

## PLANNING LOCAL REVIEW BODY (PLRB)

Minutes of meeting held via Confero and in the Council Chamber, Council Offices, Almada Street, Hamilton on 10 October 2022

### Chair:

Councillor Richard Nelson

### Councillors Present

Councillor Mary Donnelly, Councillor Grant Ferguson (*substitute for Councillor Gladys Ferguson-Miller*), Councillor Mark Horsham, Councillor Ross Lambie (*substitute for Councillor Alex Allison*), Councillor Lesley McDonald, Councillor Norman Rae, Councillor Graham Scott

### Councillors' Apologies:

Councillor Alex Allison, Councillor Gerry Convery (Depute), Councillor Gladys Ferguson-Miller, Councillor Dr Ali Salamat

### 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

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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 12 September 2022 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/21/1210 for Erection of an Agricultural Workers' Dwelling House (Permission in Principle) at Land 475 Metres Southeast of Cobblehaugh Farm Cottage, Cobblehaugh Road, Lanark

A report dated 28 September 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/21/1210 by the Firm of Thomas Orr for the erection of an agricultural workers' dwelling house (permission in principle) at land 475 metres southeast of Cobblehaugh Farm Cottage, Cobblehaugh Road, Lanark.

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 comments provided to the Planning Officer by the Council's Economic Development Team had been included in the submissions to the PLRB, however, in terms of The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013, the Economic Development Team was not an interested party and, therefore, had not been invited to submit further representations to the PLRB
- ◆ the Statement of Observations from the Planning Officer, attached at Appendix 6 to the report, stated that the letter received from SAC Consulting, attached at appendices 5 and 7 to the report, was new information and had not been made available prior to the determination of application P/21/1210
- ◆ that a submission from J Russell, who had submitted an earlier representation in the name of his company, D and M Russell, had been received late in terms of The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013, however, the Town and Country Planning (Scotland) Act 1997 required that all relevant material planning matters were considered

The late submission from J Russell was tabled and the PLRB agreed that the late submission and the letter received from SAC Consulting could be considered in relation to the review.

The PLRB heard the Planning Adviser in relation to the case. Following discussion, Councillor Nelson, seconded by Councillor Rae, moved that the review proceed without a site visit, hearing or further written submissions. Councillor McDonald, seconded by Councillor Donnelly, moved as an amendment that a site visit be carried out as part of the review. On a vote being taken using the electronic voting system, 2 members voted for the amendment and 6 for the motion which was declared carried.

The PLRB proceeded 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 4 – green belt and rural area
  - ◆ Policy 14 – natural and historic environment
  - ◆ Policy GBRA1 – rural design and development
  - ◆ Policy GBRA10 – accommodation associated with an existing or proposed rural business

Following its review of the information and after discussion, the PLRB concluded that there was adequate justification in terms of Policies 4, 14, GBRA1 and GBRA10 for the application to be granted on the grounds that it considered that the proposed development was an appropriate type of development in terms of land use. 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/21/1210 by the Firm of Thomas Orr for the erection of an agricultural workers' dwelling house (permission in principle) at land 475 metres southeast of Cobblehaugh Farm Cottage, Cobblehaugh Road, Lanark be reversed and that planning permission be granted for the proposal subject to the conditions specified by the PLRB, attached as an appendix to this minute.

*Councillor Donnelly left the meeting during this item of business*

*In terms of Standing Order No 14, the Chair adjourned the meeting during this item of business at 10.55am and reconvened at 11.25am and further adjourned at 11.50am and reconvened at 11.55am*

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**4 Urgent Business**

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There were no items of urgent business.

Erection of an Agricultural Workers' Dwelling House (Permission in Principle) at Land 475 Metres Southeast of Cobblehaugh Farm Cottage, Cobblehaugh Road, Lanark

1. The development to which this permission in principle relates shall be begun no later than the expiration of five years beginning with the date of grant of this permission.

Reason: To comply with section 59 of the Town and Country Planning (Scotland) Act 1997 as amended. Five years is the default period set by Section 59 and there is no material reason indicating that a different period should be set.

2. Prior to the commencement of development on site, a further application(s) for the approval of any of the matters specified in this condition must be submitted to and approved by the Council as Planning Authority, in accordance with the five year timescale as set out in condition 1, above.

These matters are as follows:-

- (a) the layout of the site, including all roads, footways, parking areas (including number and size of parking spaces) and garden ground
- (b) the siting, design and external appearance of all building(s) and any other structures, including plans and elevations showing their dimensions and type and colour of external materials
- (c) detailed cross-sections of existing and proposed ground levels, details of underbuilding and finished floor levels in relation to a fixed datum, preferably ordnance datum
- (d) the design and location of all boundary treatments including walls and fences
- (e) the landscaping proposals for the site, including details of existing trees and other planting to be retained together with proposals for new planting specifying number, size and species of all trees and shrubs, including, where appropriate, the planting of fruit/apple trees
- (f) the means of drainage and sewage disposal
- (g) details of facilities for the storage of refuse within the proposed development, including the design, location and access for uplift

Reason: To comply with section 59 of the Town and Country Planning (Scotland) Act 1997 as amended.

3. That the occupation of the dwellinghouse authorised by this permission shall be limited to a person solely or mainly employed or last employed in agriculture as defined in Section 277 of the Town and Country Planning (Scotland) Act 1997, on Charleston Park Farm; or a dependant of such a person residing with him or her or the widow or widower of such a person.

Reason: To safeguard the amenity of the area.

4. That, notwithstanding the terms of Condition 1 above, the design and siting of any dwellinghouse on the site shall take due cognisance of the rural location, with particular regard being paid to scale, massing, roof pitch, fenestration and materials.

Reason: In the interests of amenity and to ensure satisfactory integration of the new dwellinghouses with the rural location in which they are to be situated.

5. That no consent is hereby granted for the indicative house footprint shown on the drawings titled Location Plan Rev. F, Indicative Site Plan Rev. E and Indicative Site Plan Rev. F.

Reason: Permission is granted in principle only and no approval is given for these details.

6. That before any work starts on site, the developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the Planning Authority, during all ground disturbance. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record, recover and report items of interest and finds. A method statement for the watching brief will be submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority prior to commencement of the watching brief. The name of the archaeological organisation retained by the developer shall be given to the Planning Authority and to the West of Scotland Archaeology Service in writing not less than 14 days before development commences.

Reason: In the interests of cultural heritage.

7. That, before the development hereby approved is completed or brought into use, details, including construction specifications, of passing places along Cobblehaugh Road from the junction with the A70 to the site, shall be submitted for the written approval of the Council, as Planning Authority. Once approved, the passing places shall be constructed and maintained as such for the lifetime of the development, hereby approved. For the avoidance of doubt the passing places shall be located within Heads Highway. FOR AVOIDANCE OF DOUBT, the indicative locations of passing places as shown on drawing L(--)-019(C) are considered acceptable in principle.

Reason: In the interests of road safety.

8. That, unless otherwise agreed in writing and prior to works commencing on site, the applicant shall submit details to demonstrate that the new dwelling will be fitted with an electric vehicle charging (EVC) point. Thereafter, the agreed EVC provision shall be installed, commissioned, and maintained in accordance with the approved plans and specifications prior to that property which it serves being occupied.

Reason: To ensure the provision of appropriate facilities for the dwelling.

9. Prior to commencement of the development hereby approved, details of measures to facilitate the provision of full fibre broadband to serve the dwelling, including details of appropriate digital infrastructure and a timescale for implementation, shall be submitted to and approved in writing by the Council as Planning Authority, unless otherwise agreed in writing with the applicant. The approved measures shall thereafter be carried out in accordance with the agreed implementation timescale.

Reason: To ensure the provision of digital infrastructure to serve the development

10. That details of surface water drainage arrangements should be submitted to the Council as Planning Authority as part of the further submission for this site; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design Criteria and shall include a flood risk assessment of the site and signed appendices as required. Thereafter, the development shall not be occupied until the surface drainage works have been completed in accordance with the details submitted to and approved by the Council as Planning Authority.

Reason: To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.

11. That notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011 (or any such order revoking or re-enacting that order), no buildings, structures or fences other than those approved under Condition 2 above; shall be erected within the application site; without the submission of a further planning application to the Council as Planning Authority.

Reason: In the interests of maintaining planning control of the site