

Notice of Review: Land adjacent to 7 Westfield Park, 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' for the erection of dwellinghouse on land adjacent to 7 Westfield Park, Eskbank.

2 Background

- 2.1 Planning application 11/00780/DPP for the erection of dwellinghouse was refused on 20 January 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;
- A copy of the decision notice issued on 20 January 2012; and
- A copy of submitted plans.

- 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 19 June 2012.
- 5 The LRB Requesting Additional Information.
- 6 The LRB carried out a Site Visit on 30 July 2012.

- 2.3 At its meeting of 31 July the LRB agreed to continue consideration of the review to the next meeting of the LRB.

- 2.4 The case officer's report, attached to the report to the LRB meeting of the 19 June 2012, identified that there are eight representations, a petition against the development with nine signatures and a petition in support of the application with 23 signatures. As part of the review process these interested parties were notified of the review. Following the July meeting of the LRB five additional comments have been received from the original objectors and these are attached at appendix

A. The applicant's agent has been afforded the opportunity to make further comment in response. No comment has been received at the time of writing this report. If any is received from the applicant prior to the meeting this will be drawn to the attention of the LRB.

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. Development shall not begin until samples of materials to be used on external surfaces of the buildings; hard ground cover surfaces; means of enclosure and ancillary structures have been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the planning authority.

Reason: To ensure the quality of the development is enhanced by the use of quality materials to reflect its setting in accordance with policies RP20 and DP2 of the Midlothian Local Plan and national planning guidance and advice.

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended 2011) (or any Order revoking, amending and re-enacting that Order) the house as approved shall not be enlarged, or altered externally in anyway unless planning permission is granted by the Planning Authority.

Reason: To safeguard the amenity of neighbouring properties.

5 Recommendations

- 5.1 It is recommended that the LRB:
 - a) determines 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 11/00780/DPP available for inspection online.