



Council Offices, Almada Street,  
Hamilton

# Planning Local Review Body

## Decision Notice

Decision by South Lanarkshire Council Planning Local Review Body (PLRB)  
PLRB Reference NOR/CL/19/001

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- ◆ Site address: Land 55 metres north northwest of 16 St Patrick's Road, Lanark ML11 9EH
- ◆ Application for review by J Ward of the decision by an appointed officer of South Lanarkshire Council to refuse planning permission in principle for planning application P/18/0245
- ◆ Application P/18/0245 for the formation of a house plot (planning permission in principle)
- ◆ Application Drawings: Drawing Numbers E-002, E-001, P-004, P-003 Rev B, P-002 Rev B.

## Decision

The PLRB upholds the decision taken by the appointed officer, in terms of the Scheme of Delegation, to refuse planning permission in principle for planning application P/18/0245 for the reasons detailed in the Council's decision notice dated 29 October 2018.

A handwritten signature in black ink, appearing to read 'Geraldine McCann'.

**Geraldine McCann**

**Head of Administration and Legal Services**

Date of Decision Notice: 18 April 2019

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## 1. Background

- 1.1 This Notice constitutes the formal decision notice of the Planning Local Review Body (PLRB) as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.
- 1.2 The above application for planning permission was considered by the PLRB at its meeting on 25 March 2019. The PLRB was attended by Councillors Alex Allison, Walter Brogan, Stephanie Callaghan, Isobel Dorman (Depute), Fiona Dryburgh, Alistair Fulton (Chair), Mark Horsham, Ann Le Blond, Graham Scott and Jim Wardhaugh.

## **2. Proposal**

- 2.1 The proposal is for the formation of a house plot (planning permission in principle) at land 55 metres north northwest of 16 St Patrick's Road, Lanark.
- 2.2 The options available to the PLRB were to uphold, reverse or vary the decision taken in respect of the application under review.

## **3. Determining Issues**

- 3.1 The determining issues in this review were:-

- ♦ the proposal's compliance with the Adopted South Lanarkshire Local Development Plan (SLLDP) and Supplementary Guidance (SG)
- ♦ impact on the amenity and character of the surrounding area

- 3.2 The PLRB established that, in terms of the Adopted South Lanarkshire Local Development Plan, the site was located within the rural area. The following policies applied to the application site:-

- ♦ Policy 3 – green belt and rural area
- ♦ Policy 4 – development management and place making
- ♦ Policy 15 – natural and historic environment
- ♦ Policy GBRA5 – development of gap sites
- ♦ Policy NHE1 – New Lanark world heritage site
- ♦ Policy NHE16 - landscape

- 3.3 The Proposed South Lanarkshire Local Development Plan 2, approved on 29 May 2018, was also a material consideration in determining the application. The following policies applied to the application site:-

- ♦ Policy 4 – green belt and rural area
- ♦ Policy 5 – development management and place making
- ♦ Policy 14 – natural and historic environment
- ♦ Policy GBRA1 – rural design and development
- ♦ Policy GBRA8 – development of gap sites
- ♦ Policy NHE1 – New Lanark world heritage site
- ♦ Policy NHE16 - landscape

- 3.4 Policy 3 of the Adopted South Lanarkshire Local Development Plan states that the green belt and the rural area function 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 where:-

- ♦ it is demonstrated that there is a specific locational requirement and established need for a proposal
- ♦ the proposal involves the redevelopment of derelict or redundant land and buildings where significant environmental improvement can be shown
- ♦ the proposal is for conversion of traditional buildings and those of a local vernacular
- ♦ the proposal is for limited development within clearly identifiable infill or gap sites and existing building groups
- ♦ 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 terms of Policy 3, 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.

- 3.5 Policy 4 states that all planning applications will require to take account of and be integrated with the local context and built form.
- 3.6 Policy 15 states that the Council will assess all development proposals in terms of their effect on the character and amenity of the natural and built environment. In terms of Policy 15, developments which would affect the natural or historic environment would only be permitted where there was no significant adverse impact on the protected resource. Where possible, any development proposals affecting natural and historic designations should include measures to enhance the conservation value of the site affected.
- 3.7 Policy GBRA5 (development of gap sites) of the Green Belt and Rural Area Supplementary Guidance states that, to be favourably considered, proposals involving the development of gap sites should satisfy all the following criteria:-
- ◆ the building group should form a clearly identifiable nucleus with strong visual cohesion. The site should be bounded on at least two sides by habitable houses or other buildings that are either in use or capable of being brought back into use
  - ◆ the distance between the buildings should be no more than needed to allow the formation of a maximum of two plots of a size in keeping with the curtilage and frontage of the existing group. The garden area of an existing property can be included providing sufficient amenity space is retained to serve that property and the size of the resulting plot is in keeping with that of the existing group
  - ◆ 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 the existing group of houses may allow the infill of a small area up to a natural boundary, for example, an established tree belt or other landscaping feature, a physical feature such as a boundary wall or road, or the land form
  - ◆ new housing should be well related in scale and siting to the existing adjoining development, reflect local distinctiveness and respect the existing built form, the landform and the local landscape character. The proposal must have regard to the existing character of the built frontage, for example, a two storey house, if the built frontage comprises two storey houses
  - ◆ the location, siting and design of the new houses should meet existing rural design guidelines and advice provided. Generally, the design, appearance and the materials of the proposed house should be complementary to the character of the existing built frontage
  - ◆ provision must be made for a private amenity space for the house comparable to adjoining properties in the built up frontage
  - ◆ the house size to plot ratio and separation distances between houses should be comparable to adjoining properties in the built up frontage
  - ◆ the landscape character of the area must not be compromised by the development and proposals should have regard to the landscape backdrop, topographical features and levels. Trees, woodland and boundary features such as hedgerows, particularly beech and hawthorn, and stone dykes should be retained. Proposals should be able to be readily served by all necessary infrastructure including water, sewerage, electricity, and be able to comply with all required parking and access standards
  - ◆ proposals should have no adverse impact in terms of road safety
  - ◆ proposals should have no adverse impact on biodiversity, including Natura 2000 sites and protected species which make a significant contribution to the cultural and historic landscape value of the area
- 3.8 Policy NHE1 (New Lanark world heritage site) of the Natural and Historic Environment Supplementary Guidance states that, within the world heritage site and its buffer zone and setting, the Council will not permit development that adversely impacts on the:-

- ◆ historical and topographical character and landscape quality
- ◆ skylines and views to and from the site
- ◆ area's natural diversity and ecology
- ◆ landscape and ecological links with the surrounding areas

3.9 Policy NHE16 (landscape) of the Natural and Historic Environment Supplementary Guidance states that development proposals within the Special Landscape Areas will only be permitted if they satisfy the requirements of LDP Policy 3 (green belt and rural area) and can be accommodated without significantly and adversely affecting the landscape character, scenic interest and special qualities and features for which the area had been designated.

3.10 In terms of Policies 4, 5, 14, GBRA1 and GBRA8, NHE1 and NHE16 of the Proposed South Lanarkshire Local Development Plan 2, these policies are broadly consistent with, and build on, the policies and proposals contained in the Adopted South Lanarkshire Local Development Plan.

3.11 In considering the case, the PLRB had regard to the applicant's submission that:-

- ◆ the application related to a gap site, as intimated in emails from the Planning Team Leader, and the proposed house met with all the necessary planning guidelines and policies. The application was for planning permission in principle and the plans submitted were indicative only and not fully detailed. The site was a gap site as it was bounded on two sides by adjoining properties
- ◆ all existing landscape features would be retained, with additional new landscaping to the front of the development site which would maintain and enhance the landscape character of the area.
- ◆ the road frontage was similar to that of existing properties along St Patrick's Road. A house could be designed to meet local development plan policy
- ◆ the access into the gap site had been designed and agreed with the Council's Roads and Transportation Services
- ◆ the positioning of the house, further up the site away from the building line of the existing houses, was to allow St Patrick's spring, located to the front of the site, to be retained and protected and to avoid the Scottish Water infrastructure located at the site
- ◆ any house on the site would be designed to provide an unobtrusive visual appearance to the streetscape using natural materials to minimise the impact on the surroundings. Planning permission had been granted for a contemporary house style on the gap site on the other side of 16 St Patrick's Road

3.12 In reviewing the case, the PLRB noted that the application was for planning permission in principle and the submitted drawings were indicative only. The PLRB considered whether the development site constituted a gap site. It noted the constraints at the site posed by Scottish Water's infrastructure and St Patrick's spring, requiring the proposed house plot to have a larger curtilage and to be positioned further up the hillside. The PLRB concluded that the proposed house would be developed in a position which was at variance with the established development pattern and street frontage of St Patrick's Road and would not consolidate the existing building group. As a result, it concluded that the proposal did not satisfy the criteria that relate to a gap site and would have an adverse impact on the landscape character of the area.

#### **4. Conclusion**

4.1 The PLRB considered a request to review the decision taken by the appointed officer, in terms of the Scheme of Delegation, to refuse planning permission in principle for planning application P/18/0245 for the formation of a house plot at land 55 metres north northwest of 16 St Patrick's Road, Lanark. The PLRB concluded that the proposal was not an appropriate use for the rural area as it did not satisfy all the criteria that relate to the

development of a gap site and, as such, would have an adverse impact on the landscape character of the area. As a result, the PLRB concluded that the proposal was contrary to Policies 3 and 4 of the Adopted South Lanarkshire Local Development Plan and Policies GBRA5 and NHE16 of the associated Supplementary Guidance.

- 4.2 The PLRB, therefore, upheld the decision to refuse planning permission in principle for planning application P/18/0245 for the reasons stated on the Council's decision notice dated 29 October 2018.

**5. Accompanying Notice**

- 5.1 Attached is a copy of the Notice to Accompany Refusal, etc in the terms set out in Schedule 2 to the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.





## NOTICE TO ACCOMPANY REFUSAL ETC

### TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

