

## PLANNING LOCAL REVIEW BODY

Minutes of meeting held in Committee Room 5, Council Offices, Almada Street, Hamilton on 20 November 2017

**Chair:**

Councillor Alistair Fulton

**Councillors Present:**

Alex Allison (*substitute for Councillor Le Blond*), John Bradley (*substitute for Councillor Shearer*), Walter Brogan, Jackie Burns (*substitute for Councillor J Wardhaugh*), Isobel Dorman (Depute), Fiona Dryburgh, Mark Horsham, Richard Nelson, Graham Scott

**Councillors' Apologies:**

Ann Le Blond, David Shearer, Jim Wardhaugh

**Attending:**

**Community and Enterprise Resources**

G McCracken, Planning Adviser to the Planning Local Review Body

**Finance and Corporate Resources**

K Moore, Legal Adviser to the Planning Local Review Body; T Slater, 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 14 August 2017 were submitted for approval as a correct record.

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

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### 3 Review of Case - EK/17/0254 - Erection of Boundary Fence (Retrospective) at 35 Millar Street, Glassford, Strathaven

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A report dated 1 November 2017 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 attach conditions to the grant of planning consent for planning application EK/17/0254 by Mr and Mrs Young for the erection of a boundary fence (retrospective) at 35 Millar Street, Glassford, Strathaven. The conditions required an alternative dark stain colour to be used as a final finish to the fence.

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

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

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 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 and associated Supplementary Guidance (SG):-
  - ◆ Policy 4 – development management and placemaking
  - ◆ Policy 6 – general urban area/settlements
  - ◆ Policy 15 – natural and historic environment
  - ◆ Policy NHE7 – conservation areas
  - ◆ Policy DM2 – house extensions and alterations

Following its review of the information, the PLRB concluded that, in the interests of the amenity of the area and to safeguard the character and appearance of the Conservation Area, condition 1 of planning consent EK/17/0254 should not be removed. The PLRB noted, however, that the application was retrospective, as it appeared the applicant was incorrectly advised that planning permission was not required for the proposal. Consequently, a significant amount of the fence had been stained.

Taking account of the above, the PLRB considered that it was reasonable and appropriate to afford the applicant additional time to comply with the terms of the condition requiring the colour of the staining to be changed. The PLRB, therefore, considered that the applicant should be allowed 12 months in which to agree a new finish and 15 months to undertake the agreed works and that planning condition 2 be varied on this basis.

**The PLRB decided:** that the decision taken by officers, in terms of the Scheme of Delegation, to grant planning permission for planning application EK/17/0254 by Mr and Mrs Young for the erection of a boundary fence (retrospective) at 35 Millar Street, Glassford, Strathaven, be varied and that the application be granted subject to the conditions attached as an appendix to this minute.

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#### **4 Urgent Business**

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There were no items of urgent business.

#### **Appendix**

##### **Application: EK/17/0254**

Erection of boundary fence (retrospective) at 35 Millar Street, Glassford, Strathaven.

##### **CONDITIONS**

- 1 That no consent is hereby granted for the existing colour of the stained finish to the fencing.
- 2 That within 12 months of the date of the consent, the applicant shall agree, in writing with the Council, a dark wood stain finish. Thereafter, and within 15 months of the date of the consent, the fence shall be finished in the agreed stain to the satisfaction of the Council as Planning Authority.

**REASONS**

1.1 The colour of the retrospective fence is unacceptable.

1.2 In the interests of amenity and to safeguard the character of the Conservation Area.