

## Minute of Meeting Local Review Body.

Date	Time	Venue
Tuesday, 30 January 2024	14:00	Council Chambers (Renfrewshire), Council Headquarters, Renfrewshire House, Cotton Street, Paisley, PA1 1AN

**Present:** Councillor Chris Gilmour, Councillor Iain Nicolson, Councillor Jim Paterson

### Chair

Councillor Paterson, Convener, presided.

### In Attendance

K Dalrymple, Development Plans & Housing Strategy Team Leader (Independent Planning Adviser to the Local Review Body) (Chief Executive's); and R Graham, Senior Solicitor (Litigation & Regulatory Services) (Independent Legal Adviser to the Local Review Body) and R Devine, Senior Committee Services Officer (Clerk to the Local Review Body) (both Finance & Resources).

### Webcasting of Meeting

Prior to the commencement of the meeting the Convener intimated that this meeting of the Board would be filmed for live or subsequent broadcast on the Council's internet site.

### Apologies

Councillor N Graham and Councillor MacFarlane.

### Declarations of Interest and Transparency Statements

There were no declarations of interest or transparency statements intimated prior to the commencement of the meeting.

## 1 **Procedure Note**

The Convener summarised the procedure to be followed at the meeting of the Local Review Body (LRB), a copy of which had been circulated to members prior to the meeting.

## 2 **LRB01.24**

Consideration was given to a Notice of Review in respect of the Planning Authority's decision to refuse planning permission for the erection of two chalets at East Fulwood Farmhouse, Houston Road, Inchinnan, Renfrew PA4 9LX. (22/0706/PP).

The following materials were before members in relation to the Notice of Review:

- (i) the Planning Authority's Submissions which included the report of handling, accompanying documents and decision notice; and
- (ii) the Notice of Review, together with supporting statement and productions submitted by the applicant.

The Independent Legal Adviser advised, as a preliminary matter, that a statutory consultee, SEPA, had submitted an objection to the proposal when it had been first considered which had not subsequently been withdrawn and accordingly that SEPA were, for the purposes of this review, considered an interested party. The Independent Legal Adviser advised further that SEPA, as an interested party, were notified of the review and was entitled to make further representations if it so wished. The LRB was advised the SEPA had made no further representation but that it had confirmed, following receipt of the Notice of Review, that its original objection was maintained.

The Independent Legal Advisor also took the opportunity to inform members that in the event the LRB was minded to grant planning permission in respect of the proposal, that, due to there being an objection from a statutory consultee, notification would require to be given to Scottish Ministers so that they may consider whether to call in the review for determination.

The Convener confirmed that the LRB required to decide whether it had sufficient information before it to make a decision on this matter or whether further procedure was required to allow the LRB to determine LRB01.24/Planning Application 22/0706/PP. It was agreed that the LRB had sufficient information before it to reach a decision. The Convener then advised that the LRB required to determine the application in accordance with the provisions of the Development Plan, including any supplementary guidance, unless material considerations indicated otherwise.

Councillor Paterson proposed that the application be refused as the proposed development is at a location susceptible to flooding. It does not therefore align with the precautionary and avoidance principles advocated by the sustainable flood risk management framework and is contrary to Policy 22 of National Planning Framework 4, Policy I3 of the Adopted Renfrewshire Local Development Plan and the associated New Development Supplementary Guidance on Delivering the Infrastructure Strategy

(Flooding and Drainage) for the reasons detailed in the report of handling. This was agreed unanimously.

**DECIDED:** That LRB 01.24/Planning Application 22/0706/PP be refused for the undernoted reason

1. The proposed development is at a location susceptible to flooding. It does not therefore align with the precautionary and avoidance principles advocated by the sustainable flood risk management framework and is contrary to Policy 22 of National Planning Framework 4, Policy I3 of the Adopted Renfrewshire Local Development Plan and the associated New Development Supplementary Guidance on Delivering the Infrastructure Strategy (Flooding and Drainage).

### 3 **LRB02.24**

Consideration was given to a Notice of Review in respect of the Planning Authority's decision to refuse planning permission for the erection of a single-storey dwellinghouse and associated works at a site on the eastern boundary of No 2 Johnshill, East End, Lochwinnoch. (23/0179/PP).

The following materials were before members in relation to the Notice of Review:

(i) the Planning Authority's Submissions which included the report of handling, accompanying documents and decision notice; and

(ii) the Notice of Review, together with supporting statement and productions submitted by the applicant.

The independent Legal Adviser advised, as a first preliminary matter, that a number of interested parties had submitted representations in respect of the proposal when it had first been considered and that following receipt of the Notice of Review, those interested parties had been contacted and advised that their representations would be considered by the LRB when determining the application and also invited to make further representations if they so wished. Thereafter a number of the interested parties had submitted further representations. On reading these further representations it could be considered that they may contain matters that were not before the appointed officer when the appointed officer made the original decision. The independent Legal Adviser advised that there was a general prohibition, applicable to both the individual seeking review and any other party to the review, including interested parties, against introducing any matter that was not before the appointed officer when the original decision was made. It was highlighted that this restriction did not however apply where the new matter had been raised pursuant to a requirement or an entitlement to have regard to the development plan or any other material consideration. Consequently, the LRB required to determine in relation to the further representations received from the interested parties whether they contained any new matters that were not before the appointed officer when they made their decision and, if so, whether these had been raised pursuant to a requirement or an entitlement to have regard to the development plan or any other material consideration.

Consequently, the LRB required to determine in relation to the further representations received from the interested parties whether they contained any new matters that were not before the appointed person when they made their decision and, if so,

whether these had been raised pursuant to a requirement or an entitlement to have regard to the development plan or any other material consideration.

A secondary preliminary matter highlighted by the independent legal adviser was that the applicant had provided further clarity of mitigatory measures in respect of the proposal relating to tree loss. Members of the LRB were advised that should they be of the opinion that they did not have sufficient expertise to assess these mitigatory measures then it could instruct written submissions from a person suitably qualified to make that assessment, for example the Council's Tree and Woodland Officer.

The Convener proposed that the LRB did not have sufficient information before it to make a decision on this matter and that further procedure was required to allow the LRB to determine LRB02.24/Planning Application 22/0179/PP. It was proposed and agreed unanimously that the LRB direct that further written submission be provided no later than 19 February 2024 by (i) the appointed officer setting out what matters within the further representations that the officer considers were not before them when they made their decision and also, in the appointed officer's view, whether these had been raised pursuant to a requirement or an entitlement to have regard to the development plan or any other material consideration; (ii) by the Council's Tree and Woodland Officer providing an assessment of the proposal and the revised construction techniques in relation to the potential impact on trees, specifically whether there would be a loss of trees as a result of the development or construction techniques or whether there would be an impact on the trees which would result in future loss of trees. This was agreed unanimously. In addition, it was proposed and agreed that an unaccompanied visit to the site of the land to which the review related be arranged.

The local Review Body was reminded that it was still the role of the LRB, notwithstanding the direction for written submissions, to determine what matters were new and whether they had been raised pursuant to a requirement or an entitlement to have regard to the development plan or any other material consideration.

**DECIDED:** That consideration of LRB02.24/Planning Application 22/0179/PP be continued pending:

(i) receipt of written submissions no later than 19 February 2024 from (a) the appointed officer setting out what matters within the further representations received from interested parties that the appointed officer considers were not before them when they made their decision and also, in the appointed officers' view, whether these had been raised pursuant to a requirement or an entitlement to have regard to the development plan or any other material consideration and (b) the Council's Tree and Woodland Officer providing an assessment of the proposal and the revised construction techniques in relation to the potential impact on trees, specifically whether there would be a loss of trees as a result of the development or construction techniques or whether there would be an impact on the trees which would result in future loss of trees; and

(ii) an unaccompanied visit to the site of the land to which the review related being arranged.