismissing a review request from McLean Bell Consultants Ltd, Miller Park, Polmont, seeking on behalf of their client Mr G Russell, a review of the decision of the Planning Authority to refuse planning permission (13/00370/DPP, refused on 6 September 2013) for the erection of four retail units (part retrospective) at Soutra Mains Farm, Blackshiels, Fala, Pathhead and refusing planning permission.

**Decision**

To note the LRB decision notice.

**(b) 33 Mayburn Terrace, Loanhead**

With reference to paragraph 4(b) of the Minutes of 21 January 2014, there was submitted a copy of the Local Review Body decision notice dismissing a review request from Cockburn's Planning and Development, Ryehill Terrace, Edinburgh, seeking on behalf of their client Mr J Ewen, a review of the decision of the Planning Authority to refuse planning permission (13/00508/DPP refused on 5 September 2013) for the sub-division of dwellinghouse to form 3 flatted dwellings; erection of extension; alterations to window opening to form door opening; and alterations to garden levels at 33 Mayburn Terrace, Loanhead and refusing planning permission.

**Decision**

To note the LRB decision notice.

#### **4. Notice of Review Requests –**

##### **(a) 243 Eskhill, Penicuik**

There was submitted report, dated 25 February 2014, by the Head of Communities and Economy regarding an application from Mr A Huddleston, 243 Eskhill, Penicuik, seeking a review of the decision of the Planning Authority to refuse planning permission (13/00634/DPP, refused on 29 October 2013) for the erection of a shed 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 accompanied visit to the site on Monday 3 March 2014.

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. He also explained that although the applicant Mr Huddleston had been informed of the date, time and venue for the Hearing, he was not currently present and the LRB may wish to continue and determined the Review in his absence, and this was agreed.

Thereafter, the Chair, Councillor Bryant, welcomed Mrs MacDonald, an interested third party who had made representations against the proposed development, to the meeting. Following which, oral representations were received from Mrs MacDonald and the local authority Planning Officer.

Thereafter, the LRB 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, the LRB discussed the policy position and the nature of the application site. The LRB also discussed issues of precedent should consent for the proposed development be granted.

#### **Decision**

After further discussion, the Local Review Body agreed to dismiss the Review Request and uphold the decision to refuse planning permission on the grounds that:-

1. The proposed shed would be located forward of the front building line of the application property within the front garden, and would appear incongruous and prominent in the streetscene with a detrimental impact on the character and visual amenity of the area.
2. For the above reason the proposal is contrary to policy RP20 of the Midlothian Local Plan which presumes against development that harms the character or amenity of built-up areas. If the proposal were approved it would undermine the consistent implementation of this policy, the objective of which is to protect the character and amenity of the built-up area.

(Action: Head of Communities and Economy)

**(b) 62 Hadfast Road, Cousland**

There was submitted report, dated 25 February 2014, by the Head of Communities and Economy regarding an application from HLP Architects, 35 Joppa Road, Edinburgh, seeking on behalf of their client Miss C Pearson, a review of the decision of the Planning Authority to refuse planning permission (13/00825/DPP, refused on 7 January 2014) for the erection of a two storey extension at 62 Hadfast Road, Cousland. 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 3 March 2014.

The LRB then gave careful consideration to the merits of the case based on all the written information provided. Whilst the current policy position was acknowledged, the LRB felt that on this occasion the location of the proposed development at the rear of the property, together with its scale, design and siting would on balance be acceptable.

**Decision**

After further discussion, the Local Review Body upheld the Review Request for the following reason:-

*The proposed extension by means of its scale, design and siting to the rear will complement the host dwellinghouse without any detrimental impact on the street scene. Furthermore, the proposed extension will not result in an unacceptable loss of privacy, overlooking or a sense of overbearing to the neighbouring property.*

and agreed to grant planning permission subject to the following condition:-

1. Development shall not begin until samples of materials to be used on external surfaces of the building have been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the 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 RP20 of the Midlothian Local Plan and national planning guidance and advice.*

(Action: Head of Communities and Economy)

The meeting terminated at 2.16pm.