

## PLANNING LOCAL REVIEW BODY (PLRB)

Minutes of meeting held via Confero and in Committee Room 1, Council Offices, Almada Street, Hamilton on 2 October 2023

### Chair:

Councillor Richard Nelson

### Councillors Present:

Councillor Gerry Convery (Depute), Councillor Maureen Devlin (*substitute for Councillor Graham Scott*), Councillor Colin Dewar, Councillor Gladys Ferguson-Miller, Councillor Mark Horsham, Councillor Norman Rae

### Councillors' Apologies:

Councillor Alex Allison, Councillor Elise Frame, Councillor Lesley McDonald, Councillor Graham Scott

### Attending:

#### Community and Enterprise Resources

J Wright, Planning Adviser to the Planning Local Review Body; T Finn, Planning and Building Standards Manager (Headquarters)

#### Finance and Corporate Resources

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

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### 1 Declaration of Interests

No interests were declared.

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### 2 Minutes of Previous Meeting

The minutes of the meeting of the Planning Local Review Body held on 4 September 2023 were submitted for approval as a correct record.

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

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### 3 Review of Case – Application P/23/0413 for Ancillary Accommodation to Rear Garden at 67 School Road, Sandford, Strathaven

A report dated 21 September 2023 by the Executive Director (Finance and Corporate Resources) ("the Report") 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/23/0413 by Mr and Mrs Kirkeiner for ancillary accommodation to the rear garden at 67 School Road, Sandford, Strathaven.

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
- ◆ site photographs and location plan
- ◆ decision notice
- ◆ notice of review, including applicant's statement of reasons for requiring the review

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

The Legal Adviser gave advice on the following procedural matters:-

- ◆ that a statement of observations from the Planning Authority in response to the Notice of Review had been received late
- ◆ that the statement of observations had not been included in the review documentation. The applicant's agent objected to the late lodging of the statement of observations and had declined to comment on the statement of observations as he considered that the statement of observations should not form part of the review procedures
- ◆ that the Town and Country Planning (Scotland) Act 1997 required that all relevant material planning matters were considered
- ◆ that if the PLRB decided to accept the late submission, the review would require to be continued for further procedure to allow the applicant opportunity to comment, either by means of a hearing session or written submissions. If by written submission, the applicant would require to be given a minimum of 14 days to respond to the statement of observations

Having taken into account the advice provided and the information that was available, 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:-

- ◆ all of the information appended to the report
- ◆ 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 DM2 – House Extensions and Alterations
  - ◆ Policy DM5 – Extended Family Accommodation
- ◆ the relevant policy contained in the National Planning Framework 4 which had been adopted on 13 February 2023 and formed part of the statutory development plan:-
  - ◆ Policy 16 – Quality Homes

Following its review of the information, the PLRB considered whether there was valid policy justification to support the proposed development at the proposed location and concluded that it was contrary to Policy 16 of the National Planning Framework 4 and Policies 3, 5, DM2 and DM5 of the adopted 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/23/0413 by Mr and Mrs Kirkeiner for ancillary accommodation to the rear garden at 67 School Road, Sandford, Strathaven, be upheld.

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#### **4 Urgent Business**

There were no items of urgent business.

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## **5 Closing Remarks**

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The Chair advised that this would be the last meeting that James Wright, Planning Adviser to the PLRB, would be attending prior to leaving his employment with South Lanarkshire Council. The Chair, on behalf of the members of the PLRB, thanked him for his valuable contribution, assistance and advice to the PLRB and wished him all the very best in the future.