

Notice of Review: 74 Newbattle Abbey Crescent, Eskbank

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 amend/remove conditions 1 and 2 of planning permission 11/00864/DPP for the erection of boundary fence and decking area at 74 Newbattle Abbey Crescent, Eskbank.

2 Background

- 2.2 Planning application 11/00864/DPP for the erection of boundary fence and decking area at 74 Newbattle Abbey Crescent, Eskbank was granted planning permission subject to conditions on 1 March 2012. At its meeting on 19 June 2012 the LRB agreed to carry out an unaccompanied site visit on the 30 July 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 19 June 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 1 March 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 19 June 2012.
- 5 The LRB Requesting Additional Information.
- 6 The LRB carried out a Site Visit on 30 July 2012 (the site visit was scheduled at the time of drafting this report).

- 2.4 The case officer's report identified that there are two representations. 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 proposed fence shall be erected to a height of no more than 2.0 metres.

Reason: *To safeguard the character of the surrounding area, which is within the conservation area.*

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

24 July 2012

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Background Papers: Planning application 11/00864/DPP available for inspection online.