

MINUTE
of
LOCAL REVIEW BODY

Minute of Meeting held at 2.30pm in the Council Chamber, Council Headquarters, Giffnock on 13 March 2019.

Present:

Councillor Annette Ireland (Chair)
Councillor Betty Cunningham (Vice Chair)

Councillor Angela Convery
Councillor Stewart Miller

Councillor Ireland in the Chair

Attending:

Julie Nicol, Principal Strategy Officer (Planning Adviser); Siobhan Wilson, Solicitor (Legal Adviser); and Paul O'Neil, Committee Services Officer (Clerk).

Apologies:

Provost Fletcher and Councillors Jim McLean and Jim Swift.

DECLARATIONS OF INTEREST

814. There were no declarations of interest intimated.

NOTICE OF REVIEW – REVIEW 2019/01 – FORMATION OF DRIVEWAY INCORPORATING REDUCTION IN GROUND LEVELS AND REDUCTION IN HEIGHT OF BOUNDARY WALL AT 29 EAST KILBRIDE ROAD, BUSBY (REF NO: 2018/0691/TP)

815. Under reference to the Minute of the meeting of 13 February 2019 (Page 719, Item 780 refers), when it was agreed that consideration of the review case be continued to allow the Planning Adviser to seek clarification from the Roads Service that in the event that the Local Review Body was to overturn the decision of the Appointed Officer as set out in the decision notice of 9 January 2019 and grant planning permission, whether it would be appropriate to attach a condition to the consent to the effect that egress from the application site would be restricted to a left-hand turn only onto East Kilbride Road, Busby, the Local Review Body resumed consideration of a report by the Deputy Chief Executive, relative to a 'Notice of Review' submitted by Mr Paolo Di Mambro against the decision taken by officers to refuse planning permission in respect of the formation of driveway incorporating reduction in ground levels and reduction in height of boundary wall at 29 East Kilbride Road, Busby.

The Planning Adviser reported on the outcome of the consultation with the Council's Roads Service, where it was noted that the Roads Service had advised that the proposed condition would fail to address the adverse impact on road safety that a vehicular access onto the A727 East Kilbride Road at this location would create.

Furthermore, the Roads Service had advised that the condition being proposed:

- (i) Could not be effectively policed;
- (ii) Could not be enforced and would be without the threat of punitive action (e.g. penalty points on driving licence);
- (iii) Had the potential to introduce unsafe consequential manoeuvres on other parts of the public road network (e.g. having turned left from the access, a vehicle may use the mouth of the B759 Carmunnock Road to about-turn in order to head in the desired direction); and
- (iv) Failed to address the more serious concern of vehicles turning right into the site.

Following discussion, it was agreed to uphold the decision of the Appointed Officer as set out in the decision notice of 9 January 2019 and refuse planning permission.

NOTICE OF REVIEW 2019/02 – ERECTION OF SINGLE STOREY SIDE AND REAR EXTENSIONS AND INSTALLATION OF TWO FRONT DORMER WINDOWS AND ONE DORMER WINDOW AT REAR AT 22 VICTORIA CRESCENT, CLARKSTON (REF NO: 2018/0721/TP)

816. The Local Review Body considered a report by the Deputy Chief Executive, relative to a 'Notice of Review' submitted by Tim Hunter and Naula Ashe against the decision taken by officers to refuse planning permission in respect of the erection of a single storey side and rear extensions and installation of two front dormer windows and one dormer window at the rear at 22 Victoria Crescent, Clarkston.

The decision had been made in accordance with the Council's Scheme of Delegation made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997 as amended.

In accordance with the decision taken at the meeting on 10 August 2016, the Local Review Body had carried out an unaccompanied site inspection of the application site immediately prior to the meeting.

The Local Review Body, having considered the information previously circulated, agreed that it had sufficient information to determine the review without further procedure.

Following discussion, it was agreed to overturn the decision of the Appointed Officer as detailed in the decision notice of 18 January 2019 and grant planning permission,

NOTICE OF REVIEW 2019/03 – ERECTION OF FIVE FLATS FOLLOWING THE DEMOLITION OF EXISTING DWELLINGHOUSE, ASSOCIATED CAR PARKING AND LANDSCAPING WITH ASSOCIATED PARKING AND BIN STORAGE AT 163 AYR ROAD, NEWTON MEARNS (REF NO: 2017/0850/TP)

817. The Local Review Body considered a report by the Deputy Chief Executive, relative to a 'Notice of Review' submitted by AYA Developments Limited against the decision taken by officers to refuse planning permission in respect of the erection of five flats following demolition of existing dwellinghouse with associated car parking and landscaping with associated parking and bin storage at 163 Ayr Road, Newton Mearns.

The decision had been made in accordance with the Council's Scheme of Delegation made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997 as amended.

In accordance with the decision taken at the meeting on 10 August 2016, the Local Review Body had carried out an unaccompanied site inspection of the application site immediately prior to the meeting.

Having been advised that the applicant had submitted new evidence which was not before the Appointed Officer at the time the determination of the application was made and having noted the procedure that required to be followed should the new information be taken into account, the Local Review Body decided not to give consideration to the new information in the determination of the review.

The Local Review Body, having considered the information previously circulated, agreed that it had sufficient information to determine the review without further procedure.

Following discussion, it was agreed to uphold the decision of the appointed officer as set out in the decision notice of 14 December 2018 and refuse planning permission.

CHAIR

