

Report

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Report to:	Planning Local Review Body
Date of Meeting:	5 September 2011
Report by:	Executive Director (Corporate Resources)

Subject:	Review of Case - Application CL/09/0238 - Erection of House (Planning Permission in Principle) at Plot at Dunalastair Road, Crawford
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1. Purpose of Report

1.1. The purpose of the report is to:-

- ◆ Update the PLRB on the position regarding the Section 75 Agreement required in respect of planning application CL/09/0238

1.2 Summary Application Information

Application Type:	Planning Permission in Principle
Applicant:	Mr and Mrs Thomson
Proposal:	Erection of House
Location:	Plot at Dunalastair Road, Crawford
Council Area/Ward:	03 Clydesdale East

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 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
- (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. At its meeting on 8 March 2010, the PLRB considered that it did not have sufficient information to allow it to proceed with the review of the decision taken by officers, in terms of the Scheme of Delegation, to refuse planning permission in principle for

planning application CL/09/0238 and requested further written information from the applicants as well as a further location plan and an extract from the local plan showing the boundary of the application site in relation to the village envelope. At its meeting on 12 April 2010, the PLRB reviewed the case, taking account of this further information, and agreed that the decision taken by officers be reversed and that planning permission in principle be granted for the proposal subject to:-

- ◆ the conditions specified by the PLRB
- ◆ prior conclusion of a Section 75 Agreement between the applicants, the Council and Crawford Bowling Club to ensure that the money from the sale of the plot was invested in the Bowling Club
- ◆ completion of the Section 75 Agreement within 9 months of the date of the PLRB's determination of the review
- ◆ the applicants meeting the Council's legal costs associated with the Section 75 Agreement.

4. Information Presented in the Review of the Application

4.1. The papers previously issued in respect of this review are appended to this report as follows:-

- ◆ Planning Application Form (**Appendix 1**)
- ◆ Report of Handling by the Planning Officer under the Scheme of Delegation (**Appendix 2(a)**)
- ◆ Copies of submissions from statutory consultees (**Appendix 2(b)**)
- ◆ Copies of representations (**Appendix 2(c)**)
- ◆ Site photographs and location plan (**Appendix 3**)
- ◆ Decision Notice (**Appendix 4**)
- ◆ Notice of Review including statement of reasons for requiring the review (**Appendix 5**)
- ◆ Statement of Observations from the Planning Officer on the Applicant's Notice of Review (**Appendix 6**)
- ◆ Comments from the applicants' agent on the further representations received. (**Appendix 7**)
- ◆ Further written submission from the applicants' agent (**Appendix A**)
- ◆ Further location plan detailing viewpoints from which photographs were taken (**Appendix B**)
- ◆ Extract from the local plan showing the boundary of the application site in relation to the village envelope (**Appendix C**)
 - ◆ Reports submitted to the Meetings of the PLRB held on 8 March and 12 April 2010 respectively (**Appendix D**)

4.2 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.

5 Current Position

5.1 The time specified for completion of the Section 75 Agreement has now expired and the applicants have indicated that they have been unable to reach an agreement with Crawford Bowling Club. As a result, they have not been able to progress the Section 75 Agreement. As indicated above, the PLRB was minded to grant planning application CL/09/0238 subject to a Section 75 Agreement being concluded within 9 months of the date of the PLRB's determination of the Review. As this condition has not been met by the applicants, the Review has been remitted back to the PLRB for a formal decision. It is still open to the PLRB to uphold, reverse or vary the decision

taken by officers, in terms of the Scheme of Delegation, to refuse planning permission in principle for planning application CL/09/0238.

6 Employee Implications

6.1 None

7 Financial Implications

7.1 None

8 Other Implications

8.1 There are no risks or sustainable development issues associated with this proposal.

9 Equality Impact Assessment and Consultation Arrangements

9.1 None required.

Robert McIlwain
Executive Director (Corporate Resources)

12 July 2011

Link(s) to Council Values/Improvement Themes/Objectives

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

Previous References

Planning Local Review Body:-

- ◆ 8 March 2010
- ◆ 12 April 2010

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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