

Notice of Review: 10A Lower Broomieknowe, Lasswade

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' to remove condition 2 of planning permission 12/00750/DPP for the erection of detached garage at 10A Lower Broomieknowe, Lasswade.

2 Background

- 2.1 Planning application 12/00750/DPP for the erection of detached garage at 10A Lower Broomieknowe, Lasswade was granted planning permission subject to conditions on 14 January 2012. The applicant wishes to use stone detailing on the proposed garage rather than brick as per the existing house and has therefore submitted a notice of review to seek the removal of a condition which requires the materials of the approved garage to match the house. At its meeting on 5 March 2013 the LRB agreed to carry out an unaccompanied site visit on the 22 April 2013 and to determine the review by way of written submissions. The following documents were attached to the report to the LRB meeting of the 5 March 2013:

- 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 14 January 2013.

- 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.
- 4 The first meeting of the LRB in connection with the review to decide the determination process on 5 March 2013.
- 5 The LRB Requesting Additional Information.
- 6 The LRB carried out a Site Visit on 22 April 2013 (the site visit was scheduled at the time of drafting this report).

- 2.3 The case officer's report identified that there were two representations received. As part of the review process these interested parties were notified of the review. No additional comments have been received.

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.

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

- 3.2 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.
- 3.3 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 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. The rooflights on the north-west elevation of the garage drawing number 133.2/PL07 are hereby not approved.

***Reason:** In order to minimise overlooking and protect the privacy of the occupants of the adjoining property.*

5 Recommendations

- 5.1 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 12/00750/DPP available for inspection online.