

EAST RENFREWSHIRE COUNCILLOCAL REVIEW BODY2 September 2020Report by Deputy Chief ExecutiveREVIEW OF CASE - REVIEW/2020/10ERECTION OF 18 FLATS FOLLOWING DEMOLITION OF EXISTING DWELLINGHOUSE  
WITH ASSOCIATED FORMATION OF ACCESS OFF MALLETSHEUGH ROAD,  
PARKING AND LANDSCAPING AT REAR AT TREESIDE COTTAGE,  
AYR ROAD, NEWTON MEARNES**PURPOSE OF REPORT**

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 made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006 in respect of the application detailed below.

**DETAILS OF APPLICATION**

2. Application type: Full Planning Permission (Ref No:- 2019/0606/TP).
- Applicant: Panacea Property.
- Proposal: Erection of 18 flats following demolition of existing dwellinghouse with associated formation of access off Malletsheugh road, parking and landscaping
- Location: Treeside Cottage, Ayr Road, Newton Mearns.
- Council Area/Ward: Newton Mearns South and Eaglesham (Ward 5).

**REASON FOR REQUESTING REVIEW**

3. The applicant has requested a review on the grounds of the non-determination of the application.

**RECOMMENDATION**

4. The Local Review Body is asked to consider what procedure(s) it wishes to follow to allow it to proceed to determine the review.

**BACKGROUND**

5. At the meeting of the Council on 29 April 2009, consideration was given to a report by the Director of Environment seeking the adoption of a new Scheme of Delegation in terms of the new Section 43A of the Town and Country Planning (Scotland) Act 1997, subject to approval of the scheme by Scottish Ministers.

6. The report provided details of the new hierarchy of developments that took effect from 6 April 2009 explaining that the Scheme of Delegation related to those applications within the “local development” category as set out in the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009, but would in future be determined by an “appointed officer”. In the Council’s case this would be either the Director of Environment or the Head of Roads, Planning and Transportation Service now designated the Head of Environment (Operations).

7. The report highlighted that historically appeals against planning decisions were dealt with by Scottish Ministers. However, following the introduction of the new planning provisions which came into effect on 3 August 2009 all appeals against decisions made in respect of local developments under delegated powers would be heard by a Local Review Body. The Local Review Body would also deal with cases where the appointed officer had failed to determine an application within two months from the date it was lodged.

#### **NOTICE OF REVIEW – NON-DETERMINATION OF APPLICATION**

8. The applicant has submitted a ‘Notice of Review’ on the grounds that the Council has failed to determine the application within the prescribed time period as defined in the Town and Country Planning (Scotland) Act 1997.

9. The relevant regulations state that the Local Review Body must consider and determine the review within three months from the date it was received. The Council received the ‘Notice of Review’ on 5 August 2020. The review has therefore to be determined by 4 November 2020, failing which the application is deemed to be refused permission and the applicant can appeal to the Scottish Government.

10. There is no ‘Report of Handling’ for the Local Review Body to consider given that the Council failed to determine the application. However, in order to assist the Local Review Body in the determination of the review, it is proposed that a review statement be prepared by the Planning Service giving an assessment of the proposal.

11. Subject to the Local Review Body agreeing to this course of action, the review statement would be circulated to the both the applicant and their agent, seeking their comments within 14 days in accordance with the timescales set down in the relevant regulations.

12. Members will be aware of the decision of the Local Review Body at its meeting on 10 August 2016, agreed that the Local Review Body would carry out unaccompanied site inspections for every review case it received prior to the cases being given initial consideration at a meeting of the Local Review Body.

13. However, given the current restrictions that are in place associated with the COVID-19 pandemic it will not be possible for members of the Local Review Body to visit the site to carry out their inspection in accordance with the aforementioned decision.

14. As an alternative, the Planning Adviser to the Local Review Body will visit the site prior to the next meeting during which he will film the application site. The recording will then be made available to the members of the Local Review Body to view in advance of the next meeting which will be held on Wednesday, 30 September at 2.30pm.

15. At that meeting, the Local Review Body would, subject to it receiving all the necessary information, be able to give consideration to the following:-

- (a) the review statement prepared by the planning service and the response, if any, it receives from the applicant/agent to it;

- (b) the information submitted by the applicant/agent in support of the review case;  
and
- (c) the Planning Adviser's film recording of the application site.

**RECOMMENDATION**

**16.** The Local Review Body is asked to consider what procedure(s) it wishes to follow to allow it to proceed to determine the review.

Report Author:

Paul O'Neil, Committee Services Officer  
e-mail: paul.o'neil@eastrenfrewshire.gov.uk  
Tel: 0141 577 3011

Director - Caroline Innes, Deputy Chief Executive

Date:- August 2020

BLANK PAGE