

Notice of Review: Glenord, 17 Broomieknowe, Lasswade

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' to remove condition 1 of planning permission 14/00361/DPP for the erection of entrance gates and fence (Retrospective) at Glenord, 17 Broomieknowe, Lasswade

2 Background

- 2.1 Planning application 14/00361/DPP for the erection of entrance gates and fence (Retrospective) at Glenord, 17 Broomieknowe, Lasswade was granted planning permission subject to a condition on 14 July 2014; a copy of the decision is attached to this report. Condition 1 on planning permission 14/00361/DPP is as follows:

1. Unless otherwise approved in writing by the Planning Authority the gates and fence shall, within one month of the date of this planning permission, be painted black.

Reason: To safeguard the character of the character and appearance conservation area.

- 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). Any duplication of information is not attached;
- A copy of the case officer's report (Appendix C);
- A copy of the decision notice, excluding the standard advisor notes, issued on 14 July 2014 (Appendix D); and
- A copy of the relevant plans (Appendix E).

- 3.2 The full planning application case file and the development plan policies referred to in the case officer's report can be viewed online via www.midlothian.gov.uk

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 October 2014; and
 - Have determined to progress the review by way of written submissions.
- 4.2 The case officer's report identified that no consultations were required and seven representations have been received. As part of the review process the interested parties were notified of the review. Three additional comments have been received objecting to the application. All the comments can be viewed online on the electronic planning application case file via www.midlothian.gov.uk.
- 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 As a consequence of the works on the proposed development already taken place, it is considered that no conditions would be required if the LRB is minded to grant planning permission without condition 1 as stated in paragraph 2.1 of this report.

- 5.2 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 paint the gates and fence black within one month of the LRB decision. However the failure to carry out the required works will result in the Council having to consider issuing an enforcement notice to resolve the breach of planning control.

6 Recommendations

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

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Background Papers: Planning application 14/00361/DPP available for inspection online.