

MINUTES of **MEETING** of the **LOCAL REVIEW BODY** held in the Council Chambers, Midlothian House, Buccleuch Street, Dalkeith on Tuesday 1 September 2015 at 2.00 pm.

Present: - Councillors Bryant (Chair), Baxter, Imrie, Milligan, Montgomery and Rosie.

Apologies for Absence: - Councillors Beattie, Bennett, Constable and de Vink.

1. Declarations of Interest

No declarations of interest were intimated.

2. Minutes

The Minutes of Meeting of 28 April 2015 were submitted and approved as a correct record.

3. Decision Notices – (a) 15 St James Gardens, Penicuik (14/00855/DPP)

With reference to paragraph 4(a) of the Minutes of 28 April 2015, there was submitted a copy of the Local Review Body decision notice upholding a review request from Mr S Law, 15 St James Gardens, Penicuik seeking removal of Condition 1 of planning permission 14/00855/DPP, granted on 20 January 2015, for the erection of a porch at that address and granting planning permission without Condition 1 stated in the original decision notice issued on 20 January 2015.

Decision

To note the LRB decision notice.

(b) Craigesk Coachworks, 6 Ashbank, Gorebridge (14/00773/PPP)

With reference to paragraph 4(b) of the Minutes of 28 April 2015, there was submitted a copy of the Local Review Body decision notice upholding a review request from Ferguson Planning, Tower Room, Tweed Horizons Centre, 1 Newtown St Boswells, Melrose seeking on behalf of their clients Mr and Mrs G Lawrence a review of the decision of the Planning Authority to refuse planning permission in principle (14/00773/PPP, refused on 15 February 2015) for the erection of a dwellinghouse, alterations to building to create an artist studio, formation of access and associated works at, Craigesk Coachworks, 6 Ashbank, Gorebridge and granting planning permission subject to conditions.

Decision

To note the LRB decision notice.

Eligibility to Participate in Debate and Order of Business

In considering the following items of business, only those LRB Members who had attended the site visits on Monday 31 August 2015 participated in the review process, namely Councillors Bryant (Chair), Baxter, Imrie, Milligan Montgomery and Rosie.

The Planning Advisor informed Members that the Applicant for the first Review was not currently in attendance and as it was due to be a Hearing, he suggested that it be considered as the final Review, and this was agreed.

4. Notice of Review Requests – (a) Land adjacent to 103 Lothian Street, Bonnyrigg (15/00222/DPP)

There was submitted report, dated 25 August 2015, by the Head of Communities and Economy regarding an application from D2 Architectural Design Ltd, 9 Eskbank Road, Dalkeith seeking on behalf of their client Mr L Pia a review of the decision of the Planning Authority to refuse planning permission (15/00222/DPP, refused on 29 April 2015) for the formation of car park at land adjacent 103 Lothian Street, 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 31 August 2015.

The LRB then gave careful consideration to the merits of the case based on all the written information provided. In this particular instance, it was felt that on balance the loss of an attractive area of landscaped open space which was a visually important part of the main road into the centre of Bonnyrigg would have a detrimental impact on the character and amenity of the surrounding area. There was also the potential for noise disturbance to neighbouring residential properties, issues regarding the control of the use of the proposed car parking area and the potential loss of existing on street parking.

Decision

After further discussion, the Local Review Body agreed to dismiss the review request and uphold the decision to refuse planning permission for the following reason:-

The proposal would result in the loss of an attractive area of landscaped open space which is visually important on this main road in to the centre of Bonnyrigg with a significant detrimental impact on the visual amenity of the surrounding area, contrary to policies RP20 and RP30 of the adopted Midlothian Local Plan which seek to protect the character and amenity of the built-up area and protect important areas of open space in towns and villages.

(Action: Head of Communities and Economy)

(b) Land at 86 Main Street, Newtongrange (15/00185/DPP)

There was submitted report, dated 25 August 2015, by the Head of Communities and Economy regarding an application from Domestic Architecture Development, 97 Dryburgh Avenue, Rutherglen, Glasgow seeking on behalf of their client Ms A Bardens a review of the decision of the Planning Authority to refuse planning permission (15/00185/DPP, refused on 4 May 2015) for the erection of a dwellinghouse at land at 86 Main Street, Newtongrange. 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 31 August 2015.

The LRB then gave careful consideration to the merits of the case based on all the written information provided. In this particular instance, it was felt that on balance the proposed dwellinghouse would not be in keeping with the neighbouring properties which were predominately traditional miners' cottages and it would therefore have a detrimental impact on the streetscene. Concerns were also raised about the potential impact on the neighbouring properties and given the nature of the site the level of amenity that the proposed dwellinghouse itself would enjoy.

Decision

After further discussion, the Local Review Body agreed to dismiss the review request and uphold the decision to refuse planning permission for the following reason:-

1. *The proposed development would have a significant detrimental impact on the character and appearance of the traditional miners' cottages in the surrounding area which make a significant contribution, by means of their generally unaltered appearance and layout, to the character and visual amenity of the area;*
2. *The design of the proposed house is out of keeping with, and will significantly detrimentally affect, the streetscene and layout of the surrounding area;*
3. *The proposed house would also have a detrimental impact on the provision of garden ground, parking and daylight to the existing house at 86 Main Street, as well as providing inadequate garden ground for the proposed house; and*
4. *For the above reasons, the proposed development does not comply with policies RP20 and DP2 of the adopted Midlothian Local Plan.*

(Action: Head of Communities and Economy)

(c) Land at Stone Place, Mayfield (15/00199/DPP)

There was submitted report, dated 25 August 2015, by the Head of Communities and Economy regarding an application from Mr R Mackay, Rightway Property Ltd, 2A Stone Place, Mayfield seeking a review of the decision of the Planning Authority to refuse planning permission (15/00199/DPP, refused on 14 April 2015) for the change of use of vacant ground to allow the siting of site huts for the use as a builders welfare facility (retrospective) on land at Stone Place, Mayfield. 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 31 August 2015.

The LRB then gave careful consideration to the merits of the case based on all the written information provided. The use of the units to provide temporary welfare facilities for staff working on an insulation programme currently underway in Mayfield was acknowledged. However, notwithstanding the importance of the insulation programme, it was felt that step required to be taken to improve the appearance of the units if they were to be permitted to remain.

Decision

After further discussion, the Local Review Body agreed to continue consideration of the review request, in order that there could be further dialogue with the applicants regarding the appearance of the site huts.

(Action: Head of Communities and Economy)

(d) 205 Main Street, Pathhead (15/00325/DPP)

There was submitted report, dated 25 August 2015, by the Head of Communities and Economy regarding an application from John Gordon Associates Ltd, 3 Dean Acres, Comrie, Dunfermline seeking, on behalf of their client Mr P McGonigle, removal of Condition 1 of planning permission 15/00325/DPP, granted on 12 June 2015, for the installation of replacement windows at 205 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 31 August 2015.

The LRB then gave careful consideration to the merits of the case based on all the written information provided. In this particular instance, it was felt that the condition attached to the grant of planning permission dated 12 June 2015 under reference 15/00325/DPP was appropriate as the proposed windows for the front elevation of the property were unacceptable and out of keeping with the Pathhead and Ford Conservation Area. Alternative window designs would be more acceptable and appropriate to its setting.

Decision

After further discussion, the Local Review Body agreed to dismiss the review request and to grant planning permission for the replacement windows on the rear of the property only.

Reason: *For the avoidance of doubt as to what is approved. The replacement windows proposed on the front of the property would neither preserve nor enhance and would diminish the character of this part of the conservation area contrary to policy RP22 of the adopted Midlothian Local Plan.*

(Action: Head of Communities and Economy)

(e) Honeysuckle Cottage, Nine Mile Burn, Penicuik (15/00034/DPP)

There was submitted report, dated 25 August 2015, by the Head of Communities and Economy regarding an application from Mr S Harper, Honeysuckle Cottage, Nine Mile Burn, Penicuik, seeking a review of the decision of the Planning Authority to refuse planning permission (15/00034/DPP, refused on 6 March 2015) for the erection of upper floor extension above existing flat roof extension and alterations to existing conservatory 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.

The Local Review Body had made an accompanied visit to the site on Monday 31 August 2015.

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 intimated that the applicant, Mr Harper has still not arrived, so it was up to the LRB whether or not they wished to proceed with the Review in his absence or to continue consideration of the Review until a later date.

Thereafter, the LRB agreed to proceed to consider the Review in Mr Harper's absence and received oral representations from the local authority Planning Officer; following which he provided responses 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. On balance, it was felt that the proposed extension by means of its scale, design and siting could be incorporated into the host dwelling with limited visual impact on the street scene and local landscape and without detriment to adjoining and neighbouring properties and land users.

Decision

After further discussion, the Local Review Body agreed to uphold the review request and to grant planning permission subject to the following conditions:-

1. The windows proposed on the north east elevation of the extension shall be glazed with obscure glass which thereafter shall not be replaced with clear glass; and
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 east and south west elevations of the extension apart from that shown on the approved drawings unless planning permission is granted by the Planning Authority.

Reason for conditions 1 and 2: *In order to minimise overlooking and protect the privacy of the occupants of the neighbouring properties.*

(Action: Head of Communities and Economy)

The meeting terminated at 2.45 pm.