

## **PLANNING LOCAL REVIEW BODY (PLRB)**

Minutes of meeting held in Committee Room 5, Council Offices, Almada Street, Hamilton on 27 August 2018

### **Chair:**

Councillor Alistair Fulton

### **Councillors Present:**

Walter Brogan, Isobel Dorman (Depute), Fiona Dryburgh, Mark Horsham, Ann Le Blond, Richard Nelson, Graham Scott, Jim Wardhaugh

### **Councillor's Apology:**

David Shearer

### **Attending:**

#### **Community and Enterprise Resources**

G McCracken, Planning Adviser to the Planning Local Review Body

#### **Finance and Corporate Resources**

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

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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 30 July 2018 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 P/18/0099 - Erection of 2 Houses Together with Formation of Vehicular Access and Erection of 5 Metres High Ball Stop Fence at Land at Mauldslie Road, Carluke**

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A report dated 31 July 2018 by the Executive Director (Finance and Corporate Resources) was submitted on a request for a review of planning application P/18/0099 by P Doyle for the erection of 2 houses together with the formation of a vehicular access and the erection of a 5 metres high ball stop fence at land at Mauldslie Road, Carluke.

To assist the PLRB in its review, copies of the following information had been appended to the report:-

- ◆ planning application form
- ◆ responses from statutory consultees and representations received
- ◆ site photographs and location plan
- ◆ notice of review, including the 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

As the application had not been determined by Planning Services (deemed refusal), no report of handling was available in respect of the application. To facilitate the review and comply with the statutory timescale, the Head of Administration and Legal Services, in consultation with the Chair, had asked for observations from Planning Services on the notice of review to be provided in advance of the meeting. The applicant had been given the opportunity to comment on those observations.

The observations from Planning Services and the comments from the applicant's agent had been appended to the report. The PLRB concluded that this information could be accepted on the basis that it provided information necessary to assess the case.

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

The PLRB heard:-

- ◆ the Planning Adviser on the background to the case
- ◆ the Legal Adviser on:-
  - ◆ the role of the PLRB which was to consider the application anew and on its own merits and assess it against the relevant policies
  - ◆ the applicant's request for a hearing, the rules which would apply if the PLRB considered that a hearing was appropriate and whether the PLRB should treat other similar applications as a precedent

On the basis of the above, the PLRB considered it had sufficient information to allow it to proceed to determine the review without the need for a hearing.

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 3 – green belt and rural area
  - ◆ Policy 4 – development management and place making
  - ◆ Policy DM1 – design
  - ◆ Policy GBRA5 – development of gap sites
- ◆ the relevant policies contained in the Proposed South Lanarkshire Development Plan 2:-
  - ◆ Policy 4 – green belt and rural area
  - ◆ Policy 5 – development management and place making
  - ◆ Policy GBRA1 – rural design and development
  - ◆ Policy GBRA8 – development of gap sites

The Council's Residential Guide was also of relevance.

Following its review of the information, the PLRB concluded that the proposed development was contrary to Policy 3 of the Adopted South Lanarkshire Local Development Plan, and Policy GBRA5 of the Green Belt and Rural Area Supplementary Guidance. It also concluded that the mitigation measures necessary to protect the occupants of the proposed houses from stray balls from the golf course would be of such a scale as to both adversely affect the landscape character of the area and have an over bearing impact on the occupants of the proposed houses. The PLRB further concluded that there were no material considerations that warranted granting planning permission for planning application P/18/0099 contrary to the relevant policies.

**The PLRB decided:**

that planning application P/18/0099 by P Doyle for the erection of 2 houses together with the formation of vehicular access and the erection of a 5 metres high ball stop fence at land at Mauldslie Road, Carluke be refused for the reasons determined by the PLRB, 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 Number P/18/0099**

Erection of 2 houses together with formation of vehicular access and the erection of a 5 metres high ball stop fence at land at Mauldslie Road, Carluke

**Reasons for Refusal**

- 1) The proposal would constitute new residential development in the Greenbelt without appropriate justification and the site does not constitute a clearly identifiable infill gap site. The proposal would, therefore, be contrary to Policies 3 - Green Belt and Rural Area and GBRA 5 – Development of Gap Sites of the South Lanarkshire Local Development Plan (adopted 2015).
- 2) Without mitigation measures to stop errant golf balls from the adjacent golf course, the safety and residential amenity of the proposed dwellings is likely to be compromised and any structures erected to ensure the safety of the residents would require to be of such a scale so as to both adversely affect the landscape character of the area and have an over-bearing impact on the occupants of the dwellings.