

# Report

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| Report to:       | <b>Planning Committee</b>  |
| Date of Meeting: | <b>15 February 2022</b>  |
| Report by:       | <b>Interim Executive Director (Community and Enterprise Resources)</b> |

|                    |                           |
|--------------------|---------------------------|
| Application no.    | P/21/0210                 |
| Planning proposal: | Erection of dwellinghouse |

## 1. Summary application information

|                   |   |
|-------------------|---|
| Application type: | Detailed planning application   |
| Applicant:        | Mr and Mrs R Brennan  |
| Location:         | Land 46M East of Inver Cottage<br>Carmunnock Road<br>East Kilbride<br>South Lanarkshire |

## 2. Recommendation(s)

### 2.1. The Committee is asked to approve the following recommendation(s):-

(1) Refuse detailed planning permission (for the reasons stated).

### 2.2. Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application.
- (2) This application would normally be determined under delegated powers; however, local member Councillor McAdams has requested that it be determined by Planning Committee.

## 3. Other information

- ◆ Applicant's Agent: DTA Chartered Architects
- ◆ Council Area/Ward: 09 East Kilbride West
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2 (Adopted 2021)**  
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 GBRA9 – Consolidation of Existing Building Groups

◆ **Representation(s):**

|   |    |                   |
|---|----|-------------------|
| ▶ | 13 | Objection Letters |
| ▶ | 0  | Support Letters   |
| ▶ | 1  | Comment Letters   |

◆ **Consultation(s):**

Roads Development Management Team

Environmental Services

West of Scotland Archaeology Service

## **Planning Application Report**

### **1. Application Site**

- 1.1. The application site relates to an area of land to the east of Inver Cottage, off Carmmunock Road, adjacent to the settlement of Kittochside. The site is largely located within an area designated as Green Belt in the adopted South Lanarkshire Local Development Plan 2 (2021) but also includes a small strip within the settlement boundary. The site, which extends to approximately 0.165 hectares is bound to the south and east by agricultural land and to the west by Inver Cottage. To the north of the site is Carmmunock Road with Eastend Farm opposite. The site is currently grazing land and is relatively flat, though it sits higher than Inver Cottage. The perimeter of the site contains a number of mature trees, hedgerows and fencing. There is an existing access from Carmmunock Road within the site boundary which is noted as a secondary access to Inver Cottage. It is this strip of land that falls within the settlement boundary. It is further noted that the applicant owns the land adjoining the site to the east which is outlined in blue on the submitted site plan.

### **2. Proposal(s)**

- 2.1. The applicant seeks detailed planning permission for the erection of a dwellinghouse on the site. This would comprise of an 'L' shaped 1.5 storey dwelling positioned centrally within the site with a footprint of approximately 182 square metres. This would provide a total floor area of approximately 293 square metres over both levels. The ground floor would include a lounge, kitchen, dining room, family room and study; and the upper floor would include 5no. bedrooms with associated ensuites and bathroom. The proposed finishes include white render, grey brick and grey tiles. Access to the dwelling would be via the existing access noted as the secondary driveway for adjacent Inver Cottage.
- 2.2. The applicant has submitted a design statement as well as a further Planning Statement in support of the proposal. The Planning Statement refers to policies of the previous 2015 Local Development Plan which are now no longer relevant, as well as the policies of the now adopted 2021 Local Development Plan 2. Under the current policies, the writer argues that the site can be justified as a gap site and that it will consolidate an existing grouping. The writer also refers to a historic image of the site from the 1940s which suggests at that time there was some form of building on the site.

### **3. Background**

#### **3.1. Local Plan Status**

- 3.1.1. In determining this planning application, the Council must assess the proposed development against the policies within the adopted South Lanarkshire Local Development Plan 2 (2021). As such, the site is located within the Green Belt therefore Policy 4 - Green Belt and Rural Area is applicable. In addition, Policies 5 - Development Management and Placemaking, and GBRA1 – Rural Design and Development are also relevant. Policies GBRA8 – Development of Gap Sites and GBRA9 – Consolidation of Existing Building Groups are also both relevant as the applicant considers the proposal can be justified under these policies.

#### **3.2. Relevant Government Advice/Policy**

- 3.2.1. None relevant.

#### **3.3. Planning Background**

- 3.3.1. The applicant submitted the same proposal in 2020 under planning application P/20/0172. Following assessment of the proposal by the Planning Service, the applicant was advised at that time that there was no policy justification for the proposal

and that it should be withdrawn to avoid its refusal. As such, the application was withdrawn on 5 May 2020. It is noted there had been no pre-application discussions on the proposal.

#### **4. Consultation(s)**

- 4.1. **Roads and Transportation Services** – Requested a plan showing the required visibility splay of 2m x 43m, and the required parking spaces. A plan was subsequently submitted showing a visibility of 2m x 35m, therefore it is unclear if the requested visibility is achievable in this case. In addition, whilst the parking spaces were shown on the updated site plan, it was noted that there are raised walls where the parking spaces would be located so clarification on how this would work would need to be submitted.

**Response:** Noted.

- 4.2. **Environmental Services** – No objections to the proposal subject to the attachment of conditions and advisory notes in relation to noise.

**Response:** Noted.

- 4.3. **West of Scotland Archaeology Service (WOSAS)** - No objections to the proposal subject to the attachment of a condition requiring the implementation of an archaeological watching brief during all ground disturbance.

**Response:** Noted.

#### **5. Representation(s)**

- 5.1. Statutory neighbour notification was undertaken, and the proposal was advertised in the local press as development contrary to the development plan. Following this, 13 letters of objection and 1 letter of comment were received, the points of which are summarised below:-

- a) **The application site is outwith the designated settlement boundary of Kitchside which is clearly identified on the Strategic Map. This site is therefore within the Green Belt and approval of this development would set an unwanted precedent.**

**Response:** It is noted that the site is outwith the settlement boundary at Kitchside, other than a small strip that falls within the settlement boundary.

As such, the application was advertised as development potentially contrary to the Development Plan. Following assessment of the proposal, the Planning Service consider that the proposal is contrary to the Development Plan and that there is insufficient justification for the development. It is also considered that approval of this development would set an unwanted precedent.

- b) **Development within the Green Belt around Kitchside would compromise its historic rural identity, undermining its unique character and the listed buildings within it. No development has taken place in the Green Belt around Kitchside within the last 40 years due to strict planning policies.**

**Response:** As noted above, no justification has been provided that would allow this development to be approved.

- c) **The development is contrary to the Council's local plan policies designed to protect the Green Belt. The site is not a gap/infill site and does not consolidate a grouping. It is an undeveloped field, and this proposal would allow linear ribbon development along Carmunock Road.**

**Response:** Following assessment of the proposal, it is considered that the site does not qualify as a gap site and would not consolidate an existing grouping. It is considered that if approved, it has the potential to lead to further ribbon development.

- d) **The proposed building is not in keeping with the adjacent properties or the wider Kitchside area in terms of scale, design, location within the plot, and materials.**

**Response:** The proposed housetype is 1.5 storeys which is generally considered acceptable with the Green Belt and Rural areas. There are a variety of housetypes, heights and building lines throughout Kitchside, therefore, this aspect of the proposal is not considered unacceptable. Had the proposal been recommended for approval, it would have included a condition for samples of all materials to be submitted and approved.

- e) **The site has established hedgerows, trees and stone walls which makes visibility onto the road very poor. This is a road safety concern.**

**Response:** It is noted that the site includes established hedgerows and trees, particularly along the frontage of the site. The Council's Roads and Transportation Service were consulted as part of the application process and requested the applicant demonstrate that the required visibility splay of 2m x 43m is achievable at the site. A plan was subsequently submitted showing visibility splays of 2m x 35m, however, it remains unclear if the required visibility is achievable.

- f) **The applicant notes in the design statement that to the north of the application site is a two-storey farmhouse with attached single storey stable buildings that have been converted into habitable uses and that this is adjacent to a recent single storey dwelling with attached stables. This statement is incorrect as the stable buildings have not been converted to habitable uses and there is no 'recent' single storey building. The single storey building is a historic byre that has been converted. There is therefore no recent building adjacent to the site. In addition, the design statement refers to the proposed roof being tiled but the plans reference it's to be finished in slate. This should be clarified.**

**Response:** This is noted.

- g) **All wildlife and flora and fauna must be protected and should not be adversely affected as a result of this development.**

**Response:** This is noted, however, as this proposal is deemed unacceptable in planning policy terms, no surveys have been requested in this instance.

- h) **The design statement refers to the site as vacant land, however, this is incorrect as the site is actually unworked Green Belt land.**

**Response:** This is noted.

5.2. These letters are available for inspection on the planning portal.

## **6. Assessment and Conclusions**

- 6.1. The applicant seeks detailed planning permission for the erection of a dwellinghouse on land adjacent to Inver Cottage, Carmunock Road, Kitchside. The determining issues in the assessment of this application are compliance with local plan policy, its impact on the amenity of the adjacent properties and road safety matters.

6.2. In terms of the adopted South Lanarkshire Local Development Plan 2 (2021), Policy 4 – Green Belt and Rural Area is applicable in this case. This advises that the purpose of the Green Belt is to:-

- ◆ direct development to the most appropriate locations and support regeneration
- ◆ protect and enhance the character, landscape setting and identity of the settlement
- ◆ protect and provide access to open space

This policy also states that development in the Green Belt will be strictly controlled, and any proposals should accord with the appropriate uses set out in SPP. Policy 4 goes on to advise that the Green Belt functions primarily for agriculture, forestry, recreation and other uses considered by the Council to be appropriate to the countryside. Development which does not require to locate in the countryside will be expected to be accommodated within settlement boundaries to ensure that the identity of small settlements are not lost.

6.3. Policy GBRA1 – Rural Design and Development requires all development within the Green Belt and Rural Area to adhere to specific criteria. Proposals should respect existing built form and local landscape character and be of a high quality design using appropriate materials. Developments should have no unacceptable adverse impacts on existing residential amenity and should incorporate suitable boundary treatment/landscaping proposals to minimise visual impact on surrounding landscape. Proposals should be readily served by all necessary infrastructure and comply with all required parking and access standards. Proposals should not have an unacceptable adverse environmental impact on the amenity of the surrounding area or have an unacceptable impact on the natural and historic environment.

6.4. Policy GBRA8 – Development of Gap Sites advises sites that are clearly identifiable gaps sites require to comply with the following criteria:-

- ◆ The building group shall form a clearly identifiable nucleus with strong visual cohesion. The site shall be bounded on at least two sides by habitable houses or other buildings (excluding ancillary residential uses, such as garages) that are currently, or are capable of, being brought back into use. The distance between the existing buildings shall be no more than that needed to form a maximum of two house plots of a size in keeping with the curtilage and frontage of the existing group.
- ◆ The proposed house size to plot ratio shall be comparable to existing properties within the building group.
- ◆ The proposed development shall not result in ribbon development or coalescence with another building group.
- ◆ Any new dwelling shall include provision for private amenity space at a comparable scale to existing properties within the building group.
- ◆ The location, siting and design of the new house(s) shall meet existing rural design policy and guidance as set out in Policy GBRA1 and in supporting planning guidance.

This policy goes on to further advise that development of gap sites will not normally be acceptable in locations characterised by a scattering of houses or outbuildings/other buildings in the open countryside, or where the development would result in the extension of an existing ribbon form of development or coalescence with another building group.

- 6.5. Policy GBRA9 – Consolidation of Existing Building Groups advises proposals for new dwellings within existing building groups require to comply with the following criteria:-
- ◆ The scale and siting of new development shall reflect and respect the scale, character, cohesiveness, spacing and amenity of the existing group and the individual houses within the group. Any new building shall be located within a reasonable distance of the existing properties within the building group.
  - ◆ The proposal shall not result in ribbon/linear development or the coalescence of the housing group with a nearby settlement or another housing group.
  - ◆ Development shall not significantly adversely affect the landscape character or setting of the area. Definable natural boundaries between the existing group and adjacent countryside shall be maintained.
  - ◆ Private amenity space shall be provided to any new dwelling at a comparable scale to existing properties within the building group.
  - ◆ The location, siting and design of the new house(s) shall meet existing rural design policy and guidance as set out in Policy GBRA1 and in supporting planning guidance.
- 6.6. Policy 5 – Development Management and Placemaking advises that to ensure development takes account of the principles of sustainable development, all proposals require to be well designed and integrated with the local area. Proposals should have no significant adverse impacts on the local community and the environment. Where appropriate, proposals should include measures to enhance the environment.
- 6.7. In terms of Policy 4, the proposed dwelling is not required for agriculture, forestry or recreation and no justification has been provided to demonstrate that there is a specific locational requirement or established need for the proposed dwelling. The site contains no dilapidated or intrusive buildings, there is no visible ground-based infrastructure and therefore this proposal does not involve the redevelopment of previously developed land containing buildings. In addition, there are no existing buildings on site that could be used for conversion. Whilst it is noted within the supporting Planning Statement that the site contained a building at one time, this appears to date back a significant period of time and therefore is not relevant in the current assessment. The applicant therefore proposes to justify the proposal in terms of Policies GBRA8 and GBRA9.
- 6.8. Having reviewed the proposal against these policies, the application site is not considered to be bound on two sides by habitable properties. The site is bound to the west by the existing residential property known as Inver Cottage, however, to the east of the site, is open grazing land. This extends approximately 240 metres along the southern side of Carmunnock Road before the next residential property at East Kittochside Farm. The applicant's argument that the existing property at Eastend Farm on the opposite side of Carmunnock Road should be classed as the second property forming a gap, is not accepted and is not in the spirit of the policy. The site is therefore not considered an identifiable gap site. In terms of the argument that the site consolidates an existing grouping, immediately adjacent to Eastend Farm on the northern side of Carmunnock Road is Eastend Byre Cottage leading on to Southview Cottage further along. As the application site is removed from these properties, the creation of a plot here would not consolidate an existing grouping, and if anything, leaves the surrounding area open to similar proposals and potential ribbon development. It is therefore considered that this proposal would result in the unnecessary expansion of this small settlement which would erode its character and set an unwanted precedent. As such, this proposal fails to comply with Policies 4, GBRA8 and GBRA9.

- 6.9. In terms of Policies 5 and GBRA1, the proposed plot size, footprint of the dwelling and amenity space is of a comparable size to the adjacent property.

Whilst the proposed dwelling is of a modern design and materials in comparison to nearby properties, incorporating a large, glazed feature on the front elevation with juliette balcony on the east facing elevation, it is noted that there are a variety of housetypes, heights and materials across Kittinghside. In terms of the building line of the proposed dwelling, there is no established front building line as such in the vicinity, therefore, it is not considered that the position of the building would be out of keeping with the adjacent properties. As such, the proposed housetype on its own and its position within the plot is not sufficient justification for refusal of the application.

- 6.10. As noted above, the Council's Roads and Transportation Services have been consulted and requested the submission of a plan detailing the required visibility splay of 2m x 43m. However, the revised plan subsequently submitted showed a visibility splay of 2m x 35m, therefore, it remains unclear if the required visibility is achievable. Roads also requested clarification on how the parking spaces would be implemented given that they affect a small retaining wall due to the majority of the application site sitting at a higher level than the adjacent property. Further clarification was not requested in this instance as the proposal was considered unacceptable in terms of Green Belt policies as detailed above. Environmental Services raised no objection to the proposal and WOSAS advised that if permission was to be granted then a condition requiring the implementation of an archaeological watching brief during all ground disturbance should be attached.
- 6.11. The application was advertised as Development Contrary to the Development Plan in the East Kilbride News. The proposal has been fully assessed and it is considered to be contrary to the Development Plan. In this regard, the proposal is not deemed to be in accordance with Policies 4, GBRA8 and GBRA9 of the adopted South Lanarkshire Local Development Plan 2 (2021). As such, it is recommended that the application is refused.

## **7. Reasons for Decision**

- 7.1. The proposed development does not comply with the provisions of Policies 4, GBRA8 and GBRA9 of the adopted South Lanarkshire Local Development Plan 2 (2021) in that there is no specific locational requirement or need for the dwelling, it does not involve the redevelopment of previously developed land containing buildings, or the conversion of traditional buildings. The proposal does not relate to a clearly identifiable infill, gap site or existing building group and it is not an extension to an existing premises or use. The proposal would set an unwanted precedent which could encourage further similar applications for development prejudicial to the Greenbelt designation.

**Alistair McKinnon**

**Interim Executive Director (Community and Enterprise Resources)**

Date: 24 January 2022

## **Previous references**

- ♦ P/20/0172



## List of background papers

|   |   |            |
|---|---|------------|
| ▶ | Application form  |            |
| ▶ | Application plans   |            |
| ▶ | South Lanarkshire Local Development Plan 2 (adopted 2021)   |            |
| ▶ | Neighbour notification letter dated 17 February 2021  |            |
| ▶ | Consultations   |            |
|   | Roads Development Management Team   | 24.02.2021 |
|   | Environmental Services  | 25.03.2021 |
|   | West of Scotland Archaeology Service  | 25.02.2021 |
| ▶ | Representations   | Dated:     |
|   | Mrs Mhairi Young, Eastend Farm, Kittochside Road, Clarkston, Glasgow, G76 9EP                         | 04.03.2021 |
|   | Mr Colin Walker, Castlehill, Kittochside Rd, Kittochside, G769ES                                      | 08.03.2021 |
|   | Mr Stuart Gordon, 256 Kittochside Road, Kittochside Carmunnock, Glasgow, G769ES                       | 08.03.2021 |
|   | Miss Hilary Laing, Castlehill, Kittochside Road, Kittochside, Carmunnock, Clarkston, Glasgow, G76 9ES | 10.03.2021 |
|   | Mrs Lorna Mackay, Inver Cottage, Kittochside Road, Glasgow, G76 9ET                                   | 04.03.2021 |
|   | Mrs Lynne Ramage, 254 Kittochside Road, Carmunnock, Glasgow, G76 9ES                                  | 08.03.2021 |
|   | Mr Angus Young, Eastend Farm, Kittochside Road, Glasgow, G76 9EP                                      | 04.03.2021 |
|   | Mr Ross Pollock, 1B Kittochside Cottage, Kittochside road, Glasgow, G769et                            | 08.03.2021 |
|   | Mrs Lorna Gordon, 256 Kittochside Road, Kittochside Carmunnock, Glasgow, G769ES                       | 08.03.2021 |
|   | Mrs Alison Twaddle, Kittochside Farm, Clarkston, G76 9ET  | 10.03.2021 |
|   | Joe Allan, 94 Franklin Place, Westwood, East Kilbride, G75 8LS  | 08.03.2021 |
|   | Mrs Julie MacFarlan, Kittochside Cottages, Carmunnock Road, Clarkston, G76 9ET                        | 08.03.2021 |
|   | Mr Dougie MacFarlan, Kittochside Cottages, Carmunnock Road, Clarkston, G76 9ET                        | 08.03.2021 |
|   | Ms Deirdre Kelliher, Eastend Byre Cottage, Carmunnock Road, Clarkston, G76 9ET                        | 10.03.2021 |

**Contact for further information**

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

Julie Pepper, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton,  
ML3 6LB

Phone: 01698 455046

Email: [julie.pepper@southlanarkshire.gov.uk](mailto:julie.pepper@southlanarkshire.gov.uk)

Detailed planning application

Paper apart – Application number: P/21/0210

### **Reasons for refusal**

- 01. The proposal is contrary to Policy 4 of the Adopted South Lanarkshire Local Development Plan 2 (2021) in that there is no specific locational requirement or need for the proposed development in this rural location. The proposal does not relate to a clearly identifiable gap site or consolidate an existing building group and therefore also fails to comply with Policies GBRA8 and GBRA9.**
- 02. If approved, the proposal would set an undesirable precedent which could encourage further similar applications for development prejudicial to the Greenbelt designation.**

P/21/0210

Land 46M East of Inver Cottage



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Scale:  
1:2,500  
Date:  
20/01/2022



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