

**MINUTES OF MEETING of the LOCAL REVIEW BODY held within the Council Chamber,
Patons Building, Kilncraigs, Alloa, on MONDAY 20 OCTOBER 2014 at 3.00 pm.**

PRESENT

Councillor Bobby McGill
Councillor Kenneth Earle
Councillor Les Sharp

IN ATTENDANCE

Stuart Cullen, Roads Development Officer, Clackmannanshire Council
Ian Duguid, Development Quality Team Leader, Clackmannanshire Council
Mark Easton, Solicitor, Clerk to the Local Review Body
Andrew Wyse, Planning Adviser to the Local Review Body

Mr Hamish Lindsay, Applicant
Mr Robin T Hutton, Planning Consultant (Agent for the Applicant)

LRB(14)05 APOLOGIES

None.

LRB(14)06 DECLARATIONS OF INTEREST

None.

Purpose of Meeting

The Local Review Body on 9 October 2014 having considered the review documents, together with procedural advice from the Clerk, determined that the review should proceed on the basis of an accompanied site visit and thereafter be determined on the basis of the review documents.

Having had opportunity for the accompanied site visit prior to the meeting, the Local Review Body determined that it had sufficient information to determine the review and would proceed to do so on the basis of the earlier accompanied site visit and the submissions within the review documents.

The Clerk advised the Local Review Body that no further submissions would be made as the review papers required to fully state the applicants' case.

**LRB(14)07 APPLICATION FOR REVIEW - LAND ADJACENT TO GAIRLAW, YETTS
OF MUCKHART**

Name of Applicants:	Mr and Mrs Hamish Lindsay
Site Address:	Land adjacent to Gairlaw, Yetts of Muckhart
Description of the Application:	Erection of one house
Planning Application Reference Number:	14/00062/FULL

A proposed Order of Proceedings was put before the Local Review Body for determination. The specified matters for consideration at the hearing session were:

1. The full basis of the applicant's notice of review, together with any comments on the written submissions of the planning authority, any comments made in response to the representations received and the content of any reports lodged with the LRB in response to any procedure notice.
2. The planning authority's responses to the submissions detailed in the applicant's notice of review, the authority's further written submissions and any further comments made in respect of those submissions by the applicant.
3. The roads authority response to road access and safety issues, and
4. Closing submissions where appropriate.

Following an accompanied site visit on 20 October 2014, the Local Review Body considered a Notice of Review submitted by the Applicant's agent seeking a review of the decision by the Appointed Officer of the Council to refuse planning permission for the erection of 1 no. house on Land adjacent to Gairlaw, Yetts Of Muckhart, Clackmannanshire.

Decision

Having determined that the Local Review Body had sufficient information before it to proceed to decide the matter and having considered the notice of review and the information before it, in terms of section 43A(15) of the Town and Country Planning (Scotland) Act 1997, on a division of 2 votes to one, the Local Review Body agreed to reverse the decision of the appointed officer made pursuant to section 43A(8) of the 1997 Act and granted the application for planning permission (reference 14/00062/FULL) subject to conditions to be approved by the Clerk of the Committee in consultation with the Convenor, for the following reasons :

1. Although not satisfied that the requirements of Local Plan Policy EN18 had been met, since the applicant had failed to meet the criteria necessary for the countryside location, and that similarly he had failed to satisfy the tests set out in policies SC23 and SC24 of the Local Development Plan the Local Review Body had regard to the principles set out in paragraph 94 of Scottish Planning Policy and were of the view that the proposed development would offer the opportunity to extend a small cluster of existing housing, and that the proposed development would be acceptable in terms of the scale, nature and design quality.
2. The development would support the development and maintenance of the Green Network, of which the development site and adjacent land under the control of the applicant forms part. The preparation and submission of a woodland strategy would, therefore, be imposed as a condition of the development.
3. Issues around road safety alone would not justify refusal, particularly in the light of the applicant's offer to improve the existing private road and that these concerns could be sufficiently addressed by imposing a planning condition to secure the improvements.

The Clerk advised that the decision notice would follow together with the approved conditions in due course.

Action

Clerk to the Local Review Body

Ends 3.40 pm