

MINUTE
of
LOCAL REVIEW BODY

Minute of virtual meeting held at 2.41pm on 16 February 2022.

Present:

Councillor Annette Ireland (Chair)
Councillor Angela Convery
Provost Jim Fletcher

Councillor Stewart Miller
Councillor Jim Swift

Councillor Ireland in the Chair

Attending:

Andrew Bennie, Planning Adviser; Siobhan Wilson, Solicitor (Legal Adviser); Sharon McIntyre, Committee Services Officer (Clerk) and Liona Allison, Assistant Committee Services Officer.

Apologies:

Councillors Betty Cunningham and Jim McLean.

DECLARATIONS OF INTEREST

1886. There were no declarations of interest intimated.

The Chair advised that an unaccompanied site visit had been held prior to the meeting.

NOTICE OF REVIEW – REVIEW 2021/13 – ERECTION OF DWELLINGHOUSE AND ASSOCIATED PARKING. ADJACENT EAST OF 137 MEARNS ROAD, CLARKSTON, EAST RENFREWSHIRE. (REF NO:- 2021/0038/TP)

1887. The Local Review Body considered a report by the Director of Business Operations and Partnerships relative to a 'Notice of Review' submitted by Edzell Holdings Ltd against the decision taken by officers to refuse planning permission in respect of the erection of a dwellinghouse and associated parking at Adjacent East of 137 Mearns Road, 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.

The Chair outlined that new information had been submitted by the applicant comprising of the Bat Survey included in Appendix 8 and reference to the Bat Survey on pages 9, 13, 14 and 15 in the Statement of the Case included in Appendix 6 and sought confirmation from the Local Review Body whether they wished to consider this information.

Provost Fletcher sought clarification of the new planning application submitted which had been outlined in the meeting papers. The Legal Adviser outlined that this was a separate process to the Local Review Body and both the planning application and Local Review Body case required to be considered and determined separately.

The Legal Adviser outlined that the legal advice was that this information was a material consideration and should be considered, while the Planning Adviser outlined that this information was relevant to the fifth reason for refusal as outlined in the decision notice.

The Local Review Body agreed that it would not consider the new information comprising of the Bat Survey included in Appendix 8 and reference to the Bat Survey on pages 9, 13, 14 and 15 in the Statement of the Case included in Appendix 6.

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

The Planning Adviser outlined the planning application and reasons for refusal as outlined by the Appointed Officer in the decision notice. The Planning Adviser further outlined that should Elected Members be minded to grant planning permission suggested additional conditions would be that:-

- 1: Development shall not commence until samples of the external finishing materials to be used on the proposed development have been submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details.

Reason: To ensure that the appearance of the proposed development is acceptable.

- 2: No development shall commence until a detailed report confirming the exact number and location of those trees to be felled as part of the proposed development has been submitted to and approved in writing by the planning authority. All felling works shall take place outwith the bird breeding season (March-September, inclusive) and all felling works shall conform with the approved details.

Reason: In the interests of the amenity of the site and the surrounding area.

- 3: Development shall not commence until details of the means by which those retained trees on the site are to be protected has been submitted to and approved by the planning authority. Such details shall take into account the root protection area associated with all of the retained trees.

Reason: In the interests of the amenity of the site and to prevent any damage to those retained trees on the site.

- 4: Development shall not commence until a scheme of soft landscaping works has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:-
 - i) A scheme of tree and shrub planting, including details of the number, variety and size of trees and shrubs to be planted;
 - ii) Details of the phasing of the landscaping works; and,
 - iii) A schedule of maintenance for the retained area of woodland on the site.

Reason: To ensure the implementation of a satisfactory scheme of landscaping to improve the quality of the development and the amenity of the overall site.

Councillor Ireland, seconded by Councillor Miller, moved that the Local Review Body uphold the decision to refuse planning permission for the reasons as outlined in the decision notice.

Thereafter Councillor Swift, seconded by Provost Fletcher, moved as an amendment that the Appointed Officer's decision as set out in the decision notice of 6 August 2021 be overturned and planning permission approved subject to the inclusion of the proposed conditions.

On a vote being taken, 3 Members voted for the motion and 2 for the amendment. The decision of the Local Review Body was therefore to refuse planning permission for the reasons as outlined in the decision notice.

CHAIR

