

Notice of Review: Whitehill, Nine Mile Burn, 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' for planning permission for the erection of dwellinghouse and formation of access at Whitehill, Nine Mile Burn, Penicuik.

2 Background

- 2.1 Planning application 15/00592/DPP for the erection of dwellinghouse and formation of access at Whitehill, Nine Mile Burn, Penicuik was refused planning permission on 28 August 2015; 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 (see Appendix 3 of the applicants statement);
 - A copy of the decision notice, excluding the standard advisor notes, issued on 28 August 2015 (see Appendix 2 of the applicants statement); and
 - Copies of the relevant plans are contained within the applicant's 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 23 November 2015; and
 - Have determined to progress the review by way of written submissions.
- 4.2 The case officer's report identified that one consultation responses and no representations have been received. As part of the review process the interested party was notified of the review. 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 26 November 2013, 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. Prior to the commencement of development, the following details shall be submitted to and approved in writing by the planning authority:
 - a) Details and samples of the proposed colour of the external wall and roof materials;
 - b) Details of the proposed colour of the window and door frames;
 - c) Details of any proposed walls, fences or other means of enclosure, including position, design, dimensions, materials and colour finish;
 - d) Details of the proposed hardstanding materials;

- e) Proposals for the treatment and disposal of foul surface water drainage from the proposed house; and
- f) Details of a scheme of landscaping. Details shall include the position, number, size and species of all trees and shrubs that are proposed to be planted, as well as identifying all trees on site which are proposed to be removed and retained.

Reason: *These details were not submitted with the application; in order to ensure the development is in keeping with and does not detract from the surrounding area.*

- 2. Unless otherwise agreed in writing by the planning authority, the wall materials shall be natural stone and smooth or wet dash render.

Reason: *To ensure that the proposed materials are of a high quality and in keeping with the character and appearance of the rural area.*

- 3. The scheme of landscaping required in terms of condition 1f) above shall include details of additional planting along the areas shaded in green on approved drawing number 580-P-GA-01A.

Reason: *To ensure the landscaping is carried out to an acceptable standard, in the interests of protecting the visual amenity of the area.*

- 4. The scheme of landscaping approved in accordance with condition 1f) shall be carried out and completed within six months of the building either being completed or brought into use, whichever is the earlier date. Any hedging or trees removed, dying, severely damaged or becoming seriously diseased within five years of planting shall be replaced in the following planting season by trees or shrubs of a size and species similar to those originally required.

Reason: *To ensure the landscaping is carried out and becomes successfully established.*

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: 17 November 2015

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Background Papers: Planning application 15/00592/DPP available for inspection online.