

Report

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Report to:	Planning Local Review Body
Date of Meeting:	18 October 2010
Report by:	Executive Director (Corporate Resources)

Subject:	Review of Case – Application CL/09/0483 – Formation of House Plot (Planning Permission in Principle) at Westsidewood Farm, Carnwath
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1. Purpose of Report

1.1. The purpose of the report is to present the information currently available to allow a review of the decision taken by officers, in terms of the Scheme of Delegation, on the following application:-

1.2. *Summary Application Information*

Application Type:	Permission in Principle
Applicant:	Mr and Mrs Fraser Dunlop
Proposal:	Formation of House Plot
Location:	Westsidewood Farm, Carnwath ML11 8LJ
Council Area/Ward:	02 Clydesdale North

1.3. *Reason for Requesting review*

<input checked="" type="checkbox"/> Refusal of Application	<input type="checkbox"/> Conditions imposed	<input type="checkbox"/> Failure to give decision (deemed refusal)
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2. Recommendation(s)

2.1. The Planning Local Review Body is asked to:-

- (1) consider if it wishes to permit the introduction of the new material specified by the applicant in the Notice of Review
- (2) consider whether it has sufficient information to allow it to proceed to determine the review without further procedure and, if so, that:-
 - (a) it proceeds to determine whether the decision taken in respect of the application under review should be upheld, reversed or varied
 - (b) in the event that the decision is reversed or varied, the reasons and the detailed conditions to be attached to the decision letter are agreed
- (3) in the event that further procedure is required to allow it to determine the review, consider:-
 - (a) what further information is required, which parties are to be asked to provide the information and the date by which this is to be provided

- (b) what procedure or combination of procedures are to be followed in determining the review

3. Background

- 3.1. The Council operates a Scheme of Delegation that enables Council officers to determine a range of planning applications without the need for them to be referred to Area Committees or the Planning Committee for a decision.
- 3.2. In terms of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act 2006, and the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008, where an application for planning permission relates to a proposal that falls within the category of “local development” and has been or could have been determined under the Scheme of Delegation, the applicant is entitled to request that the determination be reviewed by the Planning Local Review Body.

4. Notice of Review – Statement of Reasons for Requiring the Review

- 4.1. In submitting their Notice of Review, the applicants have stated their reasons for requiring a review of the determination in respect of their application. (**Refer Appendix 5**)
- 4.2. The applicants are entitled to state a preference for procedure (or combination of procedures) to be followed and have indicated that their stated preference is as follows:-

<input type="checkbox"/>	Further written submissions	<input type="checkbox"/>	Site inspection
<input type="checkbox"/>	Hearing session(s)	<input checked="" type="checkbox"/>	Assessment of review documents only, with no further procedure

- 4.3. However, members will be aware that it is for the Planning Local Review Body to determine how a case is reviewed.

5. Information Available to Allow Review of Application

- 5.1. Section 43B of the Planning etc (Scotland) Act 2006 restricts the ability of parties to introduce new material at the review stage. The focus of the review should, therefore, be on the material which was before the officer who dealt with the application under the Scheme of Delegation.
- 5.2. The applicants’ agent has indicated in the Notice of Review that the applicants wish to introduce new material at the review stage. The new information comprises:-
- ◆ the scale and significance of the applicants’ business operations
 - ◆ the reason for the submission of the application

These matters are detailed in the Notice of Review and in the Statement of Reasons attached to the Notice of Review

- 5.3. In terms of Section 43B of the Act, the agent acting on behalf of the applicants had been asked to demonstrate that:-
- ◆ the matters could not have been raised before
 - ◆ the matters were not raised before due to exceptional circumstances

The agent's response is detailed in his letters dated 13 and 28 August 2010 attached to the Notice of Review (**Refer Appendix 5**). It is for the PLRB to decide if it wishes to permit the introduction of the new information in its consideration of the review.

5.4 The following information is appended to this report to assist the Planning Local Review Body in its review of the decision taken by officers:-

- ◆ Planning Application Form (**Appendix 1**)
- ◆ Report of Handling by the Planning Officer under the Scheme of Delegation (**Appendix 2(a)**)
- ◆ Site photographs and location plan (**Appendix 3**)
- ◆ Decision notice (**Appendix 4**)
- ◆ Notice of Review including statement of reasons for requiring the review (**Appendix 5**)

5.5 Copies of the following information are either attached or will be available for reference at the meeting of the Planning Local Review Body:-

- ◆ Relevant drawings (available for inspection within Administration Services prior to the meeting and available for reference at the meeting)
- ◆ Copies of submissions from statutory consultees (**Appendix 2(b)**)
- ◆ Copies of representations (**Appendix 2(c)**)

Note: Initial consultation responses and representations received in respect of the application are listed under the section on Background Papers within the Report of Handling by the Planning Officer.

6. Notice of Review Consultation Process

- 6.1. 7 further submissions, including a Statement of Observations from the Planning Officer on the Applicants' Notice of Review, were received in the course of the 14 day period from the date on which notification of the request for a review of the case was given. The further submissions from the 6 individual objectors to the proposal indicate that they no longer wish to pursue their objections. These are listed at and attached as **Appendix 6**.
- 6.2 The applicants have the opportunity to comment on the further representations received, however, in his letter dated 22 August 2010, the applicants' agent indicated that he had no further comments. **Appendix 7**

Robert McIlwain
Executive Director (Corporate Resources)

11 October 2010

Link(s) to Council Objectives/Improvement Themes

- ◆ Improve the quality of the physical environment
- ◆ Governance and accountability

Previous References

None

List of Background Papers

◆ Guide to the Planning Local Review Body

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

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