

# Minute of Meeting



## Local Review Body

| Date         | Time   | Venue  |
|--------------|--------|--|
| 8 March 2016 | 2.00pm | Council Chambers, Midlothian House, Buccleuch Street, Dalkeith |

### Present:

|                           |                       |
|---------------------------|-----------------------|
| Councillor Bryant (Chair) | Councillor Baxter     |
| Councillor Bennett        | Councillor Constable  |
| Councillor de Vink        | Councillor Montgomery |
| Councillor Rosie          |                       |

## 1 Apologies

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Apologies received from Councillors Beattie, Imrie and Milligan.

## 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 19 January 2016 were submitted and approved as a correct record.

Arising from paragraph 4(a) of the foregoing Minutes, the LRB noted an update from the Planning Manager regarding the review request concerning the formation of a temporary test piling facility at Shewington, Rosewell, in particular that work on the further report was progressing and that it was hoped to be in a position to report back to the LRB at its next meeting.

## 5 Reports

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| Agenda No | Report Title   | Presented by:  |
|-----------|--|----------------|
| 5.1       | Decision Notice – Land at Camp Wood, Dalkeith (15/00591/DPP) | Peter Arnsdorf |

### Executive Summary of Report

With reference to paragraph 4(b) of the Minutes of 19 January 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 Mr M Smith, a review of the decision of the Planning Authority to refuse planning permission (15/00591/DPP, refused on 7 September 2015) for the erection of dwellinghouse and outbuildings; formation of access roads, paths, car parking, two ponds, coarse fishery and associated works at land south of Camp Wood, Dalkeith and granting planning permission subject to conditions.

### Decision

To note the LRB decision notice.

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| Agenda No | Report Title   | Presented by:  |
|-----------|--|----------------|
| 5.2       | Notice of Review Requests Considered for the First Time – (a) Land west of the junction of Lugton Brae and Old Dalkeith Road (the former Lugton Inn site), Dalkeith [15/00703/DPP] | Peter Arnsdorf |

#### Executive Summary of Report

There was submitted report, dated 1 March 2016, by the Head of Communities and Economy regarding an application from Rick Finc Associates Ltd, Melford House, 3 Walker Street, Edinburgh, seeking on behalf of their client Mr J O'Rourke, a review of the decision of the Planning Authority to refuse planning permission (15/00703/DPP, refused on 21 October 2015) for the erection of 5 dwellinghouses on land west of the junction of Lugton Brae and Old Dalkeith Road (the former Lugton Inn site), 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 accompanied visit to the site on Monday 7 March 2016.

#### 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. He then introduced the applicant's agent, Mr Rick Finc, Rick Finc Associates Ltd, and Mr R Talbot, Mr W Lindsay and Mr T Healy all of whom had made representations in regards to the application, to the meeting.

Thereafter, oral representations were received firstly from the applicant's agent, then from Mr R Talbot, Mr W Lindsay and Mr T Healy and finally from the local authority Planning Officer; following which they responded to questions from members of the LRB.

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. Whilst noting the reasons for refusal of the application, the LRB considered that the previous use of the site as a public house/motel and before that a chalet site were material considerations. The LRB also discussed the need to see this brownfield gateway site, which had been an eyesore for some considerable time, redeveloped.

#### Decision

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

*The proposed development by means of its size, form and design is compatible to its location and does not have a detrimental impact on neighbouring properties or other land users. The positive redevelopment of this site, which is currently in a state of dereliction and disuse, will enhance this key gateway location which is strategically located on an arterial route into/out of Dalkeith.*

subject to:-

- (a) a legal agreement to secure developer contributions towards education provision, the Borders Railway, town centre improvements and children's play provision; and
- (b) the following conditions:-
  - 1. Development shall not begin until the following details have been submitted to and approved in writing by the planning authority:
    - a) Scaled site plan showing existing and finished ground levels and floor levels for all buildings, open space and access roads in relation to a fixed datum;
    - b) A revised ground floor plan showing 2 car parking spaces (in addition to any space within garages) per dwellinghouse;
    - c) Details and samples of all external finishing materials on the dwellinghouses, areas of external hard surface and boundary walls;
    - d) A detailed landscape plan, including schedule of plants to comprise species, plant sizes and proposed numbers/density; and
    - e) Drawings of all walls, gates and fences to be erected on the site.

Development shall thereafter comply with the approved details unless otherwise approved in writing by the Planning Authority.

***Reason:*** *These details are required in order to ensure that the proposed development does not have an adverse impact on the appearance of the Conservation Area and to ensure that the development is provided with an acceptable level of car parking.*

- 2. No boundary wall shall encroach on to the public footpath to the south nor shall it encroach on to the public highway to the east.

***Reason:*** *In order to ensure that there is no adverse impact on vehicle and pedestrian safety.*

- 3. Any trees, shrubs or plants which are planted in terms of the approved landscape scheme which die, become diseased, are severely damaged or are removed within five years of being planted shall be replaced with a tree, hedge or plant of a similar size and species as may be agreed in writing by the planning authority.

***Reason:*** *To ensure the quality of the development is enhanced by landscaping to reflect its setting in accordance with policies RP22 and DP2 of the Midlothian Local Plan and national planning guidance and advice.*

**Action**

Head of Communities and Economy

| Agenda No | Report Title                                    | Presented by:  |
|-----------|---|----------------|
| 5.3       | (b) St Mary's Lodge, Rosewell<br>[15/00767/DPP] | Peter Arnsdorf |

**Executive Summary of Report**

There was submitted report, dated 1 March 2016, by the Head of Communities and Economy regarding an application from Dr L Collins, Capielaw Cottage, Rosewell, seeking a review of the decision of the Planning Authority to refuse planning permission (15/00767/DPP, refused on 12 November 2015) for the erection of an extension to dwellinghouse at St Mary's Lodge, Rosewell.

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 7 March 2016.

**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. He then introduced the applicant Dr L Collins, and Ms J Darling, who had made representations in regards to the application, to the meeting.

Thereafter, oral representations were received from the applicant, Ms Darling and the local authority Planning Officer; following which they responded to questions from members of the LRB.

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. Whilst noting the concerns raised the LRB debated whether the proposed extension would be any less intrusive than what which was already there and concluded that the proposed development actually had the potential to provide a more uniform layout to the property.

**Decision**

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

*The proposed development by means of its size, form and design is compatible to the host dwellinghouse and does not have a detrimental impact on neighbouring properties or other land users.*

subject to the following conditions:-

1. The external materials and finishes of the extension shall match those on the existing extension;
2. The design, materials and treatment of the window and door surrounds on the extension shall match the corresponding details on the existing extension.
3. Unless otherwise approved in writing by the Planning Authority the dormer roof and cheeks shall be finished externally in natural slate to match that on the roof of the existing extension.
4. Details of the colour finish of the timber cladding proposed on the dormer fascias shall be submitted to the Planning Authority and no work shall start on the dormers until these details have been approved in writing by the Planning Authority.

***Reason for conditions 1 – 4: To safeguard the character of the existing building.***

#### Action

Head of Communities and Economy

| Agenda No | Report Title                                  | Presented by:  |
|-----------|---|----------------|
| 5.4       | (c) 42 Station Road, Roslin<br>[15/00762/DPP] | Peter Arnsdorf |

#### Executive Summary of Report

There was submitted report, dated 1 March 2016, by the Head of Communities and Economy regarding an application from Bergmark Architects, 3 Walker Street, Edinburgh, seeking on behalf of their client Mr A Cormack, a review of the decision of the Planning Authority to refuse planning permission (15/00762/DPP, refused on 30 October 2015) for the erection of an extension to dwellinghouse at 42 Station Road, Roslin.

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 7 March 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, the LRB considered that the proposed extension had the potential to provide a more uniform layout to the rear of the property, which if anything would be less intrusive than what was already there.

### Decision

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

*The proposed development by means of its size, form and design is compatible to the host dwellinghouse and does not have a detrimental impact on neighbouring properties or other land users.*

subject to the following condition:-

1. Details of the colour finish of the timber cladding and the window and door frames proposed on the extension shall be submitted to the Planning Authority and these features shall not be installed until these details have been approved in writing by the Planning Authority.

**Reason:** *To safeguard the character of the building as extended and the visual amenity of the surrounding area.*

### Action

Head of Communities and Economy

| Agenda No | Report Title                                    | Presented by:  |
|-----------|---|----------------|
| 5.5       | (d) 4 Newmills Road, Dalkeith<br>[15/00740/DPP] | Peter Arnsdorf |

### Executive Summary of Report

There was submitted report, dated 1 March 2016, by the Head of Communities and Economy regarding an application from Hardies Property and Construction Consultants, London House, 20-22 East London Street, Edinburgh, seeking on behalf of their client Ms S Ballantyne, a review of the decision of the Planning Authority to refuse planning permission (15/00740/DPP, refused on 26 October 2015) for the change of use from office (class 4) to residential (class 9) at 4 Newmills 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 7 March 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, the LRB acknowledged concerns regarding noise disturbance but were of the view that whilst this was always likely to be a potential issue given the town centre location, the second floor position and measures proposed by the applicant should help to mitigate matters. In addition, as there appeared to be very little demand for this type of office accommodation, it would bring the currently empty property back into use.

#### Decision

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

*The proposed development by means of its town centre location and position on the second floor means that any level of disturbance from neighbouring uses is at an acceptable level considering this location. Furthermore, as the site is currently vacant it is considered beneficial to bring this part of the building back into use.*

#### Action

Head of Communities and Economy

The meeting terminated at 2.56pm.