

## **Notice of Review: 33 Mayburn Terrace, Loanhead**

### **Determination Report**

Report by Ian Johnson, Head of Communities and Economy

#### **1 Purpose of Report**

- 1.1 The purpose of this report is to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for the sub-division of dwellinghouse to form 3 flatted dwellings; erection of extension; alterations to window opening to form door opening; and alterations to garden levels at 33 Mayburn Terrace, Loanhead.

#### **2 Background**

- 2.1 Planning application 13/00508/DPP for the sub-division of dwellinghouse to form 3 flatted dwellings; erection of extension; alterations to window opening to form door opening; and alterations to garden levels was refused on 5 September 2013; a copy of the decision is attached to this report.
- 2.2 The review has progressed through the following stages:
- 1 Submission of Notice of Review by the applicant.
  - 2 The Registration and Acknowledgement of the Notice of Review.
  - 3 Carrying out Notification and Consultation.

#### **3 Supporting Documents**

- 3.1 Attached to this report are the following documents:
- A site location plan (Appendix A);
  - A copy of the notice of review form and supporting statement (Appendix B);
  - A copy of the case officer's report (Appendix C);
  - A copy of the policies stated in the case officer's report (Appendix D);
  - A copy of the decision notice issued on 5 September 2013 (Appendix E); and
  - A copy of the submitted plans (Appendix F).

#### **4 Procedures**

- 4.1 In accordance with procedures agreed by the LRB, the LRB by agreement of the Chair:

- Have scheduled an unaccompanied site visit for Monday 20 January 2013; and
  - Have determined to progress the review by way of written submissions.
- 4.2 The case officer's report identified that there was a consultation response and ten representations received. As part of the review process these interested parties were notified of the review. No additional comments have been received.
- 4.3 The next stage in the process is for the LRB to determine the review in accordance with the agreed procedure:
- Identify any provisions of the development plan which are relevant to the decision;
  - Interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies;
  - Consider whether or not the proposal accords with the development plan;
  - Identify and consider relevant material considerations for and against the proposal;
  - Assess whether these considerations warrant a departure from the development plan; and
  - State the reason/s for the decision and state any conditions required if planning permission is granted.
- 4.4 In reaching a decision on the case the planning advisor can advise on appropriate phraseology and on appropriate planning reasons for reaching a decision.
- 4.5 Following the determination of the review the planning advisor will prepare a decision notice for issuing through the Chair of the LRB. A copy of the decision notice will be reported to the next LRB for noting.
- 4.6 A copy of the LRB decision will be placed on the planning authority's planning register and made available for inspection online.

## **5 Conditions**

- 5.1 In accordance with the procedures agreed by the LRB at its meeting of 19 June 2012, and without prejudice to the determination of the review, the following conditions have been prepared for the consideration of the LRB if it is minded to uphold the review and grant planning permission.
1. Development shall not begin until samples of materials to be used on external surfaces of the buildings; hard ground cover surfaces; means of enclosure and ancillary structures 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.*

2. Development shall not begin until an amended plan showing the relationship between the proposed extension and the boundary wall to the rear of the property has been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out in accordance with the approved amended plans.

**Reason:** *To ensure it is clear whether the proposed extension is built adjacent too the boundary wall or as an integral part of the boundary wall.*

**Date:** 14 January 2013

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**Background Papers:** Planning application 13/00508/DPP available for inspection online.