

Minute of Meeting



Local Review Body

Date	Time	Venue
27 November 2018	2.00pm	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

Present:

Councillor Imrie (Chair)	Councillor Alexander
Councillor Cassidy	Councillor Curran
Councillor Lay-Douglas	Councillor Milligan
Councillor Muirhead	Councillor Munro

1 Apologies

Apologies for absence were received from Councillors Baird and Smaill.

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 16 October 2018 was submitted and approved as a correct record.

5 Reports

Agenda No	Report Title	Presented by:
5.1	Decision Notice – Unit 1, 40 Hardengreen Business Park, Dalhousie Road, Dalkeith [18/00369/DPP].	Peter Arnsdorf
Executive Summary of Report		
With reference to paragraph 5.3 of the Minutes of 16 October 2018, there was submitted a copy of the Local Review Body decision notice upholding a review request from Mrs Janice Paterson, Premier Pilates and Fitness Studio Ltd, 40/1 Hardengreen Industrial Estate, Dalhousie Road, Eskbank seeking a review of the decision of the Planning Authority to refuse planning permission (18/00369/DPP, refused on 25 July 2018) for the change of use from office/light industry (class 4) to a fitness studio (class 11) at Unit 1, 40 Hardengreen Business Park, Dalhousie Road, Dalkeith and granting planning permission subject to conditions.		
Decision		
To note the LRB decision notice.		

Agenda No	Report Title	Presented by:
5.2	Decision Notice – Units 7 and 8, 40 Hardengreen Business Park, Dalhousie Road, Dalkeith [18/00402/DPP].	Peter Arnsdorf

Executive Summary of Report

With reference to paragraph 5.4 of the Minutes of 16 October 2018, there was submitted a copy of the Local Review Body decision notice upholding a review request from Mrs Janice Paterson, Mind Body and Beauty Ltd, Hardengreen Business Park, 7 Dalhousie Road, Eskbank seeking a review of the decision of the Planning Authority to refuse planning permission (18/00402/DPP, refused on 25 July 2018) for the change of use from office (class 4) to a mixed use of fitness studio (class 11) and beauty salon (class 2) at Units 7 and 8, 40 Hardengreen Business Park, Dalhousie Road, Dalkeith and granting planning permission subject to conditions.

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 26 November 2018 participated in the review process, namely Councillors Alexander, Cassidy, Curran, Lay-Douglas, Milligan, Muirhead and Munro.

Councillor Imrie whilst present during the respective debates had been unable to attend the site visits and accordingly did not actively participate in the proceedings.

Agenda No	Report Title	Presented by:
5.3	Notice of Review Request Considered for the First Time – Land Adjoining Meyerling, Howgate, Penicuik [18/00218/DPP].	Peter Arnsdorf

Executive Summary of Report

There was submitted report dated 15 November 2018 by the Director, Education, Communities and Economy, regarding an application from Shona Mackay, Format Design, 146 Duddingston Road West, Edinburgh seeking, on behalf of their client Mr V Crolla, a review of the decision of the Planning Authority to refuse planning permission (18/00218/DPP, refused on 1 June 2018) for the erection of four dwellinghouses; formation of access road and associated works at land adjoining Meyerling, Howgate, 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.

The Local Review Body had made an accompanied visit to the site on Monday 26 November 2018.

Summary of Discussion

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 representations were received firstly from the applicant agent, Mr Bob Tait, Format Design and then from Mhairi-Anne Cowie, the local authority Planning Officer; following which they both responded to Members' questions/comments.

The LRB, in giving consideration to the merits of the case based on all of the information provided both in writing and in person at the Hearing, discussed the proposed development, in particular the lack of Policy support for the development of housing on the proposed application site. The LRB also considered issues regarding the adequacy of the access to the site, the impact that the proposed development would have both on the locality and the existing neighbouring properties and also concerns regarding issues of precedent, with the difficulties this could potentially create in the event of other applications for similar developments in the countryside being received.

Decision

Following further discussion, the LRB agreed to dismiss the review request, and uphold the decision to refuse planning permission for the following reasons:

1. *The proposal for four dwellinghouses does not comply with the housing group policy where only one house per five units may be supported.*
2. *The proposed site does not comply with the establish principles and criteria for accommodating a new house in a housing group as it is not on a gap site within the housing group nor is it adjoining two other boundaries of the group.*
3. *It has not been demonstrated that the proposed dwellinghouses are required in connection with an established countryside activity and it has not been justified in connection with policy RD1.*
4. *For the above reasons the proposed development does not comply with the terms of policy RD1 of the adopted Midlothian Local Development Plan 2017.*
5. *The layout of the proposal has a suburban character and is not reflective of the character of the rural surroundings. Therefore the proposed development is contrary to policy ENV7 of the adopted Midlothian Local Development Plan 2017.*
6. *The proposed two storey house is positioned on an elevated area which is particularly prominent in views from the west and it has not been demonstrated that the position and design of this proposed house could successfully fit into the landscape without having a significant adverse impact on the character or appearance of the area, nor would it enhance the character and appearance of the existing group of buildings. Therefore the proposed development is contrary to policy ENV7 of the adopted Midlothian Local Development Plan 2017.*

7. *The proposed vehicular access, and subsequent potential intensification in use, would have a significant adverse impact on the safety of road users on the A6094 by way of its below standard visibility for all vehicles existing the site and the forward visibility of vehicles travelling behind those turning into the site, particularly from the southbound carriageway. These concerns have not been sufficiently allayed by the proposals.*
8. *It has not been demonstrated to the satisfaction of the Planning Authority that the proposed access can be constructed without having a significant adverse impact on the character and appearance of the surrounding area and therefore the proposed access is contrary to policies RD1 and ENV7 of the adopted Midlothian Local Development Plan 2017.*

Action

Planning Manager

Agenda No	Report Title	Presented by:
5.4	Notice of Review Request Considered for the First Time – 20 Pendreich Terrace, Bonnyrigg [18/00566/DPP].	Peter Arnsdorf

Executive Summary of Report

There was submitted report dated 15 November 2018 by the Director, Education, Communities and Economy, regarding an application from Douglas Mack, FEM Building Design, 8 Plantain Grove, Lenzie, Glasgow seeking, on behalf of their clients Mr & Mrs K Toles, a review of the decision of the Planning Authority to refuse planning permission (18/00566/DPP, refused on 10 September 2018) for the erection of single storey extension and front and rear dormer extensions at 20 Pendreich Terrace, Bonnyrigg.

Accompanying the Notice of Review Form and supporting statement, which were appended to the report, was a copy of the report of handling thereon.

The Local Review Body had made an accompanied visit to the site on Monday 26 November 2018.

Summary of Discussion

Having heard from the Planning Advisor, the LRB then gave careful consideration to the merits of the case based on all the written information provided. In discussing the proposed development and the reasons for its refusal, the LRB considered the potential impact that the proposed development would have as a result of its scale and design, there being considerable debate over whether it complimented the character of the surrounding area or not; it being acknowledged that a number of other properties in the area had extensions of varying shapes and sizes.

After further discussion, Councillor Muirhead, seconded by Councillor Curran, moved to dismiss the review request, and uphold the decision to refuse planning

permission for the reasons detailed in the case officer's report, on the basis that officers work with the applicant and their agent to bring back a revised scheme.

As an amendment, Councillor Cassidy, seconded by Councillor Alexander, moved that on balance given the particular circumstance involved, to uphold the review request, and grant planning permission subject to the proposed conditions contained in the Director, Education, Communities and Economy's report.

On a vote being taken, two Members voted for the motion and four for the amendment, which accordingly became the decision of the meeting.

Decision

The LRB agreed to grant planning permission for the following reason:

The proposed extension by means of its design and form will complement the host dwellinghouse and will not have a detrimental impact on the amenity of the neighbouring properties. Furthermore, the proposed extension is comparable in scale to extensions on neighbouring/nearby properties.

subject to the following conditions:

1. The colour of the tiles on the dormers shall match the colour of the roof tiles on the existing building.

Reason: *To help integrate the dormers with the existing building in order to reduce their impact on the character of the house and visual amenity of the surrounding area.*

2. The window on the west elevation of the extension shall be glazed with obscure glass which thereafter shall not be replaced with clear glass.

Reason: *In order to minimise overlooking and protect the privacy of the occupants of the adjoining property.*

Action

Planning Manager

The meeting terminated at 2.41 pm.