

## PLANNING LOCAL REVIEW BODY (PLRB)

Minutes of meeting held via Confero and in Committee Room 1, Council Offices, Almada Street, Hamilton on 7 August 2023

### Chair:

Councillor Richard Nelson

### Councillors Present

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

### Councillors' Apologies:

Councillor Mary Donnelly, 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; S McLeod, Administration Officer

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### 1 Declaration of Interests

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No interests were declared.

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### 2 Minutes of Previous Meeting

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The minutes of the meeting of the Planning Local Review Body held on 24 April 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/22/0281 for Erection of 2-Storey Rear Extension with Associated Alterations and the Formation of a Roof Terrace at 75 Kirk Street, Strathaven

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A report dated 28 July 2023 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/22/0281 by W Watson for the erection of a 2-storey rear extension with associated alterations and the formation of a roof terrace at 75 Kirk Street, 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
- ◆ submission from Planning and Regulatory Services following notification of the request for the review of the case

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

The PLRB noted that the applicant had requested a site inspection and further written submissions, 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 5 – Development Management and Placemaking
  - ◆ Policy 14 – Natural and Historic Environment
  - ◆ Policy DM2 – House Extensions and Alterations
  - ◆ Policy NHE6 – Conservation Areas
- ◆ 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 and after discussion, the PLRB concluded that there was adequate justification in terms of Policies 5, 14, DM2 and NHE6 of the adopted South Lanarkshire Local Development Plan 2 and Policy 16 of the National Planning Framework 4 for the application to be granted on the grounds that the proposal was not overtly out of character with surrounding properties which also had extensions to their roof spaces. The PLRB then considered appropriate conditions to be attached to the planning consent.

**The PLRB decided:**

that the decision taken by officers, in terms of the Scheme of Delegation, to refuse planning permission for planning application P/22/0281 by W Watson for the erection of a 2-storey rear extension with associated alterations and the formation of a roof terrace at 75 Kirk Street, Strathaven be reversed and that planning permission be granted for the proposal subject to the conditions specified by the PLRB, attached as Appendix 1 to this minute.

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#### **4 Review of Case – Application P/23/0156 for Erection of New Roof with Increased Ridge Height to Facilitate Second Floor of Accommodation, Installation of Front and Rear Dormers and Erection of Balcony at Sion, 47 Burnblea Street, Hamilton**

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A report dated 28 July 2023 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/23/0156 by J Peek for the erection of a new roof with increased ridge height to facilitate second floor of accommodation, installation of front and rear dormers and erection of a balcony at Sion, 47 Burnblea Street, 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
- ◆ site photographs and location plan
- ◆ decision notice
- ◆ notice of review, including applicant's statement of reasons for requiring the review
- ◆ submission from Planning and Regulatory Services following notification of the request for the review of the case
- ◆ comments from the applicant on the submission received from Planning and Regulatory Services

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:-

- ◆ the PLRB would normally have the power to uphold, reverse or vary the Planning Authority's decision, however, it was not advisable to uphold the decision in this case as the decision notice contained the following errors:-
  - ◆ no reasons for refusal had been provided
  - ◆ reasons for the decision had referred to Policies 1 and 2 of National Planning Framework 4 in error
- ◆ to uphold the original decision in this case would effectively re-issue the erroneous decision notice
- ◆ given the above, the options available to the PLRB were to reverse the decision by granting the application, with or without conditions, or vary the decision by refusing the application for different reasons to those stated in the original decision notice

The PLRB noted that the applicant had requested a 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.

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 DM2 – House Extensions and Alterations
- ◆ 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 and after discussion, the PLRB concluded that there was adequate justification in terms of Policies 3, 5 and DM2 of the adopted South Lanarkshire Local Development Plan 2 and Policy 16 of the National Planning Framework 4 for the application to be granted on the grounds that the proposal would not have a detrimental effect on neighbouring properties or result in a loss of privacy for neighbouring properties. The PLRB then considered appropriate conditions to be attached to the planning consent.

**The PLRB decided:**

that the decision taken by officers, in terms of the Scheme of Delegation, to refuse planning permission for planning application P/23/0156 by J Peek for the erection of a new roof with increased ridge height to facilitate second floor of accommodation, installation of front and rear dormers and erection of a balcony at Sion, 47 Burnblea Street, Hamilton be reversed and that planning permission be granted for the proposal subject to the condition specified by the PLRB, attached as Appendix 2 to this minute.

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**5 Urgent Business**

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There were no items of urgent business.

Erection of 2 Storey Rear Extension with Associated Alterations and the Formation of a Roof Terrace at 75 Kirk Street, Strathaven

1. The development to which this permission relates shall be begun no later than the expiration of three years beginning with the date of grant of this decision notice.

Reason: To comply with Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. That the 1.8m protective barrier with frosted glazing as shown on drawing number 21070-AA-053 shall be maintained as such for the lifetime of the development, hereby approved.

Reason: In the interests of protecting neighbouring amenity.

**Application P/23/0156 - Condition and Reason****Appendix 2**

Erection of New Roof with Increased Ridge Height to Facilitate Second Floor of Accommodation, Installation of Front and Rear Dormers and Erection of Balcony at Sion, 47 Burnblea Street, Hamilton

1. The development to which this permission relates shall be begun no later than the expiration of three years beginning with the date of grant of this decision notice.

Reason: To comply with Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).