

North Lanarkshire Council Report

Planning Committee

Does this report require to be approved? Yes No

Ref: 16/01105/MSC Date 18/08/22

Revocation of Planning Application Reference 16/01105/MSC: Construction of Dwellinghouse, new vehicular and associated landscaping work, Garbethill House, Arns Road, Cumbernauld, G67 3JW

From Pamela Humphries, Head of Planning and Regeneration

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Executive Summary

The land-owners are seeking to revoke the permission with reference to 16/01105/MSC which has been implemented through the development of an access road to the site. It is likely that this revocation shall remain unopposed.

Recommendations

It is recommended that the Planning Committee:

- (1) Acknowledge the requests of the Land-Owners due to a change in circumstance relating to the ground in question.
- (2) Revoke Planning Permission 16/01105/MSC, Construction of Dwellinghouse, new vehicular and associated landscaping work, Garbethill House, Arns Road, Cumbernauld G67 3JW.

The Plan for North Lanarkshire

Priority All priorities

Ambition statement (17) Ensure we keep our environment clean, safe, and attractive

1. Background

- 1.1 On the 9th October 2010, Outline Planning Permission was granted by committee for the erection of a dwelling house, subject to a Section 75 agreement requiring "...the dwelling house always remain in the occupation of a person employed wholly and locally in agriculture or any other rural use considered appropriate by the Planning Authority and that the dwelling is also tied to the agricultural unit." This outline permission was extended through application reference 13/01059/AMD which was submitted on the 12th of June 2013. Subsequently, application reference 16/01105/MSC

was received on the 1st of June 2016 and permission granted on the 7th June 2016 through delegated powers.

- 1.2 Application reference 16/01105/MSA was implemented on the 3rd June 2019 through the formation of an 8m opening in the dyke, removal of sheep bank and the removal of a tree. Official correspondence of this initiation of development was received by the Planning Service on the 14th of June 2019.

2. Report

- 2.1 This report seeks committee permission to revoke planning permission reference 16/01105/MSA with regards to the erection of a dwelling house, subject to a Section 75 agreement, to land at Garbethill House, Arns Road in close proximity to the settlement of Cumbernauld.
- 2.2 Due to a change in circumstances, the approved dwelling house is no longer required to assist with agricultural operations and as such, the estate of Broadleys Graziers are seeking to revoke the permission to allow for agricultural operations to be undertaken on the ground in question. It is considered likely that this revocation shall be unopposed.
- 2.3 A separate legal process shall be required to relieve the land of the S75 burden however this may only happen once the revocation of application reference 16/01105/MSA has been completed.
- 2.4 This report seeks formal authority for the revocation in advance of the revocation order being promoted

3. Measures of success

- 3.1 The successful conclusion of the revocation process.

4. Supporting documentation

- 4.1 Planning permissions [08/00515/OUT](#), [13/01059/AMD](#) and [16/01105/MSA](#).



Pamela Humphries
Head of Planning and Regeneration

5. Impacts (<http://connect/report-template-guidance>)

<p>5.1 Public Sector Equality Duty and Fairer Scotland Duty Does the report contain information that has an impact as a result of the Public Sector Equality Duty and/or Fairer Scotland Duty? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Yes, please provide a brief summary of the impact?</p> <p>If Yes, has an assessment been carried out and published on the council's website? https://www.northlanarkshire.gov.uk/your-community/equalities/equality-and-fairer-scotland-duty-impact-assessments Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<p>5.2 Financial impact Does the report contain any financial impacts? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Yes, have all relevant financial impacts have been discussed and agreed with Financial Solutions? Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes, please provide a brief summary of the impact?</p>
<p>5.3 HR policy impact Does the report contain any HR policy or procedure impacts? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Yes, have all relevant HR impacts have been discussed and agreed with People and Organisational Development? Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes, please provide a brief summary of the impact?</p>
<p>5.4 Legal impact Does the report contain any legal impacts (such as general legal matters, statutory considerations (including employment law considerations), or new legislation)? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If Yes, have all relevant legal impacts have been discussed and agreed with Legal and Democratic Solutions? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If Yes, please provide a brief summary of the impact?</p> <p>The revocation process is a legal matter and as such Legal and Democratic Solutions have prepared the necessary paperwork associated to the revocation. A separate legal process shall be required to discharge the Section 75 agreement once the revocation of Planning Application reference 16/01105/MSK has been completed.</p>
<p>5.5 Data protection impact Does the report / project / practice contain or involve the processing of personal data? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Yes, is the processing of this personal data likely to result in a high risk to the data subject? Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes, has a Data Protection Impact Assessment (DPIA) been carried out and e-mailed to dataprotection@northlan.gov.uk Yes <input type="checkbox"/> No <input type="checkbox"/></p>

5.6 Technology / Digital impact

Does the report contain information that has an impact on either technology, digital transformation, service redesign / business change processes, data management, or connectivity / broadband / Wi-Fi?

Yes No

If Yes, please provide a brief summary of the impact?

Where the impact identifies a requirement for technology, has an assessment been carried out (or scheduled) by the Enterprise Architecture Governance Group (EAGG)?

Yes No

5.7 Environmental / Carbon impact

Does the report / project / practice contain information that has an impact on any environmental or carbon matters?

Yes No

If Yes, please provide a brief summary of the impact?

5.8 Communications impact

Does the report contain any information that has an impact on the council's communications activities?

Yes No

If Yes, please provide a brief summary of the impact?

5.9 Risk impact

Is there a risk impact?

Yes No

If Yes, please provide a brief summary of the key risks and potential impacts, highlighting where the risk(s) are assessed and recorded (e.g. Corporate or Service or Project Risk Registers), and how they are managed?

There is a risk that if the revocation is the basis of a valid objection then the matter would have to be the basis of a Public Local Inquiry which would incur the Council in additional cost and time. However the risk associated with this revocation is considered to be low as it is the estate of the applicant that are seeking the revocation.