

# Report

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| Report to:       | <b>Planning Local Review Body</b>                           |
| Date of Meeting: | <b>27 August 2018</b>                                       |
| Report by:       | <b>Executive Director (Finance and Corporate Resources)</b> |

|          |  |
|----------|--|
| Subject: | <b>Review of Case – Application P/18/0090 – Erection of 2 Houses Together with Formation of Vehicular Access and Erection of 5 Metres High Ball Stop Fence</b> |
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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 undernoted application on the basis that the application has not been determined (deemed refusal) within the period allowed for determination.

### 1.2. *Summary Application Information*

|                    |  |
|--------------------|--|
| Application Type:  | Detailed Planning Application  |
| Applicant:         | P Doyle  |
| Proposal:          | Erection of 2 Houses Together with Formation of Vehicular Access and Erection of 5 Metres High Ball Stop Fence |
| Location:          | Mauldslie Road, Carluke, ML8 5HG   |
| Council Area/Ward: | 01 Clydesdale West   |

### 1.3. *Reason for Requesting review*

|   |   |   |
|---|---|---|
| <input type="checkbox"/> Refusal of Application | <input type="checkbox"/> Conditions imposed | <input checked="" type="checkbox"/> Failure to give decision (deemed refusal) |
|---|---|---|

## 2. Recommendation(s)

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

- (1) 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 the application under review (deemed refusal)
  - (b) any appropriate reasons for refusal or detailed conditions to be attached to the decision letter are agreed
  
- (2) 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 2013, 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 case 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 applicant has stated their reasons for requiring a review in respect of their application. (**Refer Appendix 4**)
- 4.2. The applicant is entitled to state a preference for procedure (or combination of procedures) to be followed and has indicated that their stated preference is as follows:-

|                                     |                             |                          |  |
|-------------------------------------|-----------------------------|--------------------------|--|
| <input type="checkbox"/>            | Further written submissions | <input type="checkbox"/> | Site inspection  |
| <input checked="" type="checkbox"/> | Hearing session(s)          | <input 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 any review should, therefore, be on the material which was before the officer who was dealing with the application under the Scheme of Delegation.
- 5.2. The following information is appended to this report to assist the Planning Local Review Body in its consideration of the application:-
- ◆ Planning Application Form (**Appendix 1**)
  - ◆ Copies of submissions from statutory consultees (**Appendix 2(a)**)
  - ◆ Copies of representations (**Appendix 2(b)**)
  - ◆ Site photographs and location plan (**Appendix 3**)
  - ◆ Notice of Review including statement of reasons for requiring the review (**Appendix 4**)
- 5.3. Copies of the relevant drawings are available for inspection within Administration Services prior to the meeting and will be available for reference at the meeting.

### 6. Further Information

- 6.1. As the review has been requested because of the failure to give a decision on the application (deemed refusal), no report of handling is available for the application. There is a strict statutory timescale of three months for the Planning Local Review Body to conduct a deemed refusal review. Therefore, to facilitate the review and comply with the statutory timescale, the Head of Administration and Legal Services,

in consultation with the Chair, asked for observations from Planning Services on the notice of review to be provided in advance of the meeting. This, together with further representations from interested parties, is attached as **Appendix 5**.

- 6.2 The applicant had the opportunity to comment on the observations and on the further representations. Comments from the applicant's agent are contained in the submission attached as **Appendix 6**

**Paul Manning**  
**Executive Director (Finance and Corporate Resources)**

31 July 2018

**Link(s) to Council Objectives//Values/Ambitions**

- ◆ Work with communities and partners to promote high quality, thriving and sustainable communities
- ◆ Accountable, effective, efficient and transparent

**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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