

Minute of Meeting



Local Review Body

Date	Time	Venue
10 October 2017	2.00pm	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

Present:

Councillor Imrie (Chair)	Councillor Cassidy
Councillor Lay-Douglas	Councillor Milligan
Councillor Muirhead	Councillor Munro
Councillor Smail	

1 Apologies

Apologies received from Councillor Alexander, Baird and Montgomery

2 Order of Business

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

3 Declarations of interest

Councillor Munro indicated that in accordance with the agreed procedures as he had been unable to attend the Site Inspection Visits, he would not participate in consideration of either of the Review Requests.

4 Minutes of Previous Meetings

The Minutes of Meeting of 29 August 2017 were submitted and approved as a correct record.

5 Reports

Agenda No	Report Title	Presented by:
5.1	Decision Notice – Unit 33/1, Mayfield Industrial Estate, Mayfield, Dalkeith [17/00390/DPP].	Peter Arnsdorf
Executive Summary of Report		
With reference to paragraph 5.5 of the Minutes of 29 August 2017, there was submitted a copy of the Local Review Body decision notice upholding a review request from Mr J Wynne, Spartan Gym, Unit 33/1, Mayfield Industrial Estate, Mayfield, Dalkeith seeking a review of the decision of the Planning Authority to refuse planning permission (17/00390/DPP, refused on 23 June 2017) for the change of use from general industry (class 5) to bodybuilding gym (class 11) (retrospective) at that address and granting planning permission subject to conditions.		
Decision		
To note the LRB decision notice.		

Agenda No	Report Title	Presented by:
5.2	Decision Notice – 35 Temple, Gorebridge [17/00275/DPP].	Peter Arnsdorf

Executive Summary of Report

With reference to paragraph 5.6 of the Minutes of 29 August 2017, there was submitted a copy of the Local Review Body decision notice upholding a review request from John Gordon, John Gordon Associates Ltd, 3 Dean Acres, Comrie, Dunfermline seeking on behalf of their client Mr A Matthews, a review of the decision of the Planning Authority to refuse planning permission (17/00275/DPP, refused on 17 May 2017) for the installation of replacement windows at 35 Temple, Gorebridge and granting planning permission subject to conditions.

Decision

To note the LRB decision notice.

Agenda No	Report Title	Presented by:
5.3	Decision Notice – The Abbey Granary, 12 Newbattle Road, Newtongrange [17/00371/DPP]	Peter Arnsdorf

Executive Summary of Report

With reference to paragraph 5.7 of the Minutes of 29 August 2017, there was submitted a copy of the Local Review Body decision notice upholding a review request from David Paton Building Consultancy, 13 High Street, Loanhead seeking, on behalf of their client Mr A Mohammed, removal of Condition 5 of planning permission 17/00371/DPP, granted on 7 July 2017, for the change of use of public house to a mixed use of public house, restaurant and take away at The Abbey Granary, 12 Newbattle Road, Newtongrange and granting planning permission subject to conditions.

Decision

To note the LRB decision notice.

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Councillor Milligan rejoined the meeting at the conclusion of the foregoing item of business at 2.02 pm but as he had been unable to attend the Site Inspection Visits, he did not participate in consideration of either of the following Review Requests..

Agenda No	Report Title	Presented by:
5.5	Notice of Review Request Considered for the First Time – Land rear of 180 Main Street, Pathhead [17/00420/DPP].	Peter Arnsdorf

Executive Summary of Report

There was submitted report, dated 28 September 2017, by the Head of Communities and Economy regarding an application from Mr H Crawford, Sir Frank

Mears Associates, Lochrin Buildings, 12-14 Gilmore Place, Edinburgh seeking on behalf of their client, Mr M McIntosh a review of the decision of the Planning Authority to refuse planning permission (17/00420/DPP, refused on 7 July 2017) for the erection of a garage at land to the rear of 180 Main Street, Pathhead.

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 9 October 2017.

Summary of Discussion

Having heard from the Planning Adviser, who responded to Members questions, the LRB gave careful consideration to the merits of the case based on all the written information provided. In particular, consideration was given to the potential impact of the proposed development on the neighbouring properties and also whether there was a potential for this proposal to lead to a further proposal for a residential development. Concerns were also expressed about the current condition of the application site which was unsightly, albeit it was acknowledged that it would be possible to address this regardless of the outcome of the current application/review request.

After further discussion, Councillor Smail, seconded by Councillor Lay-Douglas, moved to uphold the review request and to grant planning permission subject to the conditions detailed in the report, together with additional conditions regard use of the application site being strictly for non residential/non commercial purposes, and also the application site and surrounding area being tidied up and thereafter kept in a tidy and orderly manner.

As an amendment, Councillor Muirhead, seconded by Councillor Cassidy, moved to dismiss the review request and to refuse planning permission for the reasons detailed in the case officers report.

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

Decision

To agreed to dismiss the review request, and uphold the decision to refuse planning permission for the following reasons:-

1. The proposed development would not be connected to a nearby residential property and would therefore be used as general storage which would not be appropriate in this residential area as it would have a detrimental impact on the amenity of nearby residential properties.
2. The proposed dormer window offers potential for overlooking and the perception of overlooking to the significant detriment of the amenity of nearby residential properties.

3. The proposed dormer window is bulky and unattractive and its size does not comply with the related Supplementary Planning Guidance for dormer windows.
4. For the above reasons, the proposed development will adversely impact on the character, appearance and amenity of the area and therefore the proposed development is contrary to policy RP20 of the adopted Midlothian Local Plan and policy DEV2 of the emerging Midlothian Local Development Plan.

Action

Head of Communities and Economy

Agenda No	Report Title	Presented by:
5.6	Notice of Review Request Considered for the First Time – 13 Burnbrae Crescent, Bonnyrigg [17/00292/DPP]	Peter Arnsdorf

Executive Summary of Report

There was submitted report, dated 28 September 2017, by the Head of Communities and Economy regarding an application from Scott Allan, 36 Wallace Avenue, Wallyford seeking on behalf of their client Mr S Ramsay, a review of the decision of the Planning Authority to refuse planning permission (17/00292/DPP, refused on 2 June 2017) for the erection of a two storey extension at 13 Burnbrae Crescent, Bonnyrigg.

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 9 October 2017.

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 particular, consideration was given to the likely impact of the proposed development on the neighbouring properties and also because of its positioning the impact on the existing garage and provision for off-street parking.

Decision

To agreed to dismiss the review request, and uphold the decision to refuse planning permission for the following reasons:-

1. The proposed extension would be an overly dominant feature with an overbearing impact on the outlook of no. 12 Burnbrae Crescent, to the detriment of the amenity of the occupiers of this property.

2. The proposed extension would result in direct overlooking of no. 12 Burnbrae Crescent to the detriment of the amenity of the occupiers of this property.
3. For the above reason the proposal is contrary to policies RP20 and DP6 of the Midlothian Local Plan which seek to protect the amenity of residential areas and require that in providing additional space for the existing buildings there should be no material loss of amenity for adjoining houses. If the proposals were approved it would undermine the consistent implementation of these policies.
4. The proposed development would result in the loss of onsite parking potential which would have a detrimental impact on local on-street parking and local amenity.
5. The proposed extension by means of its siting in relation to the existing garage building will result in an incongruous built form which will be detrimental to the local streetscape contrary to policies RP20 and DP6 of the Midlothian Local Plan and policy DEV2 of the proposed Midlothian Local Development Plan.

Action

Head of Communities and Economy

The meeting terminated at 2.19 pm.