



MINUTES OF MEETING of the LOCAL REVIEW BODY (LRB) held via VIDEO CONFERENCE (MS Teams) on THURSDAY 16 MARCH 2023 at 9:30 AM.

PRESENT

Councillor Denis Coyne (Convener) (Chair)
Councillor William Keogh
Councillor Martha Benny

IN ATTENDANCE

Lee Robertson, Clerk to the LRB
Grant Baxter, Planning Adviser to the LRB
Gillian White, Committee Services

LRB(23)02 APOLOGIES

None.

LRB(23)03 DECLARATIONS OF INTERESTS

None.

LRB(19)03 NOTICE OF REVIEW – HILLFOOTS ROAD (A91), EAST OF BLAIRLOGIE HOUSE, BLAIRLOGIE AND WEST OF REDCARR LODGE, MENSTRIE

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| Name of Applicant: | Mr Christopher Gowans |
| Site Address: | Site located on Hillfoots Road(A91). East of Blairlogie house, Blairlogie and West of Redcarr Lodge, Menstrie |
| Description of the Application: | Construction of a vehicular and pedestrian access to a single dwelling house on the A91 Hillfoots Road. |
| Planning Application Ref No: | 22/00076/FULL |

Attending

Mr Christopher Gowans, Applicant
Mr Stuart Cullen, Transportation Team Leader, Clackmannanshire Council

The Convener confirmed with the Local Review Body that they had been able to access all papers for the meeting. This was duly confirmed by all members present.

The Clerk advised the Local Review Body (LRB) that under the Scheme of Delegation, the LRB were responsible for considering and determining applications for review of decisions made by officers under delegated powers in respect of planning applications for local development. The LRB should consider whether they had sufficient information before them to decide the application or if they required further information by way of further written representations from the applicant or any objectors; or by way of a hearing, where both the applicant and the objectors would be able to make oral representation. The Clerk also advised the LRB that they had the option to undertake a site visit, If the LRB decided that they had enough information, the Clerk advised that the LRB could proceed to make a decision.

At the request of the Convener, the Planning Adviser set out the information contained in the application for review, along with correspondence from the applicant and interested parties; and the original decision taken by the Planning Authority. The Local Review Body then had the opportunity to ask questions of the Planning Adviser.

Having raised a number of questions around the road safety and the speed limits around the proposed access site, the Convener asked the Clerk for advice in terms of being able to ask questions of the Transportation Team Leader, who was present on the call. The Clerk asked if the Convener could adjourn the meeting for a brief period to allow her to check the necessary regulations.

The Convener agreed to adjourn the meeting at 10.05 am. When the meeting resumed at 10.10 am, all attendees remained present.

The Clerk advised that she had reviewed the Planning Circular 5.2.13 on the Scheme of Delegation for Local Reviews and at Paragraph 31 noted that “the Planning Authority will want to ensure that the Local Review Body are supported by the appropriate administrative and legal advice to ensure that members are guided on the review process. Where a Local Review Body consider it necessary to take further advice before reaching a decision on a review, it will be for the Planning Authority to arrange for such advice.” The Clerk’s view was that the Transportation Team Leader, was on the call and that questions could be asked of the officer.

The Local Review Body then had the opportunity to ask questions of the Transportation Team Leader, whose responses reiterated the consultation responses set out by the Roads Authority within the Report of Handling.

The Convener received a unanimous response from the Local Review Body in that they decided that they had sufficient information before them to proceed to decide the matter.

Decision

Having considered the Review Application and all other documents contained within the Agenda, and having had the opportunity to ask questions of the Planning Adviser and the Transportation Team Leader, that the Local Review Body unanimously agreed to uphold the decision of the appointed officer and refused planning permission for the proposed construction of a vehicular and pedestrian access to a single dwelling house on the A91 Hillfoots Road for the following reason:

1. The LRB agreed with the position of the Roads Authority and agreed that in the interests of road safety they would uphold the decision of the appointed officer.

A decision notice will be issued to confirm the outcome of the Local Review Body meeting.

Action

Clerk to the Local Review Body

Ends 10:35 am