

# PLANNING LOCAL REVIEW BODY (PLRB)

Minutes of meeting held in Committee Room 5, Council Offices, Almada Street, Hamilton on 18 October 2010

## Chair:

Councillor Graham Scott

## Councillors Present:

Hugh Dunsmuir, Tommy Gilligan, Ian Gray (items 1, 2 and 3 only), Bill Holman, Patrick Ross-Taylor (Depute), Chris Thompson, Jim Wardhaugh (item 4 only)

## Attending:

### Corporate Resources

P MacRae, Administration Officer; K Goldie, Legal Adviser to the Planning Local Review Body

### Enterprise Resources

G Cameron, Planning Adviser to the Planning Local Review Body

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## 1 Declaration of Interests

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The following interest was declared:-

<i>Councillor(s)</i>	<i>Item(s)</i>	<i>Nature of Interest(s)</i>
Gray	Review of Case – Application CL/10/0175 – Erection of house (planning permission in principle) at land at Silvermuir Road, Ravenstruther	Connection with the applicant

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## 2 Minutes of Previous Meeting

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The minutes of the meeting of the PLRB held on 23 August 2010 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 - Application CL/09/0483 - Formation of House Plot (Planning Permission in Principle) at Westsidewood Farm, Carnwath

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A report dated 11 October 2010 by the Executive Director (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 in principle for planning application CL/09/0483 by Mr and Mrs Dunlop for the formation of a house plot at Westsidewood Farm, Carnwath.

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

- ◆ further submissions from interested parties following notification of the request for a review of the case
- ◆ comments from the applicants on the further submissions received from interested parties

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

In the notice of review, the applicants had indicated that they were introducing new information in relation to:-

- ◆ the scale and significance of the applicants' business operations
- ◆ the reason for the submission of the application

In terms of Section 43B of the Planning etc (Scotland) Act 2006, parties could not raise any matter which was not before the planning officer who made the determination unless that party could demonstrate that:-

- ◆ the matter could not have been raised before the review
- ◆ the matter was not raised before due to exceptional circumstances

The PLRB concluded that the applicant had not demonstrated that the new information met the above criteria and, therefore, that it could not consider the new information.

The PLRB considered that 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 with the exception of the new information submitted by the applicant which the PLRB had concluded it could not consider
- ◆ the relevant policies contained in the Adopted South Lanarkshire Local Plan:-
  - ◆ Policy STRAT5 – rural investment area
  - ◆ Policy CRE1 – housing in the countryside

Following its review of the information which it could consider, the PLRB concluded that there were no material considerations that warranted granting permission in principle for the formation of a house plot at Westsidewood Farm, Carnwath contrary to the relevant Development Plan policies.

**The PLRB decided:** that the decision taken by officers, in terms of the Scheme of Delegation, to refuse planning permission in principle for planning application CL/09/0483 by Mr and Mrs Dunlop for the formation of a house plot at Westsidewood Farm, Carnwath be upheld.

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#### **4 Review of Case - Application CL/10/0175 - Erection of House (Planning Permission in Principle) at Land at Silvermuir Road, Ravenstruther**

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A report dated 11 October 2010 by the Executive Director (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 in principle for planning application CL/10/0175 by A McRae for the erection of a house at land at Silvermuir Road, Ravenstruther.

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 statutory 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 a review of the case
- ◆ comments from the applicant on the further submissions received from interested parties

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

In the notice of review, the applicant had indicated that they were introducing new information in relation to material policy considerations which had not been taken account of in the planning officer's report of handling. The PLRB concluded that this information could be accepted on the basis that it related to matters that had previously been raised.

On the basis of the above, the PLRB considered that 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 Plan:-
  - ◆ Policy STRAT4 – accessible rural area
  - ◆ Policy CRE1 – housing in the countryside
  - ◆ Policy ENV29 – regional scenic area
  - ◆ Policy ENV34 – development in the countryside
- ◆ Policy STRAT1 of the Glasgow and Clyde Valley Joint Structure Plan – strategic development location

Following its review of the information, the PLRB concluded that, while the proposal was contrary to the above policies, a departure from the Development Plan could be justified for the following reasons:-

- ◆ the site was physically self-contained and there would be no significant or material impact on the amenity or character of the surrounding area
- ◆ the site was bounded by clearly defined defensible boundaries on all 3 sides
- ◆ an alternative vehicular access could be identified which would achieve adequate visibility
- ◆ the proposal would relate well with the nearby proposed residential development

**The PLRB decided:**

that the decision taken by officers, in terms of the Scheme of Delegation, to refuse planning permission in principle for planning application CL/10/0175 by A McRae for the erection of a house at Silvermuir Road, Ravenstruther be reversed and that planning permission in principle be granted for the proposal subject to the conditions specified by the PLRB, attached as an appendix to this minute.

*Councillor Gray, having declared an interest in the above item, left the meeting prior to its consideration. Councillor Wardhaugh attended for this item only in his capacity as a substitute member*

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**5 Urgent Business**

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There were no items of urgent business.

**Application Number: CL/10/0175**

Erection of a house (planning permission in principle) at Silvermuir Road, Ravenstruther

**Conditions**

- 1 This decision relates to plans: block plan and tree survey plan
- 2 Unless development commences, planning permission in principle expires 2 years from approval of the specified matters being granted, or if different matters are approved on different dates, then 2 years from the date of the last approval.
- 3 The application(s) for approval of these further matters must be made to the Council as Planning Authority before whichever is the latest of the following:
  - (a) expiry of 3 years from when permission in principle was granted
  - (b) expiry of 6 months from date when an earlier application for approval was refused, and
  - (c) expiry of 6 months from date on which an appeal against the refusal was dismissed.

Approval of the further specified matters can be made for -

- (i) different matters, and
  - (ii) different parts of the development
- at different times.

Only one application for approval of matters specified in conditions can be made after 3 years from the grant of planning permission in principle.

- 4 Prior to the commencement of development on site, a further application(s) for the approval of the matters specified in this condition must be submitted to and approved by the Council as Planning Authority. These matters are as follows:
  - (a) the layout of the site, including all roads, footways, parking areas and open spaces;
  - (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) notwithstanding the terms of condition 1 above a revised means of access to the site, including the required visibility splays;
  - (e) the design and location of all boundary treatments including walls and fences;
  - (f) 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;
  - (g) the means of drainage and sewage disposal.
  - (h) details of the phasing of development (covering all relevant aspects of development detailed in (a) above)
- 5 That notwithstanding the terms of Condition 4 above, the design and siting of any dwellinghouse on the site shall take due cognisance of the rural location of the site, with particular regard being paid to scale, massing, roof pitch, fenestration and materials; and shall be in accordance with the Council's approved policy on new dwellings in the Rural Design Guide.
- 6 That no building to be erected on the site shall exceed 1½ storeys in height.
- 7 That the further application(s) required under the terms of Condition 4 shall incorporate the requirements of the Council's Residential Development Guide.
- 8 That before the dwellinghouse hereby approved is brought into use, a 3.0 metres minimum wide dropped kerb verge crossing, with the first 4.0 metres from the edge of the public road hard surfaced, shall be provided to the satisfaction of the Council as Roads and Planning

Authority.

- 9 That before any dwellinghouse on the site approved is completed or brought into use, a visibility splay of 2.5 metres by 140 metres to the east and 2.5 metres by 90 metres to the west measured from the road channel, shall be provided on both sides of the vehicular access and everything exceeding 0.9 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.
- 10 That the total number of dwellinghouses within the site shall be no more than one.

## REASONS

- 1.1 For the avoidance of doubt and to specify the drawings upon which the decision was made.
- 2.1 To comply with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 3.1 To comply with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 4.1 To comply with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 5.1 In the interests of amenity and to ensure satisfactory integration of the new dwellinghouse with the designated Greenbelt.
- 6.1 In the interests of amenity.
- 7.1 To ensure satisfactory development of the plot.
- 8.1 In the interest of public safety
- 9.1 In the interest of road safety
- 10.1 To define the permission and in the interest of amenity.