

Notice of Review: 243 Eskhill, Penicuik

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 erection of a shed at 243 Eskhill, Penicuik.

2 Background

- 2.1 Planning application 13/00634/DPP for the erection of a shed at 243 Eskhill, Penicuik was refused on 29 October 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 29 October 2013 (Appendix E); and
- A copy of the relevant 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 accompanied site visit for Monday 3 March 2014; and
- Have determined to progress the review by way of a hearing.

- 4.2 The case officer's report identified that there was no consultation required and eight representations received. As part of the review process these interested parties were notified of the review. Two additional comments have been received confirming their objection to the proposed development.
- 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. Unless otherwise approved in writing by the Planning Authority the shed shall be painted dark green, details of which shall be submitted to and approved in writing by the planning authority.
 2. Within three months of the shed being erected or brought in to use, whichever is the earlier date, it shall be painted in accordance with the details approved in terms of condition 1.
 3. A scheme of hedge planting along the south east and south west sides of the shed, to include details of the species, plant sizes and numbers/density shall be submitted to the planning authority. The shed shall not be erected until these details have been approved in writing by the Planning Authority.

4. Within six months of the shed being erected the hedge planting approved in terms of condition 3 shall be carried out; thereafter the hedge shall not be removed and shall be retained at a minimum height of 1.8m and any hedgerow plants removed, dying, becoming seriously diseased or being severely damaged within five years of planting shall be replaced during the following planting season with others of the same size and species as originally required to be planted.

Reason for conditions: *To minimise the impact of the shed on the character of the surrounding area and to ensure that landscaping is carried out as early as possible and has an adequate opportunity to become established.*

Date: 25 February 2014

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Background Papers: Planning application 13/00634/DPP available for inspection online.