

**MINUTES** of **MEETING** of the **LOCAL REVIEW BODY** held in the Council Chambers, Midlothian House, Buccleuch Street, Dalkeith on Tuesday 27 November 2012 at 2.00 pm.

**Present:** - Councillors Bryant (Chair), Beattie, Imrie, Pottinger and Rosie.

**Apology for Absence:** - Councillor Baxter, Constable, de Vink, Milligan and Russell.

**1. Declaration of Interest**

Councillor Beattie declared a non-pecuniary interest in agenda item 7(c) Notice of Review Request - 48 Sixth Street, Newtongrange (paragraph 5(c) below refers) in view of the fact that a company which the applicant worked for had carried out work on her property. She indicated that it was her intention not to participate in consideration of this particular item but that she would remain in attendance as she felt that the nature of her interest did not preclude her from so doing.

**2. Minutes**

The Minutes of Meeting of 23 October 2012 were submitted and approved as a correct record.

With regards arrangements for future Site Visits, it was agreed wherever practical to schedule these for the Monday afternoon immediately prior to the meeting. It being noted that it had not been possible to do this for this particular meeting, due to elected Member training being arranged on the Monday afternoon immediately prior to today's LRB meeting.

**3. Decision Notices – (a) 10 Eskbank Road, Dalkeith**

With reference to paragraph 5(a) of the Minutes of 23 October 2012, there was submitted and noted a copy of the Local Review Body decision notice upholding a review request from M & A Restaurants Ltd, 9 Logie Green Gardens, Edinburgh, seeking a review of the refusal of planning permission (12/00207/DPP, refused on 7 May 2012) for the cladding of the front elevation of a building (retrospective) at 10 Eskbank Road, Dalkeith and granting planning permission.

**(b) 8 Mayburn Walk, Loanhead**

With reference to paragraph 5(b) of the Minutes of 23 October 2012, there was submitted and noted a copy of the Local Review Body decision notice upholding a review request from Mr J Gardiner, 8 Mayburn Walk, Loanhead, seeking a review of the refusal of planning permission (12/00208/DPP, refused on 10 May 2012) for the erection of a balcony (retrospective) at that address and granting planning permission.

**(c) Former Callyr Inn, Straiton Road, Loanhead**

With reference to paragraph 5(a) of the Minutes of 19 April 2012, there was submitted and noted a copy of the Local Review Body decision notice upholding a review request from Straiton Park Ltd, c/o GJ Architects Ltd, 4 Melville Street Lane, Edinburgh, seeking a review of the decision of the Planning Authority to refuse planning permission in principle (10/00573/PPP) for retail development at the Former Callyr Inn, Straiton Road, Loanhead and granting planning permission.

**4. Notice of Review Requests Considered for the First Time –**

**(a) Land to the North of Hillview Cottage, Woolmet, Dalkeith**

There was submitted report, dated 20 November 2012, by the Head of Planning and Development regarding an application from GSM Architecture, 36/12 Malbet Park, Edinburgh, seeking a review of the refusal of planning permission (12/00526/DPP, refused on 23 October 2012) for the erection of 2 dwellinghouses and formation of associated vehicle access at Land to North of Hillview Cottage, Woolmet, Dalkeith. Accompanying the Notice of Review Form, which was appended to the report, was a copy of the report of handling thereon, together with a copy of the decision notice.

**Decision**

After discussion, the Local Review Body:-

- (i) agreed that there was sufficient information to allow the review to be considered;
- (ii) agreed that the review be dealt with by way of written submissions;
- (iii) agreed that an unaccompanied site visit be made to the review site on Monday 21 January 2013; and
- (iv) agreed to otherwise continue consideration of the review to the next LRB meeting on Tuesday 22 January 2013.

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

**(b) 5 Lothian Bank, Dalkeith**

There was submitted report, dated 20 November 2012, by the Head of Planning and Development regarding an application from Miss M MacKinnon, 5 Lothian Bank, Dalkeith, seeking a review of the refusal of planning permission (12/00486/DPP, refused on 5 October 2012) for the installation of replacement windows at that address. Accompanying the Notice of Review Form, which was appended to the report, was a copy of the report of handling thereon, together with a copy of the decision notice.

## **Decision**

After discussion, the Local Review Body:-

- (i) agreed that there was sufficient information to allow the review to be considered;
- (ii) agreed that the review be dealt with by way of written submissions;
- (iii) agreed that an unaccompanied site visit be made to the review site on Monday 21 January 2013; and
- (iv) agreed to otherwise continue consideration of the review to the next LRB meeting on Tuesday 22 January 2013.

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

## **Sederunt**

Councillor Imrie left the meeting at the conclusion of the foregoing item of business at 2.06pm.

## **Eligibility to Participate in Debate**

In considering the following items of business, only those LRB Members who had attended the site visits on 21 November 2012 participated in the review process, namely Councillors Bryant (Chair), Beattie, Pottinger and Rosie.

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

#### **(a) Cleikhimin Cottage, Howgate**

With reference to paragraph 4(c) of the Minutes of 23 October 2012, the Local Review Body resumed consideration of a Notice of Review Request in respect of an application from D2 Architectural Design Ltd, 28 Bridge Street, Penicuik, seeking a review of the refusal of planning permission (12/00314/DPP, refused on 10 July 2012) for the extension to dwellinghouse at Cleikhimin Cottage, Howgate, Penicuik.

In this regard, there was submitted report, dated 20 November 2012, by the Head of Planning and Development. The Local Review Body had made an accompanied visit to the site on 21 November 2012.

The Chair, Councillor Bryant, welcomed the applicant's agents, Mr David Ingram, D2 Architectural Design Ltd, the applicant, Mr Ian Davie, and Mr Colin Rorison, who had made representations with regards the application, to the meeting.

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.

Thereafter, oral representations were received from the applicant's agent; Mr Rorison; and the local authority Planning Officer; following which they responded to questions from members of the LRB.

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.

### **Decision**

After further discussion, the Local Review Body agreed to dismiss the Review Request and uphold the decision to refuse planning permission on the grounds that:-

*As a result of its size and design the extension would appear as a bulky addition unsympathetic to and detracting from the character and appearance of the existing building contrary to policy DP6 of the adopted Midlothian Local Plan.*

In reaching this decision, the LRB pointed out to the applicant and his agent that they were not against the principle of a rear extension to this property.

(Action: Head of Planning and Development)

### **(b) 2 Glen View, Penicuik**

With reference to paragraph 4(c) of the Minutes of 23 October 2012, the Local Review Body resumed consideration of a Notice of Review Request in respect of an application from Mr J Allison, 2 Glen View, Penicuik, seeking a review of the refusal of planning permission (12/00377/DPP, refused on 16 July 2012) for the erection of a detached garage at that address.

In this regard, there was submitted report, dated 20 November 2012, by the Head of Planning and Development. The Local Review Body had made an accompanied visit to the site on 21 November 2012.

The Chair, Councillor Bryant, welcomed the applicant, Mr James Allison to the meeting.

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.

Thereafter, oral representations were received from the applicant and the local authority Planning Officer; following which they both responded to questions from members of the LRB.

The LRB then gave careful considered 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 individual circumstances of the proposed application site.

## Decision

After further discussion, the Local Review Body agreed to uphold the Review Request and to grant planning permission subject to the following condition:-

1. The development hereby permitted shall be begun within three 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 58 and 27A of the Town and Country Planning (Scotland) Act 1997 (as amended by Planning etc (Scotland) Act 2006).*

2. Development shall not begin until samples of materials to be used on the external surfaces of the extension have been submitted to and approved in writing by the planning authority. 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 RP20 of the Midlothian Local Plan and national planning guidance and advice.*

(Action: Head of Planning and Development)

### (c) 48 Sixth Street, Newtongrange

With reference to paragraph 4(a) of the Minutes of 23 October 2012, the Local Review Body resumed consideration of a Notice of Review Request in respect of an application from Mr J Bogie, 56 Duddingston Park, Edinburgh, seeking a review of the refusal of planning permission (12/00188/DPP, refused on 30 May 2012) for the erection of a two storey extension to dwellinghouse at 48 Sixth Street, Newtongrange.

In this regard, there was submitted report, dated 20 November 2012, by the Head of Planning and Development. The Local Review Body had made an unaccompanied visit to the site on 21 November 2012.

The LRB then gave careful considered to the merits of the case based on all the written information provided. Whilst it was acknowledged that the application would reduce the size of the useable rear garden area, the LRB felt that on balance the proposed extension by means of its siting, scale and materials would not be detrimental to the character of the area or host building and as such accorded with policies RP20 and DP6 of the Midlothian Local Plan.

## Decision

After further discussion, the Local Review Body agreed to uphold the Review Request and to grant planning permission subject to the following condition:-

1. The development hereby permitted shall be begun within three 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 58 and 27A of the Town and Country Planning (Scotland) Act 1997 (as amended by Planning etc (Scotland) Act 2006).*

2. Development shall not begin until samples of materials to be used on the external surfaces of the extension have been submitted to and approved in writing by the planning authority. 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 RP20 and DP6 of the Midlothian Local Plan and national planning guidance and advice.*

(Action: Head of Planning and Development)

The meeting terminated at 2.46 pm.