

# Minute of Meeting



## Special Meeting of the Local Review Body

Date	Time	Venue
Monday 23 November 2020	2.00pm	Virtual Meeting using MS Teams

### Present:

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

### In Attendance:

Peter Arnsdorf, Planning Manager	Mhairi-Anne Cowie, Planning Officer
Mike Broadway, Democratic Services Officer	

## 1 Apologies

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Apologies for absence were received from Councillors Baird and Munro.

## 2 Order of Business

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

## 3 Declarations of interest

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

## 4 Reports

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Agenda No	Report Title	Presented by:
5.1	Notice of Review Request Considered for the First Time – Kings Gate, Old Dalkeith Road, Dalkeith (20/00316/DPP).	Peter Arnsdorf
<b>Executive Summary of Report</b>		
<p>There was submitted report dated 16 November 2020 by the Chief Officer Place, regarding an application from Holder Planning, South Charlotte Street, Edinburgh seeking, on behalf of their client Buccleuch Estates Ltd, a review of the decision of the Planning Authority to impose a condition when granting planning permission (20/00316/DPP, granted on 28 July 2020) for alterations to existing access, formation of access paths and areas of hard standing, installation of walls and installation of bollards at Kings Gate, Old Dalkeith Road, Dalkeith.</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>		
<b>Summary of Discussion</b>		
<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.</p> <p>Thereafter, oral representations were received firstly from the applicant's agent, Robin Holder, Holder Planning and Alison Burke, Park &amp; Projects Manager, Dalkeith Country Park, on behalf of applicants and then from Mhairi-Anne Cowie, the local authority Planning Officer; following which they all responded to Members' questions/comments.</p> <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 consideration was given to the impact that the proposed stone curved walls would have on the setting of the category A listed boundary walls to the estate. Members whilst acknowledging the applicants desire to better signpost this entrance to</p>		

Dalkeith Country Park debated whether or not this could be achieved by other means, or through possible adjustments to the current scheme, such as reducing the height of the proposed walls, or erecting only a single wall. The feeling on balance was it should through the use of matching materials be possible to accommodate the proposed wall without adversely impacting on the setting of the category A listed boundary walls.

### Decision

After further discussion, the LRB agreed to uphold the review request, and grant planning permission for the following reason:

*The proposed works would formalise this entrance to the Dalkeith Estate and not have an adverse effect on the surrounding conservation area, designed landscape, listed structures, rural area or special landscape area or conflict with the aims of the Green Belt and so complies with policies RD4, ENV1, ENV6, ENV7, ENV19, ENV20 and ENV22 of the adopted Midlothian Local Development Plan 2017.*

subject to the following conditions –

1. Prior to the commencement of development, the following details shall be submitted to and approved by the Planning Authority:
  - a) Details and samples of the finishing materials to be used on all roads, paths and areas of hardstanding;
  - b) Details and samples of the materials of the walls; and
  - c) Details of the proposed mortar for the walls.

Thereafter the materials hereby approved shall be used in the development unless alternatives are agreed in writing by the Planning Authority.

2. The bollards hereby approved shall be formed with natural stone to match the existing boundary walls within the application site.

***Reason for Conditions 1 and 2:*** *These details were not submitted with the original application; in order to protect the visual amenity of the area and to ensure these materials are appropriate in proximity to important category A listed structures located within a conservation area and designed landscape.*

### Action

Planning Manager

Agenda No	Report Title	Presented by:
5.2	Notice of Review Request Considered for the First Time – 11 Rosedale Neuk, Rosewell (19/00893/DPP).	Peter Arnsdorf

## Executive Summary of Report

There was submitted report, dated 16 November 2020 by the Chief Officer Place, regarding an application from Mr D White, 11 Rosedale Neuk, Rosewell seeking a review of the decision of the Planning Authority to refuse planning permission (19/00893/DPP, refused on 27 November 2019) for the erection of an extension to the dwellinghouse at that address.

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.

## Summary of Discussion

The LRB, having heard from the Planning Advisor, 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 at length the potential impact that permitting the proposed development in its current form would have on the character and appearance of the area; it being noted that other neighbouring/nearby properties had extensions of comparable scale but varying design and appearance, which led Members to the conclusion that, on balance, the scheme should be supported.

## Decision

After further discussion, the LRB agreed to uphold the review request, and grant planning permission for the following reason:

*The proposed extension by means of its design and form will complement the host dwellinghouse and will not have a detrimental impact on the amenity of the neighbouring properties. Furthermore, the proposed extension is comparable in scale to extensions on neighbouring/nearby properties.*

subject to the following conditions –

1. The two windows at ground floor level on the south elevation of the extension shall be glazed with obscure glass which shall not be replaced with clear glass. Alternatively, a 2.2m high screen shall be erected along part of the boundary of the application property with no. 10 Rosedale Neuk in accordance with details (design, materials, length and timescale of erection) to be submitted to and approved by the planning authority. No work shall start on the extension until these details have been approved in writing by the planning authority.
2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any Order revoking and re-enacting that Order) no glazing shall be installed on the north elevation of the extension or on the south elevation including the roof plane of the pitched roof extension apart from that shown on the approved drawings unless planning permission is granted by the planning authority.

***Reason for Conditions 1-2: In order to minimise overlooking and protect the privacy of the occupants of the adjoining properties.***

**Action**

Planning Manager

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Councillors Curran and Muirhead, both advise that they had other prior engagements and left the meeting at the conclusion of the foregoing item of business at 2.58pm and did not return.

Agenda No	Report Title	Presented by:
5.3	Notice of Review Request Considered for the First Time – 22 Dewartown, Gorebridge (19/00893/DPP).	Peter Arnsdorf

**Executive Summary of Report**

There was submitted report, dated 16 November 2020 by the Chief Officer Place, regarding an application from Mrs M Gregory, 22 Dewartown, Gorebridge seeking a review of the decision of the Planning Authority to grant planning permission (20/00001/DPP, granted 21 February 2020) subject to a condition, for the replacement of windows and a door at that address.

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.

**Summary of Discussion**

The LRB, having heard from the Planning Advisor, gave careful consideration to the merits of the case based on all the written information provided. In discussing the proposed replacement of the door and windows, it was noted that a number of neighbouring and nearby properties had already had replacement windows and/or doors installed of varying materials, design and colour, so arguably the impact on the Conservation Area would be minimal. In addition, in terms the property itself the proposed replacement windows appeared to be in keeping with the character of the building.

**Decision**

After further discussion, the LRB agreed to uphold the review request, and grant planning permission for the following reason:

*The proposed replacement windows and door will not have a significant impact on the character of the host building or this part of the Dewartown Conservation Area and complies with the aims of policies DEV2 and ENV19 of the Midlothian Local Development Plan 2017.*

**Action**

Planning Manager

Agenda No	Report Title	Presented by:
5.4	Notice of Review Request Considered for the First Time – 77 Carnethie Street, Rosewell (20/00177/DPP).	Peter Arnsdorf
<b>Executive Summary of Report</b>		
<p>There was submitted report, dated 16 November 2020 by the Chief Officer Place, regarding an application from F.E.M. Building Design, Plantain Grove, Lenzie, Glasgow seeking, on behalf of their client Mr B Flanagan, 77 Carnethie Street, Rosewell, a review of the decision of the Planning Authority to refuse planning permission (20/00177/DPP, refused on 3 July 2020) for the erection of an extension to the dwellinghouse, alterations to increase the roof height and formation of dormer windows 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>		
<b>Summary of Discussion</b>		
<p>The LRB, having heard from the Planning Advisor, 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 at length the potential impact that permitting the proposed development in its current form would have on the character and appearance of the area. Of particular concern was the proposed balcony to the rear, which was not supported as it increased the potential for overlooking. Otherwise the proposed development appeared comparable to others in the area in terms of its design and form.</p>		
<b>Decision</b>		
<p>After further discussion, the LRB agreed to uphold the review request, and grant planning permission for the following reason:</p> <p><i>The proposed extension by means of its design and form will complement the host dwellinghouse and will not have a detrimental impact on the amenity of the neighbouring properties. Furthermore, the proposed extension is comparable in scale to extensions on neighbouring/nearby properties.</i></p> <p>subject to the following conditions:-</p> <ol style="list-style-type: none"> <li>1. Prior to the commencement of development, the following details shall be submitted and approved in writing by the planning authority: <ol style="list-style-type: none"> <li>a) Details of the materials of all window frames and doors;</li> <li>b) Details of the colour of all window frames and doors;</li> <li>c) Details of the materials of any areas of hardstanding; and</li> </ol> </li> </ol>		

- d) Details of the design, dimensions, materials and colour finish of all new walls, gates, fences or other means of enclosure.

**Reason:** *These details were not submitted with the application; in order to ensure that the development hereby approved does not detract from the character and appearance of the existing building and surrounding area.*

2. The external materials of the extension shall match the materials of the existing dwellinghouse.
3. The roof of the resultant house shall be finished in natural slate, a sample of which shall be submitted to and approved in writing prior to installation.

**Reason for conditions 2 and 3:** *To protect the character and appearance of the existing building and the surrounding area; and ensure this maintains the visual quality of this area.*

4. The proposed balcony on the rear elevation is not hereby approved. No balcony shall be erected or constructed on the rear elevation of the resulting building.

**Reason:** *To protect the residential amenity and privacy of neighbouring properties.*

Action

Planning Manager

## 6. Private Reports

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No private business was discussed.

## 7. Date of Next Meeting

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The next scheduled meeting will be held on Monday 30 November 2020 at 1.00pm.

The meeting terminated at 3.24pm.