

Notice of Review: Land at 2 and 4 Crichton Avenue, Pathhead Determination Report

Report by Ian Johnson, 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 consider a 'Notice of Review' for the erection of dwellinghouse at land at 2 and 4 Crichton Avenue, Pathhead.

2 Background

- 2.1 Planning application 13/00448/DPP for the erection of dwellinghouse was refused on 15 August 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 15 August 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 accompanied site visit for Monday 25 November 2013; and
 - Have determined to progress the review by way of a hearing. (The applicant requested the review progresses by way of a hearing).

- 4.2 The case officer's report identified that there were two consultation responses and 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 DP2 of the Midlothian Local Plan and national planning guidance and advice.*
 2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended 2011) (or any Order revoking, amending and re-enacting

that Order) the house as approved shall not be enlarged, or altered externally in anyway unless planning permission is granted by the Planning Authority.

Reason: To safeguard the amenity of neighbouring properties.

3. Prior to the driveway being brought into use a dropped kerb footway crossing shall be constructed at the vehicle entrance and a minimum of the first two metres of the driveway as measured from the heel of the footpath shall be surfaced in non-loose material. Any gates to the vehicular access shall be so designed and installed as to only open inwards.

Reason: *In the interests of road safety*

Date: 19 November 2013

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Background Papers: Planning application 13/00448/DPP available for inspection online.