

# PLANNING LOCAL REVIEW BODY (PLRB)

Minutes of meeting held via Microsoft Teams on 28 March 2022

**Chair:**

Councillor Isobel Dorman

**Councillors Present:**

Councillor Alex Allison, Councillor Maureen Devlin, Councillor Mark Horsham (Depute), Councillor Davie McLachlan, Councillor Graham Scott, Councillor David Shearer, Councillor Jim Wardhaugh

**Councillor's Apology:**

Councillor Ann Le Blond

**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 and K McLeod, Administration Assistants; 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 Review of Case - P/21/0342 for Extension to Decking (In Retrospect) at 57 Drygate Street, Larkhall

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A report dated 17 March 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, in respect of the 2 conditions attached to the grant of planning consent for planning application P/21/0342 by S Templeman for an extension to decking (in retrospect) at 57 Drygate Street, Larkhall. The conditions required that:-

- ◆ unless otherwise agreed in writing, within 3 months of the date of the consent, a 1.8 metre high screen fence should be formed along the side elevations of the decking to the satisfaction of the Council as Planning Authority
- ◆ within 1 month of the date of the consent, the applicant should submit details for the written approval of the Council as Planning Authority of how the 1.8 metre high screen fence would be formed

The applicant wished the conditions requiring the formation of higher screen fencing to be removed from the planning consent.

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 a representation
- ◆ site photographs and location plan
- ◆ decision notice

- ◆ 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

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

The PLRB heard the Planning Adviser in relation to the case.

The PLRB noted that the applicant had requested a site visit, 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 2 – climate change
  - ◆ Policy 3 – general urban areas and settlements
  - ◆ Policy 5 – development management and placemaking
  - ◆ Policy 14 – natural and historic environment
  - ◆ Policy DM1 – new development design

Following its review of the information and after discussion, the PLRB concluded that the removal of the conditions would have an adverse impact on the residential amenity of the area and would result in the proposals not according with Policy 5 of the adopted South Lanarkshire Local Development Plan 2.

**The Committee decided:** that the decision taken by officers, in terms of the Scheme of Delegation, to grant planning permission (with 2 conditions) for planning application P/21/0342 by S Templeman for an extension to decking (in retrospect) at 57 Drygate Street, Larkhall be upheld.

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### **3 Review of Case - P/21/1718 for Erection of Detached Dwelling House at Land 65 Metres South Southeast of Yett Holm, Woodhall Road, Braidwood, Carluke**

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A report dated 17 March 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/21/1718 by Mr and Mrs Campbell for the erection of a detached dwelling house at land 65 metres south southeast of Yett Holm, Woodhall Road, Braidwood, Carluke.

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

- ◆ a further submission from an interested party following notification of the request for the review of the case
- ◆ comments from the applicant on the further submission received from the interested party

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

The PLRB heard the Planning Adviser in relation to the case. The Planning Adviser also advised that the response received from Roads and Transportation Services, which was contained in the papers, was wrongly dated and had been received by Planning and Economic Development on 11 October 2021. The Planning Adviser added that, following receipt of revised plans on 26 October 2021, Roads and Transportation Services had provided a further response advising that it had no objections to the development as adequate access, visibility and parking had been shown on the plans. The Planning Adviser stated that this further response had been omitted from the papers, however, the content of the response had been noted in the report of handling.

The PLRB noted that the applicant had requested a site visit, 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 4 – green belt and rural area
  - ◆ Policy 5 – development management and placemaking
  - ◆ Policy GBRA1 – rural design and development
  - ◆ Policy GBRA5 – redevelopment of previously developed land containing buildings
  - ◆ Policy GBRA7 – small scale settlement extensions

Following discussion, Councillor Shearer, seconded by Councillor Allison, moved that the decision taken by officers, in terms of the Scheme of Delegation, to refuse planning permission for planning application P/21/1718 by Mr and Mrs Campbell for the erection of a detached dwelling house at land 65 metres south southeast of Yett Holm, Woodhall Road, Braidwood, Carluke be reversed and that the application be granted on the grounds that the development would be an extension to the village, would round off the community and should, therefore, be allowed as an exception to the terms of Policy 4 of the adopted South Lanarkshire Local Development Plan 2 relating to green belt and rural areas. Councillor Scott, seconded by Councillor McLachlan, moved as an amendment that the decision taken by officers, in terms of the Scheme of Delegation, to refuse planning permission for planning application P/21/1718 by Mr and Mrs Campbell for the erection of a detached dwelling house at land 65 metres south southeast of Yett Holm, Woodhall Road, Braidwood, Carluke be upheld.

On a vote being taken by roll call, members voted as follows:-

### **Motion**

Alex Allison, Isobel Dorman, Mark Horsham, David Shearer, Jim Wardhaugh

### **Amendment**

Maureen Devlin, Davie McLachlan, Graham Scott

3 members voted for the amendment and 5 for the motion which was declared carried.

**The Committee decided:**

that the decision taken by officers, in terms of the Scheme of Delegation, to refuse planning permission for planning application P/21/1718 by Mr and Mrs Campbell for the erection of a detached dwelling house at land 65 metres south southeast of Yett Holm, Woodhall Road, Braidwood, Carluke 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.

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**4 Urgent Business**

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There were no items of urgent business.

Erection of Detached Dwelling House at Land 65 Metres South Southeast of Yett Holm, Woodhall Road, Braidwood, Carluke

**Conditions and reasons**

01. That before any development commences on site or before any materials are ordered or brought to the site, details and samples of all materials to be used as external finishes on the development shall be submitted to and approved by the Council as Planning Authority.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

02. That no trees within the application site shall be lopped, topped, pollarded or felled and no shrubs or hedges shall be removed from the application site without the prior written consent of the Council as Planning Authority.

Reason: In the interests of amenity and to ensure the protection and maintenance of the existing trees and other landscape features within the site.

03. That all trees to be retained within the site shall be fully protected during the period of construction and prior to any work commencing on the site, written details specifying the nature of such measures shall be submitted to and approved by the Council as Planning Authority. Existing trees to be retained must be protected in accordance with methods as set out in BS5837/2012 during and until completion of all site operations and building works.

Reason: To ensure that adequate steps are taken to protect existing trees on the site throughout the period of the proposed building operations.

04. That before development starts, full details of the design and location of all fences and walls, including any retaining walls, to be erected on the site shall be submitted to and approved by the Council as Planning Authority.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

05. That before the dwellinghouse hereby approved is occupied, a drainage system capable of preventing any flow of water from the site onto the public road or neighbouring land, or into the site from surrounding land shall be provided and maintained to the satisfaction of the Council as Roads and Planning Authority.

Reason: To ensure the provision of a satisfactory drainage system.

06. That no development shall commence until details of surface water drainage arrangements have been submitted to and approved in writing by the Council as Planning Authority; 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 signed appendices as required. 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.

07. That the required drainage scheme shall be completed in accordance with the approved details prior to the occupation of the dwellinghouse hereby approved.

Reason: To ensure the timeous provision of a satisfactory drainage scheme.

08. That before the development hereby approved is occupied, a visibility splay of 2.0 metres by 35 metres measured from the road channel shall be provided on both sides of the vehicular driveways and thereafter maintained as such for the lifetime of the development, hereby approved.

Reason: In the interests of traffic and public safety.

09. That before the development hereby approved is occupied; full details of all proposed tree planting shall be submitted to and approved in writing by the Council as Planning Authority. This will include confirmation of location, species and sizes, nursery stock type, supplier and defect period. All tree planting shall be carried out in accordance with those details and at those times.

Reason: To safeguard and enhance the amenity of the area, to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality.