

MINUTES of **MEETING** of the **LOCAL REVIEW BODY** held in the Council Chambers, Midlothian House, Buccleuch Street, Dalkeith on Tuesday 2 September 2014 at 2.00 pm.

Present: - Councillors Bryant (Chair), Baxter, Bennett, Constable, Imrie, Milligan and Montgomery.

Apologies for Absence: - Councillors Beattie, de Vink and Rosie.

1. Declarations of Interest

No declarations of interest were intimated.

Councillor Milligan did however advise that with regards to Agenda Item No 6(b) Notice of Review Request – 18 Ninth Street, Newtongrange, that the applicant was a former employee of the Council and therefore known to Members. Notwithstanding this fact, he did not believe this would interfere with the LRB being able to come to an objective decision on the Review Request, a view shared by the other Members of the LRB.

2. Minutes

The Minutes of Meeting of 3 June 2014 were submitted and approved as a correct record.

3. Decision Notices –

(a) Land to the West of 25 Damhead, Lothianburn

With reference to paragraph 4(a) of the Minutes of 3 June 2014, 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 J Tickle, a review of the decision of the Planning Authority to refuse planning permission (13/00805/DPP, refused on 13 January 2014) for the change of use from agriculture to dog kennels and erection of associated kennels at land 50 metres west of 25 Damhead, Lothianburn and granting planning permission subject to conditions.

Decision

To note the LRB decision notice.

(b) Premier Inn, Melville Dykes, Lasswade

With reference to paragraph 4(b) of the Minutes of 3 June 2014, there was submitted a copy of the Local Review Body decision notice upholding a review request from Walsingham Planning, Brandon House, King Street, Knutsford, seeking on behalf of their client Whitbread PLC, a review of the decision of the Planning Authority to refuse planning permission (13/00725/DPP, refused on 3 December 2013) for the erection of a 20 metre high fence at the Premier Inn, Melville Dykes, Lasswade and granting planning permission.

Decision

To note the LRB decision notice.

(c) Land South of Units 2 and 4A Butlerfield Industrial Estate, Bonnyrigg

With reference to paragraph 4(d) of the Minutes of 3 June 2014, there was submitted a copy of the Local Review Body decision notice upholding a review request from Mr D Hogg, Crummock (Scotland) Ltd, 4A, Butlerfield Industrial Estate, Bonnyrigg, seeking a review of the decision of the Planning Authority to refuse planning permission (13/00901/DPP refused on 5 March 2014) for the re-grading of land and formation of storage yard (part retrospective) at land south of units 2 to 4A, Butlerfield Industrial Estate, Bonnyrigg and granting planning permission subject to conditions.

Decision

To note the LRB decision notice.

(d) 14 Hillhead, Bonnyrigg

With reference to paragraph 4(d) of the Minutes of 3 June 2014, there was submitted a copy of the Local Review Body decision notice upholding a review request from PMAS Ltd, 17 Blackford Bank, Edinburgh, seeking on behalf of their client Mr and Mrs S Macintosh, a review of the decision of the Planning Authority to refuse planning permission (14/00132/DPP refused on 7 April 2014) for the installation of replacement windows at Edgerton, 14 Hillhead, Bonnyrigg and granting planning permission.

Decision

To note the LRB decision notice.

(e) Land 25m West of Junction with Lugton Brae, Old Dalkeith Road, Dalkeith

With reference to paragraph 4(c) of the Minutes of 3 June 2014, there was submitted a copy of the Local Review Body decision notice dismissing a review request from Niall Young Architecture Ltd, 32/12 Hardengreen Business Park, Dalhousie Road, Eskbank, seeking on behalf of their client Mr F Ewart, a review of the decision of the Planning Authority to refuse planning permission (13/00843/DPP refused on 31 January 2014) for the change of use of vacant land to a temporary overspill car park (retrospective) at land 25m west of junction with Lugton Brae, Old Dalkeith Road, Dalkeith and refuse 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 1 September 2014 participated in the review process, namely Councillors Bryant (Chair), Baxter, Bennett, Constable, Imrie, Milligan and Montgomery.

4. Notice of Review Requests –

(a) Land 70m North West of Old Pentland Sawmill, Old Pentland, Loanhead

There was submitted report, dated 26 August 2014, by the Head of Communities and Economy regarding an application from Mr A Mackenzie, M Mackenzie, Old Pentland, Loanhead, seeking a review of the decision of the Planning Authority to refuse planning permission (14/00047/DPP, refused on 26 March 2014) for the change of use of vacant land to storage area for storage of skips at land 70m north west of Old Pentland Sawmill, Old Pentland, Loanhead . 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 1 September 2014.

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 welcomed on behalf of the Chair, Councillor Bryant, the applicant's representative, Mr Alasdair Mackenzie, and interested parties, Mr Gordon Marshall, Ms Lorna Goudie, Dr Henry Marsh and Mr Stuart Clark to the meeting.

Thereafter, oral representations were received from the applicant's representative, interested parties and the local authority Planning Officer; following which they provided responses to questions from members of the LRB.

The LRB then gave careful consideration to the merits of the case based on all the information provided both in writing and in person at the Hearing. The policy position in terms of both the existing and emerging MLDP was discussed. The potential visual impact and the possible impact that the proposed use might have on the amenity of neighbouring residential properties were also debated. The use of conditions as a way of mitigating concerns and tying the extended site to the existing site, together with the extent of the extended site that would be usable and the underlying ground conditions were also all considered.

Councillor Constable, seconded by Councillor Baxter, moved to dismiss the Review Request and uphold the decision to refuse planning permission on the grounds given in the original decision notice.

As an amendment, Councillor Imrie, seconded by Councillor Montgomery, moved that the review request be upheld and that planning permission be granted subject to the recommended conditions detailed in the Head of Communities and Economy's report and a further condition tying the operating hours to those specified in the SEPA license.

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

Decision

The Local Review Body agreed to uphold the review request and grant planning permission subject to the following conditions:-

1. Development shall not begin until details of a scheme of hard and soft landscaping, 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 storage areas 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, wildflowers 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 drainage details, watercourse diversions, flood prevention measures and sustainable urban drainage systems to manage water runoff;
 - vii proposed areas of hardstanding; and
 - viii a programme for completion and subsequent maintenance of all soft and hard landscaping. The landscaping shall be completed within six months of the grant of planning permission. Any tree felling or vegetation removal proposed as part of the landscaping scheme shall take place out with the bird breeding season (March-August).

All hard and soft landscaping, including the formation of bunding and hardstanding, shall be carried out in accordance with the scheme approved in writing by the planning authority as the programme for completion and subsequent maintenance (viii). 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 RP1, RP2 and RP3 of the Midlothian Local Plan and national planning guidance and advice.*

2. No operations, industrial processes, movement of skips, engineering or other works or the operation of machinery shall take place outwith the hours of 7.30am to 18.00pm.

***Reason:** To minimise disturbance to nearby residential properties from noise, construction traffic and other pollution and to accord with the operating licence issued by SEPA.*

(Action: Head of Communities and Economy)

(b) 18 Ninth Street, Newtongrange

There was submitted report, dated 26 August 2014, by the Head of Communities and Economy regarding an application from FEM Building Design Services, 8 Plantain Grove, Lenzie, Glasgow, seeking on behalf of their client Mr R Rorrison, a review of the decision of the Planning Authority to refuse planning permission (14/00064/DPP, refused on 28 April 2014) for the erection of a single storey rear extension to dwellinghouse and formation of decking at 18 Ninth Street, Newtongrange. 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 1 September 2014.

The LRB then gave careful consideration to the merits of the case based on all the written information provided. It was felt that in this particular case the nature and number of rear extensions in this locality was of such significance as to potentially outweigh the policy provisions. It was also felt that it would be possible to address by way of appropriate conditions any concerns regarding overlooking of the neighbouring property.

Decision

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

The proposed extension by means of its scale, siting, design and relationship to the host dwellinghouse will not result in an unacceptable loss of privacy, overlooking or a sense of overbearing to the occupants of the neighbouring properties and therefore accords with policies RP20 and DP6 of the Midlothian Local Plan.

subject to the following conditions:-

1. Unless otherwise approved in writing by the Planning Authority a 1.6m high screen shall be erected on top of the deck platform along the west edge, details of which shall be submitted to the Planning Authority and no work shall begin on the extension or deck until this detail has been approved in writing by the Planning Authority.

2. Unless otherwise approved in writing by the Planning Authority the screen approved in terms of condition 1 shall be erected within three months of the extension or deck being completed or brought in to use whichever is the earlier date.

Reason for conditions 1 and 2: In order to minimise overlooking and protect the privacy of the occupants of the adjoining property.

(Action: Head of Communities and Economy)

The meeting terminated at 3.12pm.