

## Notice of Review: 15 St James Gardens, 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' to remove condition 1 of planning permission 14/00855/DPP for the erection of a porch at 15 St James Gardens, Penicuik.

### 2 Background

- 2.1 Planning application 14/00855/DPP for the erection of a porch at 15 St James Gardens, Penicuik was granted planning permission subject to a condition on 20 January 2015; a copy of the decision is attached to this report. Condition 1 on planning permission 14/00855/DPP is as follows:

1. The proposal to clad the roof of the porch with tiles to match the roofing material on the existing lockup/garage is not approved. Unless otherwise approved in writing by the Planning Authority the colour, size, profile and texture of the tiles on the porch shall match that on the existing dwellinghouse.

***Reason:** To ensure that the porch matches the external appearance of the existing building and thereby maintains the visual quality of the 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 20 January 2015 (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](http://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 27 April 2015; 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 no representations 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 meetings of 19 June 2012 and 26 November 2013, and without prejudice to the determination of the review, conditions are usually prepared for the consideration of the LRB if it is minded to uphold the review and grant planning permission. However, in this case the applicant has requested that that the condition attached to a grant of permission is removed.

## **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

**Date: 21 April 2015**

**Report Contact: Peter Arnsdorf, Planning Manager  
peter.arnsdorf@midlothian.gov.uk**

**Tel No: 0131 271 3310**

**Background Papers: Planning application 14/00855/DPP available for inspection online.**