

Notice of Review: 4 Greenlaw Grove, Milton Bridge, 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 the erection of extensions to dwellinghouse, formation of decking and raised patio at 4 Greenlaw Grove, Milton Bridge, Penicuik.

2 Background

- 2.1 Planning application 14/00787/DPP for the erection of extensions to dwellinghouse, formation of decking and raised patio at 4 Greenlaw Grove, Milton Bridge, Penicuik was refused planning permission on 9 December 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 9 December 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 19 January 2015; and
 - Have determined to progress the review by way of written submissions.
- 4.2 The case officer's report identified that no consultations were required 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. The artist's workspace shown on the approved floor plan, drawing no (PL)005 shall be used solely for domestic purposes incidental to the use of the dwellinghouse to which it relates.

Reason: *Use of this space for non-domestic purposes would be likely to cause disturbance to nearby residents and to spoil their amenity.*

2. The extended area of driveway 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 water courses.*

3. Details of the height, materials and design of the proposed new gates at the front of the property shall be submitted to the Planning Authority and the gates shall not be installed until these details have been approved in writing by the Planning Authority.

Reason: *No details of the gates were provided with the application submission; to safeguard the character of the existing house and the visual amenity of the surrounding area.*

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: 13 January 2015

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Background Papers: Planning application 14/00787/DPP available for inspection online.