

**MINUTES** of **MEETING** of the **LOCAL REVIEW BODY** held in the Council Chambers, Midlothian House, Buccleuch Street, Dalkeith on Tuesday 28 April 2015 at 2.00 pm.

**Present:** - Councillors Bryant (Chair), Constable, Milligan and Rosie.

**Apologies for Absence:** - Councillors Baxter, Beattie, Bennett, de Vink, Imrie and Montgomery.

**1. Declarations of Interest**

No declarations of interest were intimated.

**2. Minutes**

The Minutes of Meeting of 10 March 2015 were submitted and approved as a correct record.

**3. Decision Notices – (a) 3 Toscana Court, Danderhall (14/00731/DPP)**

With reference to paragraph 4(a) of the Minutes of 10 March 2015, there was submitted a copy of the Local Review Body decision notice dismissing a review request from Slorach Wood, The Station Masters Office, Dalmeny Station, South Queensferry seeking, on behalf of their client Mr B Martin, a review of the decision of the Planning Authority to refuse planning permission (14/00731/DPP, refused on 24 November 2014) for the formation of driveway at 3 Toscana Court, Danderhall and upholding the decision to refuse planning permission.

**Decision**

To note the LRB decision notice.

**(b) Land at 28 Eskbank Road, Bonnyrigg (14/00619/DPP)**

With reference to paragraph 4(b) of the Minutes of 10 March 2015, there was submitted a copy of the Local Review Body decision notice upholding a review request from Mr K Clark, 28 Eskbank Road, Bonnyrigg seeking removal of Conditions 1, 2 and 3 of planning permission 14/00619/DPP, granted on 28 October 2014, for the change of use of communal land to private garden ground and erection of fence (Retrospective) at land at that address and granting planning permission without Conditions 1, 2 and 3 stated in the original decision notice issued on 28 October 2014.

**Decision**

To note the LRB decision notice.

## **Eligibility to Participate in Debate**

In considering the following items of business, only those LRB Members who had attended the site visits on Monday 27 April 2015 participated in the review process, namely Councillors Bryant (Chair), Constable, Milligan and Rosie.

### **4. Notice of Review Request – (a) 15 St James Gardens, Penicuik (14/00855/DPP)**

There was submitted report, dated 21 April 2015, by the Head of Communities and Economy regarding an application from Mr S Law, 15 St James Gardens, Penicuik seeking removal of Condition 1 of planning permission 14/00855/DPP, granted on 20 January 2015, for the erection of a porch 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 27 April 2015.

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 although the principle of matching the roof tiles of an extension to those of the host house was the correct approach, the proposed porch was of limited size that a variation in colour when compared to the main house would not have a detrimental impact on the street scene. The variation in roofing tiles within the street and the fact that the house tiles of 15 St James Gardens were originally a different colour to the existing red/orange colour, further supported the approach of varying the porch roof material compared to the main house.

## **Decision**

After further discussion, the Local Review Body agreed to uphold the review request and to grant planning permission without Condition 1 stated in the original decision notice issued on 20 January 2015.

(Action: Head of Communities and Economy)

### **(b) Craigesk Coachworks, 6 Ashbank, Gorebridge (14/00773/PPP)**

There was submitted report, dated 21 April 2015, by the Head of Communities and Economy regarding an application from Ferguson Planning, Tower Room, Tweed Horizons Centre, 1 Newtown St Boswells, Melrose seeking on behalf of their clients Mr and Mrs G Lawrence a review of the decision of the Planning Authority to refuse planning permission in principle (14/00773/PPP, refused on 15 February 2015) for the erection of a dwellinghouse, alterations to building to create an artist studio, formation of access and associated works at, Craigesk Coachworks, 6 Ashbank, Gorebridge. 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 27 April 2015.

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 the erection of a dwellinghouse discreetly designed to fit into the landscape would result in an environmental improvement of the site and the removal of a significant number of scrap and disused vehicles. The existing use of the site for the storage and repair of motor vehicles meant that the site did not have the appearance of being in the countryside, and therefore the redevelopment of this brownfield site was considered acceptable.

## Decision

After further discussion, the Local Review Body agreed to uphold the review request and to grant planning permission subject to the following conditions:-

1. Development shall not begin until an application for approval of matters specified in conditions for a scheme of hard and soft landscaping works has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
  - i existing and finished ground levels and floor levels for all buildings and roads in relation to a fixed datum;
  - ii existing trees, landscaping features and vegetation to be retained; removed, protected during development and in the case of damage, restored;
  - iii proposed new planting including trees, shrubs, hedging and grassed areas;
  - iv location and design of any proposed walls, fences and gates, including those surrounding bin stores or any other ancillary structures;
  - v schedule of plants to comprise species, plant sizes and proposed numbers/density;
  - vi programme for completion and subsequent maintenance of all soft and hard landscaping; and
  - vii drainage details and sustainable urban drainage systems to manage water runoff.

All hard and soft landscaping shall be carried out in accordance with the scheme approved in writing by the planning authority as the programme for completion and subsequent maintenance (vi). Thereafter any trees or shrubs removed, dying, becoming seriously diseased or damaged within five years of planting shall be replaced in the following planting season by trees/shrubs of a similar species to those originally required.

**Reason:** *To ensure the quality of the development is enhanced by landscaping to reflect its setting in accordance with policies DP1 and DP2 of the Midlothian Local Plan and national planning guidance and advice.*

2. Development shall not begin until an application for approval of matters specified in conditions for the siting, design and external appearance of the proposed residential unit and other structures has been submitted to and approved in writing by the planning authority. The application shall include samples of materials to be used on external surfaces of the buildings; hard ground cover surfaces; means of enclosure and ancillary structures. 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 policies DP1 and DP2 of the Midlothian Local Plan and national planning guidance and advice.*

3. Development shall not begin until an application for approval of matters specified in conditions for the site access, internal roads, footpaths, car parking and transportation movements has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
  - i existing and finished ground levels for all roads in relation to a fixed datum;
  - ii proposed vehicular and pedestrian access;
  - iii proposed internal roads/driveways (including turning facilities) and footpaths;
  - vi proposed visibility splays, traffic calming measures, lighting and signage; and
  - v a programme for completion for the construction of access, roads, footpaths and car parking.

Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be agreed in writing with the planning authority.

**Reason:** *To ensure the future users of the buildings, existing local residents and those visiting the development site during the construction process have safe and convenient access to and from the site.*

4. Development shall not begin until an application for approval of matters specified in conditions for a scheme to deal with any contamination of the site and/or previous mineral workings has been submitted to and approved by the planning authority. The scheme shall contain details of the proposals to deal with any contamination and/or previous mineral workings and include:
  - i the nature, extent and types of contamination and/or previous mineral workings on the site;
  - ii measures to treat or remove contamination and/or previous mineral workings to ensure that the site is fit for the uses hereby approved, and that there is no risk to the wider environment from contamination and/or previous mineral workings originating within the site;

- iii measures to deal with contamination and/or previous mineral workings encountered during construction work; and,
- iv the condition of the site on completion of the specified decontamination measures.

Before any part of the site is occupied for residential purposes, the measures to decontaminate the site shall be fully implemented as approved by the planning authority.

***Reason:*** *To ensure that any contamination on the site is adequately identified and that appropriate decontamination measures are undertaken to mitigate the identified risk to site users and construction workers, built development on the site, landscaped areas, and the wider environment.*

(Action: Head of Communities and Economy)

The meeting terminated at 2.15 pm.