

Notice of Review: 3 Toscana Court, Danderhall

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' for the formation of driveway at 3 Toscana Court, Danderhall.

2 Background

- 2.1 Planning application 14/00731/DPP for the formation of driveway at 3 Toscana Court, Danderhall was refused planning permission on 24 November 2014; 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). 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 24 November 2014 (Appendix D); and
 - A copy of the relevant plans are include in the applicants supporting statement.
- 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 9 March 2015; and
 - Have determined to progress the review by way of written submissions.
- 4.2 The case officer's report identified that a consultation response and two representations have been received. As part of the review process the interested parties were notified of the review. No additional comments have been received. 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 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. A minimum of the first 2 metres of the driveway as measured from the heel of the footpath shall be surfaced in non-loose material.

Reason: *In the interests of road safety.*

2. Any gates to the vehicular access shall be so designed and installed as to only open inwards.

Reason: *To ensure gates do not open over the pavement: to ensure no hazard is caused to pedestrians using the footway.*

3. Prior to the driveway being brought into use a dropped kerb footway crossing shall be constructed at the vehicle entrance.

Reason: *In the interests of road safety and the free flow of traffic.*

4. The driveway shall be a minimum of 5 metres in length, measured from the heel of the footpath.

Reason: *In order that a car can be safely parked off the public highway.*

5. The driveway/area of hardstanding shall be made of porous materials or provision made to direct runoff water to a permeable or porous area or surface within the curtilage of the dwellinghouse.

Reason: *In order to minimise flooding and pollution of watercourses.*

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: 3 March 2015

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Background Papers: Planning application 14/00731/DPP available for inspection online.