

# Minute of Meeting



## Local Review Body

Date	Time	Venue
6 September 2016	2.00pm	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

### Present:

Councillor Bryant (Chair)	Councillor de Vink
Councillor Imrie	Councillor Rosie

## 1 Apologies

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Apologies received from Councillors Baxter, Beattie, Bennett, Constable, Milligan and Montgomery.

## 2 Order of Business

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

## 3 Declarations of interest

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No declarations of interest were received.

## 4 Minutes of Previous Meetings

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The Minutes of Meeting of 7 June 2016 were submitted and approved as a correct record.

## 5 Reports

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Agenda No	Report Title	Presented by:
5.1	Planning Law Clarification Report	Peter Arnsdorf

### Executive Summary of Report

With reference to paragraph 5.3 of the Minutes of the Planning Committee of 30 August 2016, there was submitted report, dated 30 August 2016, by the Director, Resources bringing to the Committee's attention a report, dated 23 August 2016 by the Head of Communities and Economy, providing advice on a number of points of Planning Law which directly impacted on the determination of planning applications and the consideration of 'Notices of Review' submitted to the Local Review Body (LRB).

### Summary of Discussion

The LRB, having heard from the Planning Advisor, discussed the advice.

### Decision

To note the report.

### Action

Head of Communities and Economy

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Agenda No	Report Title	Presented by:
5.2	Decision Notice – Land West of Springfield House, Lasswade [15/00994/DPP]	Peter Arnsdorf

#### Executive Summary of Report

With reference to paragraph 5.3 of the Minutes of 7 June 2016, there was submitted a copy of the Local Review Body decision notice dismissing a review request from APT Planning and Development, 6 High Street, West Linton, seeking on behalf of their client Mr J Lessels, a review of the decision of the Planning Authority to refuse planning permission (15/00994/DPP, refused on 17 February 2016) for the erection of 5 dwellinghouses; formation of access road and associated works at land west of Springfield House, Lasswade and upholding the decision to refuse planning permission.

#### Decision

To note the LRB decision notice.

Agenda No	Report Title	Presented by:
5.3	Decision Notice – Land at Gourlaw Farm, Rosewell [15/00939/DPP]	Peter Arnsdorf

#### Executive Summary of Report

With reference to paragraph 5.4 of the Minutes of 7 June 2016, there was submitted a copy of the Local Review Body decision notice upholding a review request from Format Design, 146 Duddingston Road West, Edinburgh, seeking on behalf of their client Ms L Sillars, a review of the decision of the Planning Authority to refuse planning permission (15/00939/DPP, refused on 29 January 2016) for the change of use of steading building to dog day care centre at Gourlaw Farm, Rosewell and granting planning permission subject to conditions.

#### Decision

To note the LRB decision notice.

Agenda No	Report Title	Presented by:
5.4	Decision Notice – 1Galadale Drive, Newtongrange [16/00044/DPP]	Peter Arnsdorf

#### Executive Summary of Report

With reference to paragraph 5.5 of the Minutes of 7 June 2016, there was submitted a copy of the Local Review Body decision notice upholding a review request from GSM Architecture, 36-12 Malbet Park, Edinburgh, seeking on behalf of their client Mr A Wilkie, a review of the decision of the Planning Authority to refuse planning permission (16/00044/DPP, refused on 14 March 2016) for the erection of extension at 1 Galadale Drive, Newtongrange and granting planning permission subject to conditions.

#### Decision

To note the LRB decision notice.

Agenda No	Report Title	Presented by:
5.5	Decision Notice – Cherrytrees, Fala, Bonnyrigg [15/00995/DPP]	Peter Arnsdorf

#### Executive Summary of Report

With reference to paragraph 5.6 of the Minutes of 7 June 2016, there was submitted a copy of the Local Review Body decision notice upholding a review request from Derek Scott Planning, 21 Lansdowne Crescent, Edinburgh, seeking on behalf of their clients Dr's C & V Rofe, a review of the decision of the Planning Authority to refuse planning permission (15/00995/DPP, refused on 22 February 2016) for the demolition of existing dwellinghouse and erection of replacement dwellinghouse, garage and associated works at Cherrytrees, Fala, Bonnyrigg 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 6 June 2016 participated in the review process, namely Councillors Bryant (Chair), de Vink, Imrie and Rosie.

Agenda No	Report Title	Presented by:
5.6	Notice of Review Requests Considered for the First Time – (a) 47 Arthur View Terrace, Danderhall [16/00213/DPP]	Peter Arnsdorf

### Executive Summary of Report

There was submitted report, dated 30 August 2016, by the Head of Communities and Economy regarding an application from Mr A Anderson, 62 Donibristle Gardens, Dalgety Bay, Fife, seeking on behalf of his client Mr J Raeburn, a review of the decision of the Planning Authority to refuse planning permission (16/00213/DPP, refused on 27 April 2016) for the erection of a two storey and a single storey extension at 47 Arthur View Terrace, Danderhall.

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 5 September 2016.

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 and his agent had been informed of the date, time and venue for the Hearing, neither were currently present and the LRB may wish to consider continuing and determining the Review in their absence, and this was agreed.

Thereafter, an oral representation was received from the local authority Planning Officer; following which he responded to questions from members of the LRB.

### Summary of Discussion

Having heard from the Planning Adviser, 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 potential impact that the proposed development was likely to have on the neighbouring properties.

### Decision

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

*The proposed extension by means of its scale, form and design is compatible with its location and the host building and will not have a significant impact on neighbouring and nearby properties.*

subject to the following conditions:-

1. Unless otherwise approved in writing by the Planning Authority the 1.8m high fence indicated by a broken black line on the approved site plan, drawing no. SP 002, shall comprise a close boarded timber fence and shall be erected within three months of the rear extension being completed or brought in to use whichever is the earlier date and thereafter shall not be removed.

**Reason:** *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:
5.7	(b) Lothian Cottage, Lothian Bridge, Dalkeith [16/00193/DPP]	Peter Arnsdorf

#### Executive Summary of Report

There was submitted report, dated 30 August 2016, by the Head of Communities and Economy regarding an application from Cockburn's Consultants, 29 Ryehill Terrace, Edinburgh, seeking on behalf of their client Mr S Alexander, a review of the decision of the Planning Authority to refuse planning permission (16/00193/DPP, refused on 16 May 2016) for the erection of a two storey and a single storey extension at Lothian Cottage, Lothian Bridge, 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 5 September 2016.

#### 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 this particular instance, it was felt that on balance the individual circumstances of the application site meant that the proposed extension would be acceptable however, particular care require to be taken to ensure that the design and the materials used in construction were in keeping with the character of the existing property, and the suggested conditions should be adjusted to reflect this accordingly.

#### Decision

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

*The proposed extension by means of its scale and compliance with the stated conditions is compatible with its location and the host building and will not have a significant impact on neighbouring and nearby properties.*

subject to the following conditions:-

1. Development shall not begin until 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.*

2. Before the extension is occupied for residential purposes any remedial measures required in accordance with the scheme approved in terms of Condition 1 shall be completed.

***Reason:*** *To ensure that the site is in a suitable condition for its proposed use for residential purposes given the industrial history of the site.*
3. The external walls and copes of the extension shall be finished in natural stone.
4. The size, colour, texture and coursing of the natural stone to be used on the external walls of the extension shall match those of the external walls of the original dwellinghouse.
5. Revised elevation drawings shall be submitted to the Planning Authority showing:
  - a) the design, size and surround details of the windows and doors, which shall match those of the original dwellinghouse; and
  - b) the provision of a chimney on the proposed gable feature to relate to the existing chimneys on the original dwellinghouse.

No work shall start on the extension until these details have been approved in writing by the Planning Authority. The proposed extension shall be constructed in accordance with the details hereby approved.

6. The slate on the roof of the extension shall match the size, colour and coursing of the slate on the roof of the original dwellinghouse.
7. Details of the design of the garage doors shall be submitted to the Planning Authority for written prior approval. The approved design shall be implemented and retained unless otherwise agreed in writing by the Planning Authority. The garage doors shall be of a form and design which complements the elevation of the extension and its relation to the original house.

***Reason for conditions 3- 7: To safeguard the character of the house as extended and the visual amenity of the surrounding area.***

8. Development shall not begin until a report/investigation on bat activity/presence is undertaken by a qualified ecologist and any mitigation measures identified implemented in accordance with details to be submitted and approved in writing by the planning authority. The update investigation shall be carried out within the 6 months prior to development commencing.

***Reason: In the interests of safeguarding otter, barn owl, badger and bats in accordance with Policy RP13 of the Adopted Midlothian Local Plan and to ensure that an up to date understanding of these species on the site is available prior to development commencing.***

9. Unless otherwise approved in writing by the Planning Authority the 1.8m high fence indicated by a broken black line on the approved site plan, drawing no. SP 002, shall comprise a close boarded timber fence and shall be erected within three months of the rear extension being completed or brought in to use whichever is the earlier date and thereafter shall not be removed.

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

#### Action

Head of Communities and Economy

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The meeting terminated at 2.56pm.