

PLANNING LOCAL REVIEW BODY (PLRB)

Minutes of meeting held via Confero and the Council Chamber, Council Offices, Almada Street, Hamilton on 15 August 2022

Chair:

Councillor Richard Nelson

Councillors Present

Councillor Alex Allison, Councillor Gerry Convery (Depute), Councillor Maureen Devlin (*substitute for Councillor Graham Scott*), Councillor Mary Donnelly, Councillor Gladys Ferguson-Miller, Councillor Mark Horsham, Councillor Lesley McDonald, Councillor Norman Rae

Councillors' Apologies:

Councillor Dr Ali Salamati, Councillor Graham Scott

Attending

Community and Enterprise Resources

J Wright, Planning Adviser to the Planning Local Review Body

Finance and Corporate Resources

M Cannon, Legal Adviser to the Planning Local Review Body; S Jessup, Administration Assistant; K McLeod, Administration Assistant; S McLeod, Administration Officer; S Somerville, Administration Manager

1 Declaration of Interests

No interests were declared.

2 Minutes of Previous Meeting

The minutes of the meeting of the Planning Local Review Body held on 20 June 2022 were submitted for approval as a correct record.

The Committee decided: that the minutes be approved as a correct record.

3 Review of Case – Application P/21/0029 for Erection of 2 Houses with Associated Studio Flats Above Attached Garage, Raised Decking at Rear and Formation of Access at Land 120 Metres Northeast of 55 Bothwell Road, Bothwell Road, Hamilton

A report dated 4 August 2022 by the Executive Director (Finance and Corporate Resources) was submitted on a request for a review of the decision taken by officers, in terms of the Scheme of Delegation, to refuse planning permission for planning application P/21/0029 by S Chaudhary for the erection of 2 houses with associated studio flats above attached garage, raised decking at rear and formation of access at land 120 metres northeast of 55 Bothwell Road, Bothwell Road, Hamilton.

To assist the PLRB in its review, copies of the following information had been appended to the report:-

- ◆ planning application form
- ◆ report of handling by the planning officer under the Scheme of Delegation together with representations and responses from consultees
- ◆ site photographs and location plan

- ◆ decision notice
- ◆ notice of review, including applicant's statement of reasons for requiring the review
- ◆ further submissions from interested parties following notification of the request for the review of the case
- ◆ comments from the applicant on the further submissions received from the interested parties

The relevant drawings in relation to the review were available for inspection prior to the meeting of the PLRB.

The Legal Adviser advised on the following procedural matters:-

- ◆ that a number of representations from parties who had not previously objected to the planning application or whose signatures were unidentifiable had not been included in the submissions as, in terms of The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013, only an interested party might make representations in respect of a review
- ◆ the Statement of Observations from the Planning Officer, attached at appendix 6 to the report, which stated that the reference to the suggestion for financial investment and a related Section 75 agreement was new information and had not been made available prior to the determination of application P/21/0029

The PLRB agreed that the information in relation to a proposed Section 75 agreement could be considered in relation to the review and heard the Planning Adviser in relation to the case.

The PLRB noted that the applicant had requested a hearing and site inspection, however, on the basis of the above, the PLRB considered it had sufficient information to allow it to proceed to determine the review. The options available to the PLRB were to uphold, reverse or vary the decision taken in respect of the application taken under review.

In reviewing the case, the PLRB considered:-

- ◆ the information submitted by all parties
- ◆ the relevant policies contained in the adopted South Lanarkshire Local Development Plan 2:-
 - ◆ Policy 3 – general urban areas and settlements
 - ◆ Policy 5 – development management and placemaking
 - ◆ Policy 13 – green network and greenspace
 - ◆ Policy DM1 – new development design
 - ◆ Policy NHE13 – forestry and woodland
 - ◆ Policy NHE14 – tree preservation orders
 - ◆ Policy NHE20 – biodiversity

Following its review of the information and after discussion, the PLRB concluded that the development was contrary to Policies 3, 5, 13, NHE13 and NHE20 of the South Lanarkshire Local Development Plan 2.

The PLRB decided:

that the decision taken by officers, in terms of the Scheme of Delegation, to refuse planning permission for planning application P/21/0029 by S Chaudhary for the erection of 2 houses with associated studio flats above attached garage, raised decking at rear and formation of access at land 120 metres northeast of 55 Bothwell Road, Bothwell Road, Hamilton be upheld.

4 Urgent Business

There were no items of urgent business.