

Minute of Meeting

Local Review Body
Monday 16 April 2019
Item No 4.1



Local Review Body

| Date | Time | Venue |
|----------------------|--------|--|
| Tuesday 5 March 2019 | 1.00pm | Council Chambers, Midlothian House, Buccleuch Street, Dalkeith |

Present:

| | |
|--------------------------|----------------------|
| Councillor Imrie (Chair) | Councillor Alexander |
| Councillor Cassidy | Councillor Curran |
| Councillor Lay-Douglas | Councillor Muirhead |
| Councillor Smail | |

1 Apologies

Apologies for absence were received from Councillors Baird, Milligan and Munro.

2 Order of Business

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

3 Declarations of interest

No declarations of interest were received.

4 Minutes of Previous Meetings

The Minutes of Meeting of 14 January 2019 was submitted and approved as a correct record.

5 Reports

Eligibility to Participate in Debate

In considering the following items of business, only those LRB Members who had attended the site visits on Tuesday 5 March 2019 participated in the review process, namely Councillors Alexander, Cassidy, Curran, Imrie, Lay-Douglas, Muirhead and Smaill.

Order of Business

As the Applicants were not yet in attendance for the first item of business on the agenda, the LRB agreed to continue agenda item 5.1 until the end of the public business.

| Agenda No | Report Title | Presented by: |
|-----------|---|----------------|
| 5.2 | Notice of Review Request Considered for the First Time – Land at Sainsburys, Loanhead [18/00747/S42]. | Peter Arnsdorf |

Executive Summary of Report

There was submitted report dated 26 February 2019 by the Director, Education, Communities and Economy, regarding an application from Hannah Munro, WYG Planning, 4th floor, Rotterdam House, 116 Quayside, Newcastle-Upon-Tyne seeking, on behalf of their clients Sainsbury's Supermarket Limited, a review of the decision of the Planning Authority to refuse planning permission (18/00747/S42, refused on 12 November 2018) to amend condition 2 of planning permission 18/00134/DPP, to not include landscaping along the south western area of the fence erected at Sainsbury's Supermarket, Straiton Mains, 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.

The Local Review Body had made an unaccompanied visit to the site on Tuesday 5 March 2019.

Summary of Discussion

Having heard from the Planning Advisor, the LRB then gave careful consideration to the merits of the case based on all the written information provided. In discussing the reasons for including the condition in the original planning consent, the LRB considered the potential impact that the request to remove it would have on the appearance and visual amenity of the area. It being acknowledged that had the planting being undertaken as required then the issues highlighted by the applicants as justification for removal of the condition would not have arisen. The LRB considered that on balance that there was a need to softening the appearance of the fence, but given the particular circumstances of the review request felt that this could be achieved through the use of planters and also painting the fence.

Decision

After further discussion, the LRB agreed to dismiss the review request, and uphold the decision to refuse planning permission for the following reasons:

1. *The proposed amendment of condition 2 of planning permission 18/00134/DPP would remove the requirement for planting to screen a 2.4 metre high fence at a prominent area of a supermarket car park which would have a detrimental impact on the appearance and visual amenity of the area and would therefore be contrary to the aims of policy DEV2 of the adopted Midlothian Local Development Plan 2017.*
2. *The fence approved in planning permission 18/00134/DPP was considered acceptable only on the basis that it would be screened by planting to limit the visual impact of the fence and yard that it surrounds.*

In reaching its decision the LRB considered that painting the fence and softening its appearance with planting (via the use of planters) in accordance with details to be agreed in writing with the local planning authority would be an acceptable means of mitigating the visual impact of the fence.

Action

Planning Manager

| Agenda No | Report Title | Presented by: |
|-----------|---|----------------|
| 5.3 | Notice of Review Request Considered for the First Time – Land at 39 The Brae, Auchendinny, Penicuik [18/00581/DPP]. | Peter Arnsdorf |

Executive Summary of Report

There was submitted report dated 26 February 2019 by the Director, Education, Communities and Economy, regarding an application from Douglas Mack, FEM Building Design, 8 Plantain Grove, Lenzie, Glasgow seeking, on behalf of their client Mr P McVey, a review of the decision of the Planning Authority to refuse planning permission (18/00581/DPP, refused on 23 October 2018) for the erection of a dwellinghouse at land at 39 The Brae, Auchendinny, Penicuik.

Accompanying the Notice of Review Form and supporting statement, which were appended to the report, was a copy of the report of handling thereon.

The Local Review Body had made an unaccompanied visit to the site on Tuesday 5 March 2019.

Summary of Discussion

Having heard from the Planning Advisor, the LRB then gave careful consideration to the merits of the case based on all the written information provided. In discussing the proposed development and the reasons for its refusal, the LRB considered the potential impact that the proposed development would have, there being concerns regarding both its scale and design. Whilst the general principle of a residential development on the application site was considered acceptable, the view was that it should be of a suitable size to allow for the provision of adequate amenity space and design, so as not to materially detract from the character and amenity of the surrounding area.

Decision

After further discussion, the LRB agreed to dismiss the review request, and uphold the decision to refuse planning permission for the following reasons:

- 1. The proposed development would result in a low standard of amenity for future occupants, particularly as an inadequate level of amenity space will be provided. Therefore, the proposed development is considered to be an overdevelopment of the site, contrary to policies STRAT2 and DEV2 of the adopted Midlothian Local Development Plan 2017.*
- 2. The proposed dormer extension on the proposed rear elevation, on account of its size and design, would appear overly bulky and would be an unduly dominant feature at roof level, and would significantly detract from the form of the roof of the building with a detrimental impact on the character and appearance of the property.*
- 3. The proposed dormer extension on the proposed rear elevation would be publicly visible and its unsatisfactory relationship to the building would have a significant detrimental impact on the visual amenity of the locality.*

4. *For the above reasons (2 and 3) the proposal is contrary to policies STRAT2, DEV2 and DEV6 of the adopted Midlothian Local Development Plan 2017. If the application were approved it would undermine the consistent implementation of these policies, the objectives of which are to protect the character and amenity of the built-up area and to ensure that extensions do not detract from the appearance of the property.*
5. *It has not been demonstrated to the satisfaction of the Planning Authority that the proposed development would not have a detrimental impact on protected species and is therefore contrary to policy ENV15 of the adopted Midlothian Local Development Plan.*

In reaching its decision the LRB considered that an alternatively proposal for a smaller dwellinghouse of higher quality design using traditional detailing and materials would, in principle, likely to be acceptable.

Action

Planning Manager

| Agenda No | Report Title | Presented by: |
|--|---|----------------|
| 5.1 | Notice of Review Requests Considered for the First Time – 36 Cowden Crescent, Dalkeith [18/00750/DPP] | Peter Arnsdorf |
| Executive Summary of Report | | |
| <p>There was submitted report, dated 26 February 2019, by the Director of Education, Communities and Economy regarding an application from Mrs C Moffat, 36 Cowden Crescent, Dalkeith, seeking a review of the decision of the Planning Authority to refuse planning permission (18/00750/DPP, refused on 6 November 2018) for the formation of driveway and erection of retaining walls at that address.</p> <p>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.</p> <p>The Local Review Body had made an accompanied visit to the site on Tuesday 5 March 2018.</p> <p>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 had been informed of the date, time and venue for the Hearing, she was not currently present and the LRB may wish to consider continuing and determining the Review in her absence, and this was agreed.</p> <p>Thereafter, oral representations were received from the local authority Planning Officer; following which she responded to questions from members of the LRB.</p> | | |

| Summary of Discussion |
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| <p>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. In particular, the LRB discussed the potential impact that the proposed development was likely to have on road safety, given that the proposed length of the driveway at 4.3m was considerably less than the standard 6m normally required. The LRB in acknowledging the particular circumstances of this review request debated the potential for a driveway which would be considered acceptable, concluding that it should be possible to achieve a more suitable length that would address the road safety concerns.</p> |
| Decision |
| <p>After discussion, the LRB agreed to dismiss the review request, and uphold the decision to refuse planning permission for the following reasons:</p> <p><i>The proposed length of the driveway at 4.3m may result in parked vehicles overhanging and obstructing the public footway, resulting in pedestrians being required to walk on the carriageway. It has not been demonstrated to the satisfaction of the Planning Authority that a driveway could be accommodated at the application site without a detrimental impact on road safety.</i></p> <p>In reaching its decision the LRB considered that an alternatively proposal for a longer driveway (4.9m – 5m) would be acceptable in principle and therefore the applicant (property owner/occupier) is invited to submit an amended application.</p> |
| Action |
| <p>Planning Manager</p> |

The meeting terminated at 1.25 pm.