

Notice of Review: 8 Mayburn Walk, Loanhead

Determination Report

Report by Head of Planning and Development

1 Purpose of Report

- 1.1 The purpose of this report is to provide a framework for the Local Review Body (LRB) to determine the 'Notice of Review' for the erection of a balcony (retrospective) at 8 Mayburn Walk, Loanhead.

2 Background

- 2.2 Planning application 12/00208/DPP for the erection of a balcony (retrospective) was refused on 10 May 2012. At its meeting on 4 September 2012 the LRB agreed to carry out an unaccompanied site visit on the 22 October 2012 and to determine the review by way of written submissions. The following documents were attached to the report to the LRB meeting of the 4 September 2012:

- A site location plan;
- A copy of the notice of review form;
- A copy of the case officer's report;
- A copy of the policies stated in the case officer's report; and
- A copy of the decision notice issued on 10 May 2012.

- 2.3 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.
- 4 The first meeting of the LRB in connection with the review to decide the determination process on 4 September 2012.
- 5 The LRB Requesting Additional Information.
- 6 The LRB carried out a Site Visit on 22 October 2012 (the site visit was scheduled at the time of drafting this report).

- 2.4 The case officer's report identified that there is one representation response. As part of the review process the interested party was notified of the review. An additional comment has been received and is attached as Appendix A.

3 Procedures (Next Stage)

- 3.1 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.

3.2 In reaching a decision on the case the planning advisor can advise on appropriate phraseology and on appropriate planning reasons for reaching a decision.

3.3 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.

3.4 A copy of the LRB decision will be placed on the planning authority's planning register and made available for inspection online.

4 Conditions

4.1 As a consequence of the works on the proposed development having already taken place, the statutory commencement time condition is not required if the LRB determines to uphold the review and grant planning permission.

4.2 If the LRB dismisses the review, those works which have already taken place without planning permission will have to be removed. In this case the applicant will be asked to remove the works within a reasonable time frame. However the failure to carry out the required works will result in the Council having to consider issuing an enforcement notice to secure the removal of those works already undertaken.

5 Recommendations

- 5.1 It is recommended that the LRB:
- a) determines the review; and
 - b) the planning advisor draft and issue the decision of the LRB through the Chair

16 October 2012

Report Contact:

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Background Papers: Planning application 12/00208/DPP available for inspection online.

APPENDIX A

Mr and Mrs A.Gosling

6 Mayburn Walk

EH20 9HG

Loanhead,

Mr Peter Arnsdorf

Development Management Manager

Midlothian Council

Fairfield House

8 Lothian Road

Dalkeith

EH22 3ZN

(By E-mail)

8th September 2012

Dear Sir,

Local Review Body

Planning Application Ref: 12/00208/DPP: Erection of Balcony (retrospective) at 8 Mayburn Walk, Loanhead, Midlothian. EH20 9HG

I refer to previous correspondence on this matter, notification of the appeals process and appeal documentation.

In respect of this appeal I have comment further to my initial comments as follows.

1. The balcony was erected after permission was granted to build to the maximum footprint allowable including building to the boundary, and after inspection for issue of certificates of compliance.
2. The addition of screening has been added and removed several times. It does nothing to diminish the feeling of being overlooked.
3. The matter of a fire exit should have been considered in the original design.
4. The balcony was clearly constructed to be used as such and will be an ongoing intrusion.

Yours sincerely

Mr and Mrs A.Gosling