

Minute of Meeting

Local Review Body
Monday 16 December 2024
Item No 4.1



Midlothian

Local Review Body

Date	Time	Venue
Monday 13 November 2024	1.00pm	Council Chambers/Hybrid

Present:

Councillor Imrie (Chair)	Councillor Alexander (Virtual)
Councillor Cassidy	Councillor Drummond (Virtual)
Councillor McEwan	Councillor McKenzie (Substitute for Councillor Bowen)
Councillor Milligan	Councillor Smail
Councillor Virgo (Virtual)	

In Attendance:

Peter Arnsdorf	Planning, Sustainable Growth and Investment Manager
Derek Oliver	Chief Officer Place
Hannah Forbes	Democratic Services Officer
Nicola Thorburn	Democratic Services Officer

1 Welcome, Introductions and Apologies

The Chair welcomed everyone to the meeting of the Local Review Body (LRB) and advised that due to an issue with the publication of the papers on the Council website the following business would be taken as urgent business. Apologies were received from Councillor Bowen but the Chair noted that Councillor McKenzie is attending as their substitute.

2 Order of Business

The order of business was as outlined in the agenda.

3 Declarations of interest

Councillor Small highlighted that they would recuse themselves during the agenda item 5.2 on the Melville Castle application.

No other declarations of interest were intimated at this stage of the proceedings.

4 Minute of Previous Meeting

The Minute of the Meeting of 23 September 2024 was submitted and approved as the correct record.

5 Reports

Agenda No	Report Title	Presented by:
5.1	24/00346/DPP – 53 Chesters View, Bonnyrigg (Hearing)	Planning, Sustainable Growth and Investment Manager

Outline of report and summary of discussion

The Planning, Sustainable Growth and Investment Manager presented the report which provides a framework for the LRB to consider a 'Notice of Review' for the erection of a 1.8m high fence to the side and rear (retrospective) at 53 Chesters View, Bonnyrigg.

It is recommended that the LRB:

- a) determine the review; and
- b) the Planning Advisor draft and issue the decision of the LRB through the Chair.

The Chair thanked the Planning, Sustainable Growth and Investment Manager for the report and advised the applicant of the process that will follow.

The Planning Officer spoke on behalf of the applicant and detailed their application. The Planning Officer highlighted that the new fence would remain the same height as

the previous fence which was blown down due to high winds. The applicant is of pensioner age and the positioning of the house is on a safe walk to school route which has the potential to cause further damage to the property, for example walking over grass area. The fence will create a safety barrier to the property. The Planning Officer also advised the LRB of the colour of the fence and the placement of the house as the first house at the entrance of the cul-de-sac.

The Chair thanked the Planning Officer for the report and opened the item for discussion and questions.

Elected Members highlighted that there are houses in the area that currently have fencing at this height, and the aesthetic of the fence should be similar to the current fencing in the area.

The Planning, Sustainable Growth and Investment Manager advised the Committee that the fence is not identical to the previous one. The height of the fence will remain the same, however the positioning of the fence has been brought out by 1.5 meters.

The Chair asked the Planning Officer and the applicant to summarise their positions.

The report was moved to grant planning permission by Councillor McEwan and seconded by Councillor Smail.

The Chair advised that the appeal has been upheld with subject to the conditions in the report.

Decision

The Local Review Body granted the planning application subject to the conditions in the report.

Agenda No	Report Title	Presented by:
5.2	24/00206/S42 – Melville Castle, Lasswade	Planning, Sustainable Growth and Investment Manager

Outline of report and summary of discussion

Councillor Smail left the meeting at 13:16. Due to not attending the site visit, Councillor Milligan recused themselves from the discussion. Councillor McKenzie noted for transparency that this item relates to their ward but assured that they had not shared their views regarding the matter.

The Planning, Sustainable Growth and Investment Manager presented the report which provides a framework for the LRB to consider a 'Notice of Review' to vary condition 1 of planning permission 22/00444/S42 at Melville Castle, Lasswade.

It is recommended that the LRB:

a) determine the review; and

b) the Planning Advisor draft and issue the decision of the LRB through the Chair.

The Chair thanked the Planning, Sustainable Growth and Investment Manager for the report.

The Chair made a statement highlighting that as the Chair of the Local Review Body, they would like to support the local business and therefore grant planning permission for the extension of time requested on the basis that any impact on the listed building is limited by the time extension. The Chair also noted that the Councils Environmental Health Officers have not objected to the planning application on noise grounds because of the mitigation measures put in place.

The Chair recognised that there is a balancing act between supporting the business, protecting the setting of the listed building and protecting the amenity of local residents. The Chair encouraged the applicant, planning officers and other interested parties to work together to find a more permanent solution that gives the business certainty going forward.

This was seconded by Councillor Cassidy.

Decision

The Local Review Body granted planning permission subject to conditions.

6. Private Reports

No private business was discussed.

7. Date of Next Meeting

The next meeting is scheduled for Monday 16 December 2024 at 13:00. The meeting terminated at 13:20.