

Minute of Meeting



Local Review Body

| Date | Time | Venue |
|--------------|--------|--|
| 13 June 2017 | 2.00pm | Council Chambers, Midlothian House, Buccleuch Street, Dalkeith |

Present:

| | |
|------------------------|---------------------|
| Councillor Alexander | Councillor Baird |
| Councillor Cassidy | Councillor Imrie |
| Councillor Lay-Douglas | Councillor Milligan |
| Councillor Montgomery | Councillor Muirhead |
| Councillor Munro | |

1 Election of Chair

In terms of Standing Order 7, the Committee was invited to elect a Chair.

Councillor Muirhead, seconded by Councillor Milligan, moved the appointment of Councillor Imrie as Chair.

Councillor Baird, seconded by Councillor Alexander, moved the appointment of Councillor Cassidy as Chair.

On a vote being taken 2 members voted for Councillor Cassidy and 5 for Councillor Imrie.

Councillor Imrie was duly elected as Chair of the Local Review Body.

2 Apologies

Apologies received from Councillor Smaill.

3 Order of Business

The order of business was confirmed as outlined in the agenda that had been previously circulated.

4 Declarations of interest

No declarations of interest were received.

5 Reports

| Agenda No | Report Title | Presented by: |
|-----------|---|---------------|
| 5.2 | Overview of the Local Review Body – Membership and Terms of Reference | Mike Broadway |

Executive Summary of Report

The Clerk gave an overview of the Local Review Body highlighting in particular the membership and terms of reference as detailed in the Scheme of Administration (relative to Standing Order 7).

Decision

To note the overview.

| Agenda No | Report Title | Presented by: |
|-----------|--------------------------------------|----------------|
| 5.3 | Procedures for the Local Review Body | Peter Arnsdorf |

Executive Summary of Report

There was submitted report, dated 1 June 2017, by the Head of Communities and Economy, advising the Local Review Body (LRB) of the procedural arrangements for the determination of Local Reviews by the LRB.

The Planning Manager outlined the various stages that comprised the procedural process, in particular highlighting that:-

- reviews would normally be considered by the LRB at the first available meeting;
- the LRB would determine Reviews by way of written submissions unless the applicant had specifically requested a Hearing in their Notice of Review Request;
- site visits would normally be scheduled for the Monday afternoon immediately preceding the meeting of the LRB at which the Review was to be determined. Only those Members attending the Site Visits would thereafter be able to participate in the determination of the Review .The site visit would be unaccompanied if the Review was to be determined by way of written submissions and accompanied if the Review was to be determined by way of a Hearing. The LRB would be notified in advance of any changes to this timetable; and
- the LRB could decide to defer the consideration of any Review if they require any further information

Summary of Discussion

The Committee, in welcoming the guidance offered on the procedural arrangements, acknowledged that they could be revisited in the future should the need arise.

Decision

After further discussion, the Committee agreed:

- (i) the LRB administrative and procedural arrangements set out in the report; and
- (ii) that a copy of the procedural arrangements be placed on the Council's website, and be made otherwise readily available on request.

Action

Head of Communities and Economy

| Agenda No | Report Title | Presented by: |
|-----------|--|----------------|
| 5.4 | Decision Notice – Airybank House, Cousland Kilns Road, Cousland [15.00952.DPP] | Peter Arnsdorf |

Executive Summary of Report

With reference to paragraph 5.3 of the Minutes of 7 March 2017, there was submitted a copy of the Local Review Body decision notice dismissing a review request from Andrew Bennie Planning Ltd, 3 Abbots Court, Dullatur seeking on behalf of their client Onyx Homes, a review of the decision of the Planning Authority to refuse planning permission (15.00952.DPP, refused on 7 November 2016) for the Erection of Eight Dwellinghouses at Airybank House, Cousland Kilns Road, Cousland. and refusing planning permission.

Decision

To note the LRB decision notice.

| Agenda No | Report Title | Presented by: |
|-----------|--|----------------|
| 5.5 | Decision Notice – Land at Hardengreen House, Dalhousie Road, Dalkeith [16.00758.DPP] | Peter Arnsdorf |

Executive Summary of Report

With reference to paragraph 5.4 of the Minutes of 7 March 2017, there was submitted a copy of the Local Review Body decision notice upholding a review request from Halvorsen Architects, Mountskip House, Gorebridge seeking on behalf of their client Mrs C Walters, a review of the decision of the Planning Authority to refuse planning permission (16.00758.DPP, refused on 10 January 2017) for the Erection of nursery building and formation of car park at Land at Hardengreen House, Dalhousie Road, Dalkeith and granting planning permission subject to conditions.

Decision

To note the LRB decision notice.

| Agenda No | Report Title | Presented by: |
|-----------|---|----------------|
| 5.6 | Decision Notice – 1D Dalhousie Avenue, Bonnyrigg [16.00762.DPP] | Peter Arnsdorf |

Executive Summary of Report

With reference to paragraph 5.5 of the Minutes of 7 March 2017, there was submitted a copy of the Local Review Body decision notice upholding a review request from Mr and Mrs R McKenna, 1D Dalhousie Avenue, Bonnyrigg seeking a review of the decision of the Planning Authority to refuse planning permission (16.00762.DPP, refused on 6 January 2017) for the erection of porch at that address and granting planning permission.

Decision

To note the LRB decision notice.

| Agenda No | Report Title | Presented by: |
|-----------|---|----------------|
| 5.7 | Decision Notice – Land South West of Wellington School, Penicuik [16.00460.PPP] | Peter Arnsdorf |

Executive Summary of Report

With reference to paragraph 5.6 of the Minutes of 7 March 2017, there was submitted a copy of the Local Review Body decision notice dismissing a review request from Mr Colin Campbell, White Heather Cottage, Ruddenleys Farm, Lamancha, West Linton seeking a review of the decision of the Planning Authority to refuse planning permission in principle (16.00460.PPP, refused on 21 November 2016) for the Erection of a Dwellinghouse at Land 200m South West of Wellington School, Penicuik and refusing planning permission.

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 12 June 2017 participated in the review process, namely Councillors Imrie (Chair), Alexander, Baird, Cassidy, Lay-Douglas, Milligan, Montgomery, Muirhead and Munro.

| Agenda No | Report Title | Presented by: |
|-----------|--|----------------|
| 5.8 | Notice of Review Request Considered for the First Time – (a) 31 Broomhill Avenue, Penicuik [17/00081/DPP]. | Peter Arnsdorf |

Executive Summary of Report

There was submitted report, dated 1 June 2017, by the Head of Communities and Economy regarding an application from Mr & Mrs C Neil, 31 Broomhill Avenue, Penicuik seeking a review of the decision of the Planning Authority to refuse planning permission (17/00081/DPP, refused on 30 March 2017) for the Erection of an Extension 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 12 June 2017.

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 particular, consideration was given to the likely impact of the proposed extension on the host building and the surrounding area, and on the character and appearance of the local streetscape. The LRB also acknowledged the current policy position and discussed the lack of any representations opposing the proposed scheme.

Decision

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

The proposed extension in terms of its size, form and design will not detract from the host dwellinghouse or the streetscape and therefore complies with policy RP20 of the Midlothian Local Plan (2008).

subject to the following conditions:-

1. The colour and texture of the render on the extension shall match the colour and texture of the render on the existing building.

Reason: *To ensure that the extension matches the external appearance of the existing building and thereby maintains the visual quality of the area.*

2. The roof light serving the en-suite at first floor level on the extension shall be

glazed with obscure glass which notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any Order revoking and re-enacting that Order) shall not be replaced with clear glass.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any Order revoking and re-enacting that Order) the windows on the south east elevation of the extension shall not be altered in size and apart from those shown on the approved drawings no rooflights or windows shall be installed on this elevation unless planning permission is granted by the Planning Authority.

Reason for conditions 2 and 3: In order to minimise overlooking and protect the privacy of the occupants of the adjoining property.

Action

Head of Communities and Economy

| Agenda No | Report Title | Presented by: |
|-----------|---|----------------|
| 5.9 | (b) Rosehill, 27 Park Road, Dalkeith [17/00096/DPP] | Peter Arnsdorf |

Executive Summary of Report

There was submitted report, dated 1 June 2017, by the Head of Communities and Economy regarding an application from RT Hutton, Planning Consultant, The Malt Kiln, 2 Factors Brae, Limekilns, Fife seeking on behalf of their client Society of the Sacred Heart, a review of the decision of the Planning Authority to refuse planning permission (17/00096/DPP, refused on 13 April 2017) for the Erection of an Extension to Building and Alteration to Wall at Rosehill, 27 Park Road, 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.

The Local Review Body had made an unaccompanied visit to the site on Monday 12 June 2017.

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 particular, consideration was given to the likely impact of the proposed development on the existing building. Whilst concerns were voiced regarding the size, form and design, and number of the extensions to the host building, it was felt that on balance the

individual circumstances of the application site and the size, form and design of the proposed extension would be acceptable in support of the expansion of the care home business.

Decision

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

The proposed extension in terms of its size, form and design will not detract from the host building or have a detrimental impact on the amenity of residents of the care home and therefore complies with policy RP20 of the Midlothian Local Plan (2008).

Action

Head of Communities and Economy

The meeting terminated at 3.06 pm.