

**MINUTES** of **MEETING** of the **LOCAL REVIEW BODY** held in the Council Chambers, Midlothian House, Buccleuch Street, Dalkeith on Tuesday 17 April 2012 at 2.00 pm.

**Present:** - Councillors Imrie (Chair), Aitchison, Boyes, Brown, Constable, Milligan, Muirhead and Thompson.

**Apology for Absence:** - Councillor Moffat.

**1. Declaration of Interest**

No declarations of interest were intimated.

**2. Minutes**

The Minutes of Meeting of 20 March 2012 were submitted and approved as a correct record.

**3. Notice of Review Requests Considered at a Previous Meeting –**

**Declaration of Interest**

Councillor Aitchison declared a non pecuniary interest in the following item of business on the grounds that he had been approached by the applicant for advice on how to make a review request. He considered that as at no time had these discussions involved any specific matters relating to the details of the review request now before the Local Review Body itself, that the nature of his interest was such that he did not need to withdraw, and he therefore intended to remain and participate in consideration thereof.

**(a) 15 Dundas Street, Bonnyrigg**

With reference to paragraph 4(a) of the Minutes of 20 March 2012, the Local Review Body resumed consideration of a Notice of Review Request in respect of an application from Mr M Robertson, 15 Dundas Street, Bonnyrigg, seeking a review of the refusal of planning permission (11/00677/DPP, refused on 23 December 2011) for the extension to dwellinghouse (retrospective) at that address.

In this regard, there was submitted report, dated 11 April 2012, by the Head of Planning and Development, which incorporated a copy of the report submitted to the Local Review Body on 20 March 2012 when the matter was first considered and which had accompanied the Notice of Review Form submitted by the applicant along with a supporting statement and other documentation. The Local Review Body had made an unaccompanied visit to the site on 16 April 2012.

The Local Review Body then gave careful considered to the merits of the case based on all the written information provided.

Thereafter, Councillor Brown, seconded by Councillor Imrie, moved that (i) the Review Request be dismissed and the decision to refuse planning permission be upheld for the reasons given in the Head of Planning and Development's report; and (ii) the Director, Corporate Resources be authorised to take any necessary enforcement action.

As an amendment, Councillor Aitchison, seconded by Councillor Milligan, moved that the Review Request be upheld and planning permission granted.

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

### **Decision**

To dismiss the Review Request and uphold the decision to refuse the application on the grounds that:-

- (1) The dormers, by reason of their size and position, occupy an excessive proportion of the roof plane, and have a significant adverse impact upon the rear elevation of the house, and in particular the character and appearance of the listed building, and the dormers are contrary to Local Plan policies RP22 and RP20 as well as the Council's approved Supplementary Planning Guidance on dormer extensions; and
- (2) The dormers by reason of the width and horizontal emphasis of the window units have a significant adverse impact upon the rear elevation of the house and in particular the character and appearance of the listed building, and the proposal is contrary to Local Plan policies RP22 and RP20 as well as the Council's approved Supplementary Planning Guidance on dormer extensions.

In addition, it was also agreed that the Director, Corporate Resources be authorised to take any necessary enforcement action.

(Action: Head of Planning and Development/Legal and Secretariat Manager)

### **(b) Brewlands House, Abbey Road, Eskbank, Dalkeith**

With reference to paragraph 4(b) of the Minutes of 20 March 2012, the Local Review Body resumed consideration of a Notice of Review Request in respect of an application from Mr S McMartin, Brewlands House, Abbey Road, Eskbank, Dalkeith, seeking a review of the refusal of planning permission (11/00673/DPP, refused on 9 December 2011) for the extension to dwellinghouse and installation of rooflights at that address.

In this regard, there was submitted report, dated 11 April 2012, by the Head of Planning and Development, which incorporated a copy of the report submitted to the Local Review Body on 20 March 2012 when the matter was first considered and which had accompanied the Notice of Review Form submitted by the applicant along with a supporting statement and other documentation.

The Local Review Body had made an unaccompanied visit to the site on 16 April 2012.

The Local Review Body then gave careful considered to the merits of the case based on all the written information provided.

### **Decision**

To dismiss the Review Request and uphold the decision to refuse the application on the grounds that:-

- (1) The proposed extension would detract from the character of the original dwellinghouse due to its size which by matching the existing proportions of the house harms the character appearance and the visual amenity of the original dwellinghouse, which in turn would have a significantly adverse impact upon the character and appearance of the conservation area;
- (2) The proposed extension results in the overdevelopment of the garden ground to the detriment of the character and appearance of the dwellinghouse, the residential amenity of the dwellinghouse, and the character and appearance of the conservation area; and
- (3) The proposed development by reason of its adverse impacts upon the dwellinghouse and the character and appearance of the conservation area is contrary to Midlothian Local Plan policies RP20, RP22 and DP6.

(Action: Head of Planning and Development)

### **Declaration of Interest**

Councillor Milligan declared a non pecuniary interest in the following item of business on the grounds that he had been involved in discussions with the applicant on various matters in the past. He considered that as these discussions had not specifically related to the particular review request now before the Local Review Body that the nature of his interest was such that he did not need to withdraw, and he therefore intended to remain and participate in consideration thereof.

### **(c) Land at Seafield Mill, Seafield Moor Road, Bilston, Roslin**

With reference to paragraph 4(c) of the Minutes of 20 March 2012, the Local Review Body resumed consideration of a Notice of Review Request in respect of an application from Mr M Milne, Seafield Mill, 1 Seafield, Bilston seeking a review of the refusal of planning permission (11/00731/PPP, refused on 5 March 2012) for mixed use commercial development comprising showroom, office, industry and storage and distribution uses at Land at Seafield Mill, Seafield Moor Road, Bilston, Roslin.

In this regard, there was submitted report, dated 11 April 2012, by the Head of Planning and Development, which incorporated additional comments received from interested parties objecting to the review application; a copy of the report submitted to the Local Review Body on 20 March 2012 when the matter was first considered and which had accompanied the Notice of Review Form submitted by the applicant along with a supporting statement and other documentation. The Local Review Body had made an unaccompanied visit to the site on 16 April 2012.

The Local Review Body then gave careful considered to the merits of the case based on all the written information provided.

It was acknowledged that the proposed development was not a biotechnology or other knowledge based industry, however, it was felt that the case could be considered on its individual merits without undermining the adopted development plan policies or the future planned development of the Bush Estate, or setting a precedent for other developments.

### **Decision**

To uphold the Review Request and to grant planning permission for the following reason:

*The sites relationship to the existing industrial uses at Seafield Mill and the sites location within the area identified for major non-conforming land uses in the green belt means the principal of the proposed commercial use in this location is acceptable.*

subject to the following conditions:

1. The development hereby permitted shall be begun within three years from the date of this permission, or within 2 years from the date of approval by the planning authority of the last application for matters specified in conditions to be approved. Application for approval of matters specified in conditions shall be made to the planning authority within 3 years from the date of this permission. Prior to the development commencing the planning authority shall be notified in writing of the expected commencement of work date and once development on site has been completed the planning authority shall be notified of the completion of works date in writing.

***Reason:*** *To accord with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended by Planning etc (Scotland) Act 2006).*

2. Development shall not begin until an application for approval of matters specified in conditions for a scheme of hard and soft landscaping works has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
  - i existing and finished ground levels and floor levels for all buildings and roads 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 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 programme for completion and subsequent maintenance of all soft and hard landscaping;
- vii drainage details and sustainable urban drainage systems to manage water runoff; and
- viii proposed car park configuration and surfacing.

All hard and soft landscaping shall be carried out in accordance with the scheme approved in writing by the planning authority as the programme for completion and subsequent maintenance (vi).

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 RP3 and RP7 of the Midlothian Local Plan and national planning guidance and advice.*

3. Development shall not begin until an application for approval of matters specified in conditions for the siting, design and external appearance of all buildings and other structures has been submitted to and approved in writing by the planning authority. The application shall include samples of materials to be used on external surfaces of the buildings; hard ground cover surfaces; means of enclosure and ancillary structures. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the planning authority.

**Reason:** *To ensure the quality of the development is enhanced by the use of quality materials to reflect its setting in accordance with policies RP3 and RP7 of the Midlothian Local Plan and national planning guidance and advice.*

4. Development shall not begin until an application for approval of matters specified in conditions for the site access, roads and transportation movements 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 roads in relation to a fixed datum;

- ii proposed vehicular access, internal roads (including turning facilities and details of crossing/bridging the Boghall Burn) and footpaths;
- iii proposed visibility splays, traffic calming measures, lighting and signage;
- iv proposed construction traffic access and haulage routes;
- v proposed car parking arrangements; and
- vi a programme for completion for the construction of access, road.

Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be agreed in writing with the planning authority.

**Reason:** *To ensure the future users of the buildings, existing local residents and those visiting the development site during the construction process have safe and convenient access to and from the site.*

5. Development shall not begin until the speed limit of the Seafield Moor Road/A703 is reduced to 50mph, or, alternative traffic safety measures are implemented to enable safe access into and out of the site. Any such alternative traffic safety measures shall be agreed in writing by the local planning authority.

**Reason:** *To ensure the future users of the buildings, existing local residents and those visiting the development site during the construction process have safe and convenient access to and from the site.*

6. The buildings hereby permitted shall be served by zero and/or low carbon equipment to achieve a reduction of 15% carbon dioxide emission below the 2007 building regulations carbon dioxide emissions standard, in accordance with Policy NRG3 of the adopted Midlothian Local Plan, unless otherwise agreed in writing by the Planning Authority following submission of appropriate SAP/SBEM calculations and a written justification of any alternative approach taken. The zero and/or low carbon equipment installed shall accord with the information submitted as part of the application unless otherwise approved in writing by the Planning Authority. The low and zero carbon equipment and/or other measures approved in terms of this condition shall be implemented at the site in full and an appropriate person approved by the Scottish Government's Building Standards Division regarding Design (Energy) shall certify that the zero and/or low carbon equipment and/ other measures approved in terms of this condition have been installed, prior to the house being occupied.

**Reason:** *To ensure this development complies with the on-site carbon emission reduction targets and BREEAM requirements of Policy NRG3 in the Adopted Midlothian Local Plan.*

(Action: Head of Planning and Development)

**(d) Unit 9, Eldin Industrial Estate, Loanhead**

With reference to paragraph 4(d) of the Minutes of 20 March 2012, the Local Review Body resumed consideration of a Notice of Review Request in respect of an application from Midlothian Skip Hire Ltd, Unit 9, Eldin Industrial Estate, Edgefield Road, Loanhead seeking the amendment/removal of Conditions 1 and 3 of planning permission 11/00591/DPP for the change of use of industrial yard to waste transfer station (retrospective) at that address.

In this regard, there was submitted report, dated 11 April 2012, by the Head of Planning and Development, which incorporated an additional comment received from an interested party objecting to the review application; a copy of the report submitted to the Local Review Body on 20 March 2012 when the matter was first considered and which had accompanied the Notice of Review Form submitted by the applicant along with a supporting statement and other documentation. The Local Review Body had made an unaccompanied visit to the site on 16 April 2012.

The Local Review Body then gave careful considered to the merits of the case based on all the written information provided.

**Decision**

To continue consideration of the Review Request to allow for further discussions with the applicants to establish if revised arrangements could be agreed that would assist the applicants, yet also achieve the intent of the conditions.

(Action: Head of Planning and Development)

The meeting terminated at 2.31pm.