

Appendix 5

Notice of Review (including Statement of Reasons for Requiring the Review) submitted by applicant Mrs M Connolly



Montrose House 154 Montrose Crescent Hamilton ML3 6LB Tel: 0303 123 1015 Email: planning@southlanarkshire.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100154594-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	Cameron Planning		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Steven	Building Name:	Clifton Cottage
Last Name: *	Cameron	Building Number:	29
Telephone Number: *		Address 1 (Street): *	East Argyle Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Helensburgh
Fax Number:		Country: *	United Kingdom
		Postcode: *	G84 7EJ
Email Address: *			

Is the applicant an individual or an organisation/corporate entity? *

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mrs"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="1 Hollybraes Barn"/>
First Name: *	<input type="text" value="M"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Connolly"/>	Address 1 (Street): *	<input type="text" value="East Cathkin Farm"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="East Kilbride Road"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Rutherglen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="G73 5RB"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:	<input type="text" value="South Lanarkshire Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="HOLLYBRAES BARN"/>
Address 2:	<input type="text" value="1 EAST CATHKIN FARM"/>
Address 3:	<input type="text" value="EAST KILBRIDE ROAD"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="RUTHERGLEN"/>
Post Code:	<input type="text" value="GLASGOW"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="658799"/>	Easting	<input type="text" value="263312"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Erection of dwellinghouse and garage on plot 3, Hollybraes Barn, East Kilbride Road, Rutherglen, G73 5RB

Type of Application

What type of application did you submit to the planning authority? *

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? *

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please see separate Supporting Document

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Decision Notice Report of Handling Planning Statement

Application Details

Please provide details of the application and decision.

What is the application reference number? *

P/18/1195

What date was the application submitted to the planning authority? *

17/08/2018

What date was the decision issued by the planning authority? *

28/11/2018

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☒ Yes ☐ No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? *

☒ Yes ☐ No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? *

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? *

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

☒ Yes ☐ No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

☒ Yes ☐ No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Steven Cameron

Declaration Date: 21/02/2019

Cameron Planning

Notice of Request for Review



Proposed Dwellinghouse

Hollybraes Barn,
East Kilbride Rd, Rutherglen

App Ref: P/18/1159

Grounds for Review

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A: Decision Notice

B: Report of Handling

1. Introduction

- 1.1 We have been instructed by Mrs M Connelly to submit this notice for request for review in relation to South Lanarkshire Council's decision to refuse planning permission for the proposed erection of a dwellinghouse within the group of houses built at Hollybraes Barn, East Kilbride Road, Rutherglen. Mrs Connelly currently lives in one of the new houses at Hollybraes Barn and the application site subject to this review is within the grounds of that recent development.
- 1.2 The planning application, reference P/18/1195 was refused under delegated powers on the 28th November, 2018. As a local development decision determined under such powers, our client has 3 months in which to lodge a request to the planning authority for a reconsideration of that decision through the Local Review Board. The planning application was refused for the following reasons:

The proposal will result in development within the green belt without appropriate justification or locational need and as such is contrary to the terms of Policy 3 of the South Lanarkshire Local Development Plan 2015 and Policy 4 of the Proposed South Lanarkshire Local Development Plan 2 (2018).

The proposal will have a significant adverse visual impact on the local area due to the scale, design and location of the proposed building and is therefore contrary to the terms of Policy 4 of the South Lanarkshire Local Development Plan 2015 and Policies 4, 5, GBRA1, GBRA8 and DM1 of the Proposed South Lanarkshire Local Development Plan 2 (2018).

- 1.3 The planning application was validated by the planning authority on 7th September, 2018. The decision to refuse the application is dated 28th November, 2018. Under the terms of the Town and Country Planning (Scotland) Act 1997 and the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013, an application for request to review the decision must be made to the local review board within 3 months from the decision date. This request for review is therefore duly made in accordance with current Regulations. A copy of the Decision Notice is provided as **Appendix A**.
- 1.4 It is noted from the case Planning Officer's Report of Handling in relation to this planning application that there were no third party representations from neighbouring proprietors or any other party. Moreover, none of the parties that were consulted on the application objected to the development. The Officer's Report of Handling is provided as **Appendix B**.

- 1.5 The reason to refuse the planning application is consequently down to the planning officer's subjective assessment. The reasons for refusal are discussed in more detail below however, it can be noted here briefly that the reasons outlined are challenged in this Statement. The case officer has reached conclusions that do not bear up to scrutiny. It is for the Local Review Board to consider the merits of the case afresh and to reach their own conclusion.

2. Proposed Development and Application Site

- 2.1 There is a degree of planning history to the developments that have already been implemented with respect to the adjoining properties, but also in relation to the proposed development currently at review. The planning application site is now associated with the Hollybraes Barn development, however prior to this, the site formed part of East Cathkin Farm steading, or East Farm. Over a period of some 12 years or so the land associated with the East Cathkin Farm steading has been subject to a number of planning applications and approvals, not least the planning permission that delivered the two new properties at Hollybraes Barn; the application currently subject to review is within the curtilage of the Hollybraes Barn development. With regard to development history, the relevant planning history comprises the following decisions:

- EK/06/654 – conversion of farm buildings to form three dwellinghouses, approved 8th February, 2007 (the review site was covered by this permission)
- EK/07/0605 – erection of two dwellinghouses (amendment to EK/06/654), approved December, 2008 (the review site is covered by this permission)
- EK/12/0047 – demolition of existing barn and erection of dwellinghouse, approved 13 July 2012. This is within the grounds of the original farm steading and is to the rear and west of the two recently constructed dwellings at Hollybraes Barn; this permission has been subsequently renewed twice, under EK/15/0220 and P/18/1010
- CR/15/0153 – erection of two detached dwellinghouses and detached garage (Amendment to EK/13/0367) approved 22nd September 2015 (the review site is covered by this permission)
- EK/13/0367 – extended the planning permission EK/07/0605 for two dwellinghouses, approved 10 February, 2014
- CR/15/0153 – amendment to planning permission CR/13/0153 for two dwellings and detached garages, approved (these are the two dwellings built at Hollybraes Barn; and
- P/18/1010 – demolition of barn and erection of dwellinghouse, renewal of EK/15/0220, approved

2.4 The proposed development is for a single detached dwelling to be built on the land between the two new houses at Hollybraes Barn and East Kilbride Road. The land slopes naturally from the west towards East Kilbride Road and the image in fig 2.3, on the right, shows the road as it approaches Rutherglen and the appeal site. In this image it is noted that there is mature tree cover on the site boundary to the south and the visual impact of the two new dwellings that have already been built is mitigated by the tree cover that acts as partial screen but also acts as a backdrop to the site through tree cover within the properties to the rear, in the 'island' between the East Kilbride Road carriageways and bounding Cathkin Road that runs to the south-west (see fig 2.1). The screen is not total and, the houses are clearly visible. The application site sits adjacent to the main road and the new dwelling would sit within the context of the existing tree cover and existing built form.

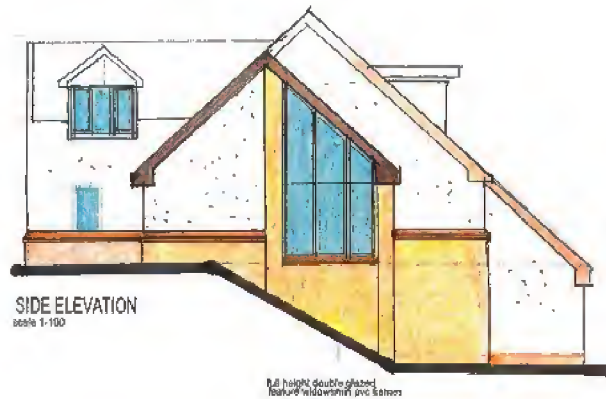


Fig 2.3: View looking west towards site along East Kilbride Road (Google)



Fig 2.4: View from East Kilbride Road into review site (Google)

2.5 The application site is curtilage associated with the development of two new existing dwellings which are accessed from East Kilbride Road. The proposed dwelling under review would utilise the same access arrangements. The image in fig 2.4 (see also figure 3.3 below) on the right shows that the access has been constructed to a suitable standard and the bellmouth has a stone and render boundary wall on the west side with the east side left open to provide sufficient sight splay and safe site entry and exit. The road verge that adjoins the site's eastern boundary is fairly wide and the image in figure 2.4 shows street signage within the verge. There is tree and hedge cover along the western site boundary beyond which is the existing residential property associated with the former farm.



2.6 Although the site slopes and is at a lower level than the recently developed dwellings' site, it is wholly capable of accommodating an additional dwelling and comprises a site area of 735sqm. The detailed application drawings show a dwellinghouse that acknowledges site topography and which 'sits' into the existing landscape. The scale of the house is similar to the existing houses although the site topography has required a more innovative design solution to be sought to ensure that the dwelling will not over dominate the site or existing property. To this end the proposed dwelling roof profile, shown in fig 2.5, slopes towards the East Kilbride Road. It is the eastern facing side elevation (opposite) that will be the most public facing elevation and it will be seen in the submitted drawings that the roof plane has been designed to slope back from the road in order to mitigate its visual impact.

Fig 2.5: East Facing Elevation Showing Roof Slope to East Kilbride Road

- 2.7 Figure 2.4 above shows the new build houses in the background, the application site plot is to the right hand side of the site access. The view of the proposed house to traffic heading west along East Kilbride Road is that shown in figure 2.5. Here it is seen that the building has minimum height frontage into East Kilbride Road and the roof slopes back sharply in order to reduce and minimise the extent to which this elevation bears onto the road. The house design is also such, that the different elevation planes step back from the central point of the building facing towards the viewer. This is not immediately obvious in 2-dimensional drawings. Looking again at figure 2.3 above it will be noted that the existing houses are seen to the left of mature trees and the review site is to the right of these trees, adjacent to the road.
- 2.8 In addition to the design solution adopted to mitigate impact the plans submitted propose the planting of a hedge along the southern entrance boundary and the continuation of the entrance wall along the eastern boundary with extensive tree planting along this boundary. The landscaping treatment will soften the view to the new dwelling. The construction finishing materials will be the same as the new houses. The perspective in figure 2.4 is false as it 'pushes' the new houses into the background and brings the application site to the fore. The reality is that the application site will be seen in the context of the new built form to the rear.

3. Grounds for Review

- 3.1 This Section sets down our grounds for review and seeks to overturn the decision to refuse the planning application. The Local Review Board will be aware that it must consider each request for a review under ‘*de novo*’ principles. The grounds for review however must also address the original reasons for refusal.
- 3.2 The decision notice includes two reasons for refusal and these state that:
- 01. *The proposal will result in development within the green belt without appropriate justification or locational need and as such is contrary to the terms of Policy 3 of the South Lanarkshire Local Development Plan 2015 and Policy 4 of the Proposed South Lanarkshire Local Development Plan 2 (2018).*
 - 02. *The proposal will have a significant adverse visual impact on the local area due to the scale, design and location of the proposed building and is therefore contrary to the terms of Policy 4 of the South Lanarkshire Local Development Plan 2015 and Policies 4, 5, GBRA1, GBRA8 and DM1 of the Proposed South Lanarkshire Local Development Plan 2 (2018).*
- 3.3 Taking the first reason for refusal first, that the development is essentially contrary to green belt policy on the basis that there is no appropriate justification or locational need; in these circumstances the Planning Officer states that the application is contrary to Policy 3 of the South Lanarkshire Local Development Plan 2015 and also Policy 4 of the Proposed South Lanarkshire Local Development Plan 2 (2018). As a point of fact, there should be no requirement to demonstrate locational need as the review site is brownfield land which is covered by a number of planning permissions that support development.
- 3.4 The relevant adopted Local Development Plan (LDP) policy then is Policy 3. This is shown in the table below, being an extract from the adopted LDP. The Planning Act requires that decisions are taken in accordance with the adopted Development Plan and must take account of all other material considerations. The emerging Local Development Plan 2 is a material consideration and is similar in tone to the adopted LDP policy although it is different in its content.

- 3.5 The adopted LDP Policy 3 in effect sets out those developments that would generally be acceptable as development within the green belt. It states that the green belt functions primarily for agriculture, forestry, recreation and other uses appropriate to the countryside. In general, development that does not require to locate in 'the countryside' will be expected to be accommodated within the defined settlements. Clearly however the application site and its immediate context (being the former properties associated with East Cathkin Farm and properties to the north of the former steading) do not represent uses that fall within those regarded as appropriate green belt functions; indeed the application/review site is brownfield land, previously part of the farm steading area and more recently curtilage related to the recent development of two dwellinghouses at Hollybraes Barn.

Policy 3 Green Belt and rural area

The Green Belt and the rural area functions primarily for agriculture, forestry, recreation and other uses appropriate to the countryside. Development which does not require to locate in the countryside will be expected to be accommodated within the settlements identified on the proposals map, other than in the following circumstances;

- i. Where it is demonstrated that there is a specific locational requirement and established need for a proposal.
- ii. The proposal involves the redevelopment of derelict or redundant land and buildings where significant environmental improvement can be shown.
- iii. The proposal is for conversion of traditional buildings and those of a local vernacular.
- iv. The proposal is for limited development within clearly identifiable infill, gap sites and existing building groups.
- v. The proposal is for extension of existing premises or uses providing it is of a suitable scale and design. Any new built form should be ancillary to the main use.

In the Rural Area limited expansion of an existing settlement may be appropriate where the proposal is proportionate to the scale and built form of the settlement, it is supportive of the sustainability of the settlement and a defensible settlement boundary is maintained.

In both the Green Belt and rural area isolated and sporadic development will not be supported.

Development proposals must also accord with other relevant policies and proposals in the development plan and other appropriate supplementary guidance. Appropriate uses in the Green Belt and rural area are contained within supplementary guidance.

- 3.6 The policy provides for a number of exceptions, including exception (iv), as follows, whereby development can be supported:

- The proposal is for limited development within clearly identifiable infill, gap sites and existing building groups.

- 3.7 Policy 3 also states that within the green belt, isolated and sporadic development will not be supported. In addition, development proposals must also accord with other relevant policies and supplementary guidance. The other defined exceptions within Policy 3 relate to specific locational need requirements, redevelopment of existing redundant land and buildings, conversion of traditional buildings and extensions to existing buildings.

3.8 The first reason for refusal, as stated by the case planning officer, is essentially that the development does not demonstrate ‘*appropriate justification or locational need*’. It is accepted that the development does not demonstrate a specific locational need for a new dwelling (e.g. one based on occupancy requirements and tied to agricultural or forestry use), however this line was not argued in the planning application. It is however argued here that such a requirement would now in any event be redundant given that the review site is a developed brownfield site, as will be seen from any site inspection. The fact is that the corner pocket associated with East Cathkin Farm is essentially residential in nature, as can be seen in the aerial view in fig 2.1. The pocket is also well defined by strong boundaries of existing roads in East Kilbride Road and the B759 Cathkin Road and, well defined fence and wall boundaries around the existing properties. The whole pocket serves no valid green belt function and contributes nothing to the purpose of green belt designation. In effect, the whole site should be incorporated into the settlement and removed from the green belt.

3.9 The extent to which this pocket of development is viewed as being within the green belt can be contrasted with the housing allocation to the immediate east across East Kilbride Road, where Persimmon has planning permission to build 244 new dwellings, including 12 flats on what was previously a green belt site; this development is currently under construction. Although the Persimmon development is a significant contribution to the Council’s Housing Land Supply requirement, the site was previously open green belt land. With regards to this Greenlees Road housing allocation, the green belt boundary has been redrawn in order to accommodate a significant housing development. This is highlighted in figure 3.1 on the right, where the coloured area is the Persimmon housing allocation in the adopted LDP. The green belt boundary could just as easily be drawn around the strong defendable boundaries around East Farm.

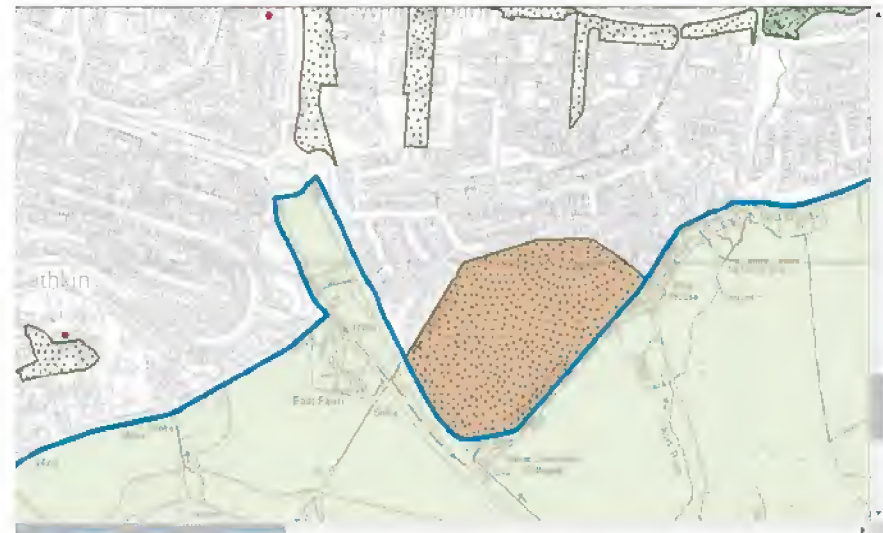


Figure 3.1: Showing Adopted LDP Housing Allocation (shaded brown)

3.10 The manner in which the green belt boundary is drawn in the adopted LDP reflects the green belt release site at Greenlees Road and the need to meet housing land supply requirements. Other than this, the boundary is tightly drawn around the settlements. The obvious intrusion into the settlement adjacent to the application site at East Cathkin Farm is something of an anomaly. This insert to the settlement comprises primarily the land between the north and south carriageways of East Kilbride Road and its northern and southern roundabouts. The application site and

the contextual 'East Cathkin Farm pocket' are adjacent to this intrusion. As discussed within this Statement, the land around the East Farm pocket is essentially brownfield land, it serves no clear green belt purpose or function and contributes nothing to the green belt.

- 3.11 The aerial image on the right explains the foregoing point more visually. The image in figure 3.2 (on the right) shows phase 1 of the Greenlees Persimmon development under construction. The remainder of the field up to East Kilbride Road will be developed in subsequent phases. East Kilbride Road forms an 'island' between Greenlees and Cathkin Road and the settlement boundary is seen as being strongly defined along Cathkin Road. The East Cathkin Farm pocket developments, existing, new and proposed, carve out a corner within the fields; the built-up form, although originally a farm steading in part, is rather an incongruous intrusion into the green belt and should be removed from the green belt.



Fig 3.2: Aerial View showing new Persimmon development under construction, remaining field to be developed and the East Farm pocket at the East Kilbride Road/Cathkin Road junction

- 3.12 The point being made here is that the land serves no useful green belt function or purpose and it is therefore wrong to apply the locational need criteria within Policy 3.
- 3.13 More relevant is consideration of Policy 3 point (iv). The application site is clearly an existing infill or gap site within the context of the existing building group at East Cathkin Farm (see figure 2.1). In brief, we would argue that in considering the proposed development in the context of Policy 3(iv) it can be seen that, there is no policy conflict and, that the Policy in fact supports development in this infill or gap site.
- 3.14 The second reason for refusal expresses the view that the proposed development will *'have a significant adverse visual impact on the local area due to the scale, design and location of the proposed building'* and that, as a consequence, the development is therefore contrary to the terms of Policy 4 of the adopted LDP.

3.15 Adopted Policy 4 (LDP extract is shown opposite) sets out general principles of development management and placemaking. The principle requirement of this policy is that all development should take account of and be integrated with the local context and built form, more specifically there should be *'no significant adverse impact on adjacent buildings or streetscape in terms of layout, scale, massing, design, external materials or amenity.'*

3.16 In relation to this planning application, in the case Planning Officer's Report of Handling, which is the officer's assessment of the planning application, he has made a number of statements which are discussed below. Local Review Board Members will appreciate that the views from the officer are made in the context of adopted local development plan policy; they are however also a subjective interpretation of the development proposed and whilst the decision making process requires that the planning authority make determinations in accordance with the adopted Development Plan they must also take into account all other relevant material considerations.

3.17 The Local Review process requires Members to assess the application afresh and come to their own conclusions on whether the proposal is so significantly contrary to LDP policy that it cannot be supported, or alternatively they can find that the degree of impact is not so significantly adverse as to warrant a refusal of permission. The Review Board must also consider any other material considerations, such as for example the fact that the application site and the 'pocket' in which it is situated provide no meaningful green belt purpose or function. The area is residential in nature and not used for any countryside purpose.

Policy 4 Development management and placemaking

All development proposals will require to take account of and be integrated with the local context and built form. Development proposals should have no significant adverse impacts on the local community and where appropriate, should include measures to enhance the environment as well as address the six qualities of placemaking (as detailed in Appendix 1 of the DMPDSG).

When assessing development proposals, the Council will ensure that:

- i. there is no significant adverse impact on adjacent buildings or streetscape in terms of layout, scale, massing, design, external materials or amenity;
- ii. there is no significant adverse impact on landscape character, built heritage, habitats or species including Natura 2000 sites, biodiversity and Protected Species nor on amenity as a result of light, noise, odours, dust or particulates;
- iii. the proposed development is accessible for all, provides suitable access and parking, encourages active travel and has no adverse implications for public safety;
- iv. the proposal includes appropriate integrated and accessible infrastructure, open space, green infrastructure and landscape provision;
- v. sustainability issues are addressed through energy efficient design, layout, site orientation and building practices;
- vi. the development does not result in any significant adverse impact on the water environment as required by the Water Framework Directive and related regulations and as appropriate, mitigation to minimise any adverse effects is provided; and
- vii. there are no significant adverse effects on air quality (particularly in and around Air Quality Management Areas), or on water or soil quality and, as appropriate, mitigation to minimise any adverse effects is provided; and
- viii. risks to new development from unstable land resulting from past mining activities are fully assessed and, where necessary, mitigated prior to development.

Development proposals must also accord with other relevant policies and proposals in the development plan and with appropriate supplementary guidance.

3.18 In any event, turning to the views expressed in the Report of Handling, the case officer states the following:

due to the significant lower level of the application site and the visually contained, square-shaped steading layout of the adjacent buildings, it is considered that the proposed dwelling would not appear as a natural extension to this building group and instead would result in a visually separate development in front of the building group that would have an adverse impact on visual amenity.

the western side of East Kilbride Road in this area has an attractive, rural nature due to the combination of mature trees and hedges

due to the overall height and extent and number of roofs, together with a mixture of window styles and sizes, will significantly detract from the visual quality of the local area.

3.19 It is the applicant's assertion that the planning application was brought forward in discussion with the case officer and that there were discussions regarding the positioning and scale of the proposed house; the applicants were encouraged to design a house that was to the same scale as the two new houses and which would be at similar ridge height overall so as to retain a semblance of a 'building group.' It is our view that this approach was fundamentally wrong as in terms of townscape and visual impact it is preferable to drop the ridge line of the new development down towards East Kilbride Road and present a 'staggered' building height that better reflects the natural slope of land towards the Road. This is what the proposal achieves in its design and, in doing so the overall 'mass' of development is less imposing, especially when viewed from traffic travelling west along East Kilbride Road. The image in figure 3.3 contrasts with figure 2.4 in terms of perspective, however fig 3.3 shows the review site behind the access boundary wall and, whilst closer to the viewer, the new dwelling would still clearly be seen in the context of the existing dwellings.



Fig 3.3: View into development site

- 3.20 It must be remembered that the original barn that existed on this site has been completely removed to be replaced with the two new modern detached dwellings with separate garage space, as seen above, and more importantly that the traditional steading arrangement has already been lost. Other steading buildings will be lost to new development as well. If the buildings were considered to be of sufficient vernacular merit they would have been retained and incorporated into any new build, however they have not been retained and the 'steading' layout has therefore been lost. The case officer expresses the view that the new build would not appear as a natural extension to the existing group; there is no explanation as to why this is the case and we would argue that the image in fig 3.3 would suggest this view is wrong. The application site is clearly of sufficient scale to accommodate a new dwelling and the 'building group' argument is therefore superfluous; Policy 3 supports development on infill sites, on gap sites and within building groups. The officer focuses on a building group aspect and does not consider the infill or gap site arrangement that can be delivered. The image in fig 3.3 nevertheless shows that the new build would be viewed as part of the existing group.
- 3.21 This then leads the officer to consider the development to have an adverse impact on visual amenity. The policy requirement, first of all, is for any impact to be assessed as being '*significantly adverse*'. The reason for refusal does not state that the impact is significantly adverse. In any event, we would argue that the proposed dwelling does not have a significant adverse impact on visual amenity for the following reasons:
- The new dwelling will sit lower into the streetscape and will have a staggered ridge height when viewed from the west (see fig 2.5) meaning that when viewed by traffic heading along East Kilbride Road it will clearly be seen as part of the existing group of houses rather than in isolation, figures 2.4 and 3.3 demonstrate this, but also that the mass of the building presented to this view is reduced due to the design variation from the two new houses (figure 2.5);
 - The position of the house and its design means that it will be seen in the context of the two new dwellings and will be viewed as part of that group; for that matter, the other residential properties in the development pocket are so well screened by tree cover so as not to actually register in terms of visual impact from the road;
 - Tree cover along the eastern boundary helps break up the view, as seen in fig 2.3;
 - Stepping the building down utilises the existing site topography rather than having a single mass facing east, particularly in introducing the sloped roof towards East Kilbride Road;
 - The new dwelling would be constructed in the same finishing materials as the two recently built houses and would sit behind the same, extended, stone and render boundary wall along East Kilbride Road, utilising the same site access;

- Hedge planting and tree planting along the site boundaries would break up the visual impact on the northern boundary adjoining East Kilbride Road. Traffic moves fairly quickly along East Kilbride Road and at this location it travels west only; the 'longer' north elevation of the building would be seen only at the point of being adjacent to the site and views would therefore be experienced briefly. There are no public spaces overlooking the site and no other properties that look into the site. It will be noted that there were no objections to the planning application
- 3.22 The officer points out that the western edge of East Kilbride Road at this location has an '*attractive rural nature, due to hedge planting and tree cover*'. There is in fact a new entrance that has been formed to the two new properties discussed above and the application site is essentially unmanaged ground associated with those properties, as seen in the images above, certainly it falls within the curtilage of the existing development. Far from being lined with hedges and trees the application site boundary to East Kilbride Road is bound by a post and wire fence. Existing tree cover is, as seen in the images above in figures 2.2 and 2.3, found along the southern boundary to the built up area, including the two new houses. The proposed development would introduce new hedges and tree planting along the boundaries thereby in fact enhancing the 'natural' setting of the plot.
- 3.23 The point made in the report of handling regarding the number of roofs and different window formations from the property is misplaced as the two-dimensional drawings do not adequately show how the development would fit into the site topography; two dimensional drawings can be difficult to interpret and the extent to which the roof plane adjacent to East Kilbride Road sets the building back from the road is perhaps difficult to imagine. In any event, as pointed out above, the rear view of the dwelling (which is evidently the view that is of concern) is only seen by traffic when adjacent to the site. Rather than refusing the application in order to meet performance targets there could have been further discussion on the building design in order to address the officer's concerns however there was no opportunity to do so.

3.24 The oblique aerial image in figure 3.4 shows the two new dwellings near completion. The application site is seen between these dwellings and East Kilbride Road. Whilst the image shows the other buildings to the rear of the new dwellings it does not show additional properties further to the rear again. The road configuration around East Kilbride Road is clear, at this end the 'island' is dense tree cover. The housing on the right hand side of the image will be added to, with the Persimmon Greenlees development in the field to the bottom right of the image. As discussed above, the tree cover and hedge planting in relation to this site is all to the east (bottom of image), the road frontage to East Kilbride is open and would be subject to boundary wall treatment and additional hedge and tree planting to enhance the streetscape.



Fig 3.4: Aerial View of Review Site, showing recent dwellings under construction

3.25 The officer makes the point in the Report of Handling that the proposed development would not be seen in the context of the existing development and would be seen as a 'visually separate development' that would have an adverse impact on visual amenity. It is difficult to accept that view when clearly the review site sits within a brownfield area and can be considered as a gap sit in the context of existing buildings. It is clearly an extension to the existing building group, contrary to what the case officer says.

3.26 It will also be noted that there is an extensive residential development that is under construction to the north of East Kilbride Road, some 244 units currently being developed by Persimmon. As will be seen in the image in figure 3.5 on the right, the new development is seen as being under construction and getting closer to East Kilbride Road. The view on the right is of the review site access/egress, the review site is not shown in its entirety although the rough ground on the left of the access belongs to the review site. New housing is making its way closer to the review site and a whole new urban settlement edge is being formed by this development. In the Council's view it appears that the provision of 244 units is acceptable whereas a single additional unit on the review site is considered 'detrimental to amenity'.



Fig 3.5: View of site exit looking towards new residential development in urban expansion housing site.

- 3.27 The reasons for refusal also highlight the emerging Local Development Plan 2, recently approved by the Council but which has yet to go through any statutory examination. Reference is made to Policy 4 of the Proposed LDP2, this states that developments that may be supported within the green belt will be those that are defined within Scottish Planning Policy (SPP). In addition, refusal reason 2 lists LDP2 Policies 4, 5, GBRA1, GBRA8 and DM1 as relevant considerations. The Proposed LDP2 was recently subject to public consultation, ending in September 2018 and will now move onto the next stage. Although the Proposed LDP2 is a material consideration in any decision making process the weight to be attached to the Proposed Plan is not the same weight that is applied to the adopted LDP.
- 3.28 Paragraph 52 of the adopted SPP provides examples of development that may be appropriate within a green belt setting, many of which are mentioned in the relevant adopted and emerging LDP and LDP2 policies. One that is not mentioned in the adopted LDP is the circumstances where there is an '*intensification of established uses subject to the new development being of a suitable scale and form*'. In other words, where there is existing residential use development within the green belt setting then additional housing can be considered acceptable where it is considered suitable in scale and form. With regards to SPP policy there is therefore existing justification to support the development under review.
- 3.29 In light of the national policy support for the development under SPP and the fact that that the review site is both brownfield land and can be regarded as a gap site, as well as a site that relates to an existing building group, the determining factor is then one of subjectivity as regards

design and environmental impact, including impact on amenity. From the foregoing discussion it is our view that the development does not have significant adverse impacts.

- 3.30 The reason for refusal cites proposed LDP2 Policy GBRA8 relating to 'Development of Gap Sites', indicating that the case officer considers the site to be a gap site. Whilst it is noted that the policy requirements in the Proposed LDP2 are more restrictive and onerous than the current adopted LDP it is emphasised that the proposed LDP2 has still to go through the Examination stage and there is potential for some of the proposed policies to be amended. Consequently, we would argue that the focus of any assessment should be in relation to the adopted LDP policies.

4. Summary

- 4.1 In summary, the planning authority has refused our client's application to erect a single detached dwelling within the grounds of a new development at East Cathkin Farm, East Kilbride Road, Rutherglen. The application has been refused by the planning officer under delegated powers. The application site is a brownfield site having previously been part of the older farm steading and more recently being included in the planning permissions for the new dwellings within the farm steading. The review site, new and existing dwellings, all combine to present a pocket of development that is found in the corner of a field that is otherwise located within the green belt. A site to the north-east on Greenlees Road is under construction as a housing allocation for 244 dwellings. There is some irony in the fact that the historic green belt can be amended to accommodate a greenfield release site of 244 units whilst the planning officer refuses an application for an additional house within an existing brownfield site on the basis that there is no location green belt need.
- 4.2 The site is a gap site within an existing pocket of development and is primarily brownfield land.
- 4.3 The Report of Handling asserts that the development would be out of keeping with the rural nature of the western side of East Kilbride Road which is lined with hedges and trees. As can be seen from the images included here, the application site, which is in fact part of an existing development site, is wholly open to East Kilbride Road, there is no tree cover or hedge planting; the proposed development would in fact enhance the area by introducing these elements.

- 4.4 It is also asserted that the development would detract from the visual amenity of the area. The views along East Kilbride Road to the site would see the proposed development in the context of the tree lined eastern boundary to the site and the surrounding mature tree planting that provides a backdrop to the development, together with the development being viewed in the context of the two new houses that face directly east along East Kilbride Road. The northern road facing elevation seems to be an issue; this could have been amended if the planning authority had enabled dialogue and time to do so rather than merely refusing the application. In any event, the impact is in our view overplayed; traffic heading west will only see this elevation when they are adjacent to it, the building is set back from the road and is essentially single storey as the roof slopes back away from the road and the upper storey dormer windows are set back at distance from the road, (see fig 2.3). The garage is two storey but set into the existing topography; new landscaping and tree planting will assist in screening this view and soften any visual impact.
- 4.5 The reasons for refusal reference the emerging Local Development Plan 2. This emerging Plan has only recently been subject to public consultation, ending in September, 2018, and has still to undergo examination, although it has been approved by the Council. There will no doubt be a number of changes to the plan, some may be policy changes and others may be in relation to housing allocations. It is for example noted that there were three sites promoted through the Main Issues stage of Proposed LDP2 which are adjacent to the review site (MIR140, 141 and 142); should any of these sites be allocated in the new LDP (it is noted the Council does not support these greenfield release sites) the character of the area would change significantly. The point here is that the emerging LDP2 policies should be given less weight than the adopted LDP as the final LDP2 could be substantially different to the current version.
- 4.6 In summary we disagree with and challenge the stated reasons for refusal on the following grounds:
- The review site is a brownfield site that forms part of a former now disused farm steading
 - The review site is included in an area that has been developed under previous planning permissions
 - There is a defined 'pocket' of residential land use in the immediate vicinity whereby a number of residential properties have been formed, or are to be formed, within an area designated as green belt
 - The application site and the existing residential 'pocket' make no contribution to the purpose or function of the defined green belt
 - The planning officer's report of handling (RoH) makes erroneous statements regarding the 'natural rural area' to the west (should read as south) of East Kilbride Road and identifies trees and hedges as prominent features; the application site is a brownfield site and part of a building site, the boundary to the road is open

- The proposed dwelling design has been approached with a view to reduce and mitigate any visual impact through the use of a sloping roof facing East Kilbride to 'step-back' the development from the road edge and reduce the mass of built form facing east along East Kilbride Road, the most prominent view, and
- There is support within national planning policy whereby intensification of existing uses within the green belt can be considered appropriate.

4.7 In light of the foregoing we would respectfully request that the Local Review Board supports this request for a review of the planning officer's decision to refuse the application and that it grants planning permission accordingly.

Appears in the pack under
Appendix 4



Community and Enterprise Resources
Executive Director **Michael McGlynn**
Planning and Economic Development

Mrs Margo Connelly
Plot 3
Hollybraes Barn
East Kilbride Road
Rutherglen
G73 5RB

Our Ref: P/18/1195
Your Ref:
If calling ask for: Alan Pepler
Date: 28 November 2018

Dear Sir/Madam

Proposal: Erection of dwellinghouse and garage.
Site address: Plot 3, Hollybraes Barn, East Kilbride Road, Rutherglen, G73 5RB
Application no: P/18/1195

I would advise you that the above application was refused by the Council and I enclose the decision notice which sets out the reasons for refusal. Please note that the Council does not issue paper plans with the decision notice. The application is refused in accordance with the plans and any other documentation listed in the reasons for refusal imposed on the accompanying decision notice and which can be viewed using the Council's online planning application search at www.southlanarkshire.gov.uk

If you require a hard copy of the refused plans, please contact us quoting the application number at planning@southlanarkshire.gov.uk.

If you consider that you can overcome the reasons for refusal and that it is not the principle of the development that is unacceptable, you may submit an amended application. If you do amend your proposals and re-apply within one year of this refusal, then you will not have to pay a fee, provided the proposal is of the same character or description as the application which has just been refused.

As your application has been refused, you may appeal against the decision within 3 months of the date of the decision notice. The attached notes explain how you may appeal.

Should you have any enquiries relating to the refusal of your application or a potential amended submission, please contact Alan Pepler on

The Planning Service is undertaking a Customer Satisfaction Survey in order to obtain feedback about how we can best improve our Service to reflect the needs of our customers. The link to the survey can be found here:

If you were the applicant: <http://tinyurl.com/nrtgmy6>

If you were the agent: <http://tinyurl.com/od26p6g>

Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB
Email alan.pepler@southlanarkshire.gov.uk Phone:



We would be grateful if you would take a few minutes to answer the questions in the survey based on your experience of dealing with the Planning Service in the past 12 months. We value your opinion and your comments will help us to enhance areas where we are performing well, but will also show us where there are areas of the service that need to be improved.

I do hope you can take part in this Customer Survey and look forward to receiving your comments in the near future. If you prefer to complete a paper version of the survey, please contact us by telephone on 0303 123 1015, selecting option 7, quoting the application number. We will send you a copy of the survey and a pre-paid envelope to return it.

Yours faithfully

Head of Planning and Economic Development

Enc:



Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006

To: **Mrs Margo Connelly**

Per:

**Plot 3, Hollybraes Barn,
East Kilbride Road,
Rutherglen, G73 5RB**

With reference to your application received on 17.08.2018 for planning permission under the above mentioned Act:

Description of proposed development:

Erection of dwellinghouse and garage.

Site location:

Plot 3, Hollybraes Barn, East Kilbride Road, Rutherglen, G73 5RB

SOUTH LANARKSHIRE COUNCIL in exercise of their powers under the above mentioned Act hereby:

REFUSE PLANNING PERMISSION

for the above development in accordance with the plan(s) specified in this decision notice and the particulars given in the application, for the reason(s) listed overleaf in the paper apart.

Date: 28th November 2018

Head of Planning and Economic Development

This permission does not grant any consent for the development that may be required under other legislation, e.g. Building Warrant or Roads Construction Consent.

**South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development**

South Lanarkshire Council

Refuse planning permission

Paper apart - Application number: P/18/1195

Reason(s) for refusal:

01. The proposal will result in development within the green belt without appropriate justification or locational need and as such is contrary to the terms of Policy 3 of the South Lanarkshire Local Development Plan 2015 and Policy 4 of the Proposed South Lanarkshire Local Development Plan 2 (2018).
02. The proposal will have a significant adverse visual impact on the local area due to the scale, design and location of the proposed building and is therefore contrary to the terms of Policy 4 of the South Lanarkshire Local Development Plan 2015 and Policies 4, 5, GBRA1, GBRA8 and DM1 of the Proposed South Lanarkshire Local Development Plan 2 (2018).

Reason(s) for decision

The proposal will result in development within the green belt without appropriate justification or locational need and as such is contrary to Policy 3 of the South Lanarkshire Local Development Plan 2015. The proposal will also have a significant adverse visual impact on the locality and therefore does not comply with Policy 4 of the South Lanarkshire Local Development Plan 2015. It is also considered that the proposal does not comply with Policies 4, 5, GBRA1, GBRA8 and DM1 of the Proposed South Lanarkshire Local Development Plan 2 (2018) for the reasons stated above.

Notes to applicant

Application number: P/18/1195

Important

The following notes do not form a statutory part of this decision notice. However, it is recommended that you study them closely as they contain other relevant information.

01. This decision relates to drawing numbers:

Reference	Version No:	Plan Status
Location Plan	1	Refused
Proposed Site Plan	2	Refused
Proposed Side and Rear Elevations	6	Refused
Proposed Ground and Upper Floor Plans	3	Refused
Proposed Front Elevation and Cross Sections	5	Refused
Site Plan Levels	7	Refused
Proposed Lower Ground Floor Plan	4	Refused

	Delegated Report	Reference no.	P/18/1195
		Date	26 November 2018

Planning proposal: Erection of dwellinghouse and garage.

Location: Plot 3
Hollybraes Barn
East Kilbride Road
Rutherglen
G73 5RB

Application Type : Detailed planning application

Applicant : Mrs Margo Connelly

Location : Plot 3
Hollybraes Barn
East Kilbride Road
Rutherglen
G73 5RB

Decision: Application refused

Report by: Area Manager (Planning & Building Standards)

Policy reference:

South Lanarkshire Local Development Plan (adopted 2015)

Policy 3 – Green Belt and Rural Area

Policy 4 – Development Management and Place Making

Green Belt and Rural Area Supplementary Guidance (2015)

Policy GBRA5 – Development of Gap Sites

Proposed South Lanarkshire Local Development Plan 2 (2018)

Policy 4 – Green Belt and Rural Area

Policy 5 - Development Management and Placemaking

Policy GBRA1 – Rural Design and Development

Policy GBRA8 – Development of Gap Sites

Policy DM1 – New Development Design

Assessment

Impact on privacy?	No
Impact on sunlight/daylight?	No
Impact on amenity?	Yes
Traffic issues?	No
Adheres to development plan policy?	No
Adverse comments from consultees?	No

Consultations

Summary of response

Environmental Services

No objections, subject to conditions on noise and dust mitigation.

Roads Development Management
Team

No objections, subject to conditions on provision of
appropriate parking.

Representation(s):

▶	0	Objection letters
▶	0	Support letters
▶	0	Comment letters

Planning Application Delegated Report

1 Application Summary

- 1.1 The application site relates to an area of land within the green belt, immediately adjacent to a former farm steading known as East Cathkin Farm. The site lies in close proximity to the settlement edge of Cambuslang, as defined in the adopted South Lanarkshire Local Development Plan 2015. Immediately to the west of the application site, on land also owned by the applicant, are two, recently constructed, detached properties which were granted planning permission (CR/15/0153) in 2015 following demolition of redundant agricultural building. These two dwellings sit at a higher level (over 3m at some points) than the application site which slopes down towards East Kilbride Road. The application site currently consists of rough grass and is bordered to the east by a post and wire fence and grass verge adjacent to East Kilbride Road, and to the south and west by the access route to the two detached dwellings which are accessed off East Kilbride Road. On the northern boundary there is a hedge and mature tree adjacent to East Kilbride Road.
- 1.2 The proposal is to erect a split level house, with the two-storey element positioned south, facing the access route, and the higher, two and a half storey element facing East Kilbride Road at a height of over 8m. The proposal also includes a split level, two-storey garage, which when viewed from East Kilbride Road would appear as a two-storey structure. The proposed dwelling is to have a mixture of stone and render finishes to the walls, with a tiled roof. A large area of glazing is proposed to the side elevation, which would partially face onto East Kilbride Road. Due to the split level nature of the house, the design includes an extensive area of roof to the elevation facing East Kilbride Road, which includes a mixture of flat roof dormer windows and roof lights. There is a mixture of gable, flat roof and hipped roof elements throughout the design. The submitted details also include reference to a new stone boundary wall to East Kilbride Road and landscaping. Parking is proposed to the south of the dwelling, accessed from the existing access route serving the two properties immediately adjacent. The applicant has submitted a statement of justification for the proposal, which, in summary, states that the proposal will enhance the local area and integrate successfully with the existing houses adjacent to the site.

2 Representation(s)

- 2.1 Statutory neighbour notification was undertaken in respect of this application and the proposal advertised in the local press as development potentially contrary to the development plan and non-notification of neighbours. No letters of representation have been received as a result of this publicity.

3 Assessment and Conclusions

- 3.1 In terms of the South Lanarkshire Local Development Plan 2015 (LDP), the site lies within the green belt and as such Policy 3 (Green Belt and Rural Area) applies. This policy states that the green belt and rural area functions primarily for agriculture, forestry, recreation and other uses appropriate in the countryside. Development which does not require to locate in the countryside will be expected to be accommodated within the settlements, other than in the following circumstances:
1. Where it is demonstrated that there is a specific locational requirement and established need for the proposal.
 2. The proposal involves the redevelopment of derelict or redundant land and buildings where significant environmental improvement can be shown.
 3. The proposal is for conversion of traditional buildings and those of a local vernacular.
 4. The proposal is for limited development within clearly identifiable infill, gap sites, and existing building groups.

5. The proposal is for extension of existing properties or uses providing it is of a suitable scale and design. Any new built form should be ancillary to the main use.

- 3.2 As noted above, the proposal is for a new dwellinghouse in the green belt without any justification in terms of locational requirement or need for the proposal. Furthermore, the application site does not contain any previously developed land or buildings. In terms of criteria 4 above, it is noted that policy GBRA5 of the Green Belt and Rural Area Supplementary Guidance gives guidance on circumstances when a proposal may constitute development of a gap site. In this regard, it is stated that an extension to a building group will not normally be acceptable where it would result in ribbon development or coalescence with another building group. Exceptionally, the layout of an existing group of houses may allow the infill of a small area up to a natural boundary. In this instance, it is acknowledged that there are some natural boundaries surrounding the site in the form of East Kilbride Road and hedgerows/mature trees to the southern boundary. However, due to the significant lower level of the application site and the visually contained, square-shaped steading layout of the adjacent buildings, it is considered that the proposed dwelling would not appear as a natural extension to this building group and instead would result in a visually separate development in front of the building group that would have an adverse impact on visual amenity. It is therefore considered that the proposal does not represent limited development of an identifiable gap site, infill, or building group, as defined by Policy 3 of the LDP. The proposal is therefore contrary to the terms of Policy 3 of the LDP.
- 3.3 In terms of general design and amenity considerations, Policy 4 (Development Management and Place Making) is also relevant and states that all planning applications should take account of the local context and built form in terms of scale, massing, external materials and impact on amenity. Proposals will require to enhance the quality and appearance of the local environment and to comply with a number of criteria. In this regard, it is considered that the proposed design of the house will detract from the visual amenity of the local area. In particular, it is considered that the appearance of the building when viewed from East Kilbride Road in particular, due to the overall height and extent and number of roofs, together with a mixture of window styles and sizes, will significantly detract from the visual quality of the local area. It is further noted that the site is adjacent to a busy road and therefore when travelling from East Kilbride Road to Cambuslang and Rutherglen, the site is prominent. It is acknowledged that planning permission has been granted for a large housing development to the east of East Kilbride Road and as such the visual edge of the settlement will change in this area in the future. However, despite this, the western side of East Kilbride Road in this area has an attractive, rural nature due to the combination of mature trees and hedges, buildings set back from the road and traditional, stone buildings closer to the road. It is considered that the proposed development does not reflect or respect the rural edge to the settlement and would result in an incongruous feature in this area, due to the split level nature and design of the building in close proximity to East Kilbride Road.
- 3.4 It is noted that no representations have been submitted and no objections received from consultees, subject to the imposition of appropriate conditions and advisory notes. Despite this, it is considered that the proposed development will result in significant adverse impacts, as detailed above, which are deemed to be sufficient to merit refusal of this application.
- 3.5 On 29th May 2018 the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the Proposed Plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan. It is

considered that the proposal does not comply with Policies 4, 5, GBRA1, GBRA8 and DM1 of the Proposed Plan. In respect of policy GBRA8 (Development of Gap Sites), it is noted that the revised policy now explicitly states that any exceptional circumstances where development up to natural boundaries would be acceptable is only applicable in rural areas, i.e. not in green belt locations.

- 3.6 In summary, it is considered that the proposed development is unacceptable as it will result in development in the green belt without appropriate justification or locational need. Furthermore, the proposal will have a significant adverse visual impact on the local area. It is therefore recommended that planning permission is refused.

4 Reason for decision

- 4.1 The proposal will result in development within the green belt without appropriate justification or locational need and as such is contrary to Policy 3 of the South Lanarkshire Local Development Plan 2015. The proposal will also have a significant adverse visual impact on the locality and therefore does not comply with Policy 4 of the South Lanarkshire Local Development Plan 2015. It is also considered that the proposal does not comply with Policies 4, 5, GBRA1, GBRA8 and DM1 of the Proposed South Lanarkshire Local Development Plan 2 (2018) for the reasons stated above.

Delegating officer: G Rae

Date: 27.11.18

Previous references

- ◆ None

List of background papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated 19.09.2018

- ▶ Consultations

Environmental Services 19.09.2018

Roads Development Management Team 09.10.2018

Contact for further information

If you would like to inspect the background papers or want further information, please contact:-

Alan Pepler, Planning officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone:

Email: alan.pepler@southlanarkshire.gov.uk

Planning Application

Application number: P/18/1195

Reasons for refusal

1. The proposal will result in development within the green belt without appropriate justification or locational need and as such is contrary to the terms of Policy 3 of the South Lanarkshire Local Development Plan 2015 and Policy 4 of the Proposed South Lanarkshire Local Development Plan 2 (2018).
2. The proposal will have a significant adverse visual impact on the local area due to the scale, design and location of the proposed building and is therefore contrary to the terms of Policy 4 of the South Lanarkshire Local Development Plan 2015 and Policies 4, 5, GBRA1, GBRA8 and DM1 of the Proposed South Lanarkshire Local Development Plan 2 (2018).

Reason(s) for decision

The proposal will result in development within the green belt without appropriate justification or locational need and as such is contrary to Policy 3 of the South Lanarkshire Local Development Plan 2015. The proposal will also have a significant adverse visual impact on the locality and therefore does not comply with Policy 4 of the South Lanarkshire Local Development Plan 2015. It is also considered that the proposal does not comply with Policies 4, 5, GBRA1, GBRA8 and DM1 of the Proposed South Lanarkshire Local Development Plan 2 (2018) for the reasons stated above.

Informatives

01. This decision relates to drawing numbers:

Reference	Version No:	Plan Status
Location Plan		Refused
Proposed Site Plan		Refused
Proposed Side and Rear Elevations		Refused
Proposed Ground and Upper Floor Plans		Refused
Proposed Lower Ground Floor Plan		Refused
		Refused

Proposed Front Elevation
and Cross Sections

Site Plan Levels

Refused