



Council Offices, Almada Street,
Hamilton

Planning Local Review Body

Decision Notice

Decision by South Lanarkshire Council Planning Local Review Body (PLRB)
PLRB Reference NOR/EK/22/002

- ◆ Site address: Land 70 metres southeast of Ivy Cottage, Heads Highway, Glassford, Strathaven, ML10 6TU
- ◆ Application for review by J and G Davidson Limited as a result of the failure of an appointed officer of South Lanarkshire Council to give a decision (deemed refusal) in respect of planning application P/22/0440
- ◆ Application P/22/0440 for the erection of 2 detached dwelling houses (planning permission in principle)
- ◆ Application Drawing:-
 - ◆ Site Plan – Glassford / 01

Decision

The PLRB agreed that planning application P/22/0440 be granted subject to the conditions attached to this decision notice.

Geraldine McCann
Head of Administration and Legal Services

Date of Decision Notice: 10 October 2022

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 12 September 2022. The PLRB was attended by Councillors Alex Allison, Gerry Convery (Depute), Maureen Devlin, Gladys Ferguson-Miller, Mark Horsham, Davie McLachlan, Richard Nelson (Chair), Norman Rae, Dr Ali Salamati

2. Proposal

- 2.1. The proposal is for the erection of 2 detached dwelling houses (planning permission in principle) at land 70 metres southeast of Ivy Cottage, Heads Highway, Glassford, Strathaven.
- 2.2. The review had been requested as a result of the failure of Planning and Economic Development to give a decision on the application (deemed refusal), therefore, the PLRB was required to determine the application.

3. Determining Issues

- 3.1. The determining issues in this review were:-

- ◆ the proposal's compliance with the adopted South Lanarkshire Local Development Plan 2 (SLLDP2)
- ◆ whether there was valid policy justification to support the proposed dwelling houses at the proposed location within the green belt
- ◆ whether the application site could be considered a gap site
- ◆ impact on the local landscape character and surrounding landscape

- 3.2. The PLRB established that, in terms of the adopted South Lanarkshire Local Development Plan 2, the site was located within the designated green belt. The following policies applied to the application site:-

- ◆ Policy 4 – Green Belt and Rural Area
- ◆ Policy GBRA8 – Development of Gap Sites
- ◆ Policy GBRA9 – Consolidation of Existing Building Groups

- 3.3. Policy 4 states 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

Development in the green belt will be strictly controlled and any proposals should accord with the appropriate uses set out in Scottish Planning Policy (SPP).

The green belt 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. Isolated and sporadic development will not be supported.

- 3.4. Policy GBRA8 states that within the green belt and rural area proposals for new houses within clearly identifiable gap sites will be supported where all of the following criteria can be met:-

- ◆ the building group shall form a clearly identifiable nucleus with strong visual cohesion. The site shall be bounded on at least 2 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 2 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
- ◆ exceptionally, within the rural area only, the layout of a group of buildings may allow the infill of a small area up to a natural boundary, for example, an established tree belt or other landscaping feature, or physical feature such as a boundary wall or road

- ◆ any new dwelling shall include provision for private amenity space at a comparable scale to existing properties within the building group. Any new dwelling, or its private amenity space, shall not unacceptably affect the size or use of the amenity space of any neighbouring dwellinghouses
- ◆ 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. Generally, the design, appearance and materials of the proposed house(s) shall be complementary to the character of the existing building group unless it is shown that there is no distinct design character within it

3.5. Policy GBRA9 states that within the green belt and rural area proposals for new houses within existing building groups will be supported where all of the following criteria can be met:-

- ◆ 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. In addition, it shall have regard to the landscape backdrop, topographical features and levels. Definable natural boundaries between the existing group and adjacent countryside shall be maintained. Natural boundaries shall generally take precedence over man-made boundaries when defining the extent of a building group
- ◆ private amenity space shall be provided to any new dwelling at a comparable scale to existing properties within the building group. Any new dwelling, or private amenity space afforded to it, shall not unacceptably prejudice the size or use of the amenity space afforded to an existing dwelling house
- ◆ 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. Generally, the design, massing, scale, appearance and materials of the proposed house(s) shall be complementary to the character of the existing building group unless it is shown that there is no distinct design character within it

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

- ◆ the application site is situated within a cluster of properties at Heads of Glassford that lies to the north east of the village of Glassford. The cluster extends from Townfoot in the north; Maidenwell Cottage to the west; Heads Farm to the south, where new dwellings have recently been built; and by Ivy Cottage to the east, or more correctly the agricultural building that lies to the north east of this. These all lie around a central open space that is bounded by roads, Willow Cottage and Meadow House
- ◆ in settlement pattern terms, this would be called a 'nucleated village' where houses are clustered around a central point called a nucleus
- ◆ within the above wider grouping, there is also a more concentrated cluster formed by Rockville, Ivy Cottage, Willow House, Meadowside House and the new dwellings at Heads Farm that are closely knit and relate to each other physically and visually
- ◆ within this tightly knit nucleated group sits the application site that lies north of Heads Farm and south of Ivy Cottage
- ◆ the application site is in agricultural use, although it is not productive, being instead used for outside storage purposes
- ◆ when standing on the application site, you are able to see dwellings and buildings in all directions, leaving the impression that you are within a group of closely knit dwellings and buildings

- ◆ a gap site is defined in the glossary of the local development plan as a “site bounded on at least two sides by built development and fronting a road, which should generally be capable of accommodating one house, but a maximum of two, subject to design being appropriate to the scale and nature of the adjacent development.” In this case, the application site clearly conforms with that definition being a gap that fronts a road and being situated between Ivy Cottage to the north and Heads Farm to the south
- ◆ the case officer’s view that the application site was not a gap site was an extreme interpretation as, within the countryside, there are going to be numerous situations where a dwelling is sited centrally within its plot, or further away from 1 boundary, and that should not be seen as a reason not to support a gap site
- ◆ there are existing dwellings to the north and south of the application site. Furthermore, the gap is no more than is required for 2 plots of commensurate size to others in the locality and the proposals offer garden sizes of a comparable size to those at Heads Farm
- ◆ the gap falls within an existing group so will not lead to any coalescence with another grouping
- ◆ the application site is within a building group and is well contained by visually obvious boundaries of the road, with built development to the north and south and the garden boundaries of those dwellings forming its extents. The eastern boundary is not contained, however, the applicant can easily do that, if required, within land in their control, by putting in structural planting, or a new hedgerow or stone dyke, which would form the end to the new gardens
- ◆ all existing landscape features will be maintained, and it is considered that 2 plots here, sited within the existing group, will have little wider landscape impact
- ◆ the last matter that the case officer has raised is the spectre of a possible precedent, with filling this gap possibly leading to pressure for further development to the north, presumably to the rear of Ivy Cottage. The owners of that land may well have aspirations for development, however, this application should be considered on its merits, against policy, and any future application of the land to the north will need to do the same
- ◆ there was a strong case for planning permission in principle on the site to be supported and this would be strengthened by members of the PLRB carrying out a site visit
- ◆ it is the applicant’s view that the application site is a gap site
- ◆ the existence of a track between the application site and Heads Farm, and the new development, is a quirk, a circumstance that would often happen in a countryside setting where access rights to agricultural land behind must be maintained
- ◆ the applicant could not see why the application was seen as coalescing 2 separate groups when it was happening anyway via consents P/18/0654 and P/19/0321 which had already been granted

3.7. The PLRB considered the applicant’s request that it should undertake a site visit and hold a hearing prior to determining the review case, however, it took the view that neither a site visit nor a hearing was required as it had sufficient information and adequate plans to allow proper consideration of the proposal.

3.8. The PLRB then considered whether the proposal was in accordance with the purpose of the green belt and whether it met the criteria contained in Policies 4, GBRA8 and GBRA9 of the adopted SLLDP2. It further considered that there was adequate justification in terms of Policies 4, GBRA8 and GBRA9 for the application to be granted on the grounds that it considered that the application site was a gap site.

4. Conclusion

4.1. The PLRB considered a request to review planning application P/22/0440 for the erection of 2 detached dwelling houses (planning permission in principle) at land 70 metres southeast of Ivy Cottage, Heads Highway, Glassford, Strathaven. The review had been requested because the application had not been determined (deemed refusal) within the period allowed for determination. The PLRB concluded that there was adequate justification in

terms of Policies 4, GBRA8 and GBRA9, as it considered that the application site was a gap site, and that planning consent for the proposal could be granted, subject to specified conditions.

- 4.2. The PLRB, therefore, agreed that planning permission for planning application P/22/0440 be granted, subject to the undernoted conditions.

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.

Conditions and Reasons

Erection of 2 Detached Dwelling Houses (Planning Permission in Principle) at Land 70 Metres Southeast of Ivy Cottage, Heads Highway, Glassford, Strathaven

01. Prior to the commencement of development on site, a further application(s) for the approval of any of the matters specified in this condition must be submitted to and approved by the Council as Planning Authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

These matters are as follows:-

- (a) the layout of the site, including all roads, footways, parking areas (including number and size of parking spaces) and gardens
- (b) the siting, design and external appearance of all building(s) and any other structures, including plans and elevations showing their dimensions and type and colour of external materials
- (c) detailed cross-sections of existing and proposed ground levels, details of underbuilding and finished floor levels in relation to a fixed datum, preferably ordnance datum
- (d) the design and location of all boundary treatments including walls and fences
- (e) the landscaping proposals for the site, including details of existing trees and other planting to be retained together with proposals for new planting specifying number, size and species of all trees and shrubs, including, where appropriate, the planting of fruit/apple trees
- (f) the means of drainage and sewage disposal
- (g) details of facilities for the storage of refuse within the proposed development, including the design, location and access for uplift
- (h) details of a programme of dust management and monitoring during the construction of the development

Reason: To comply with section 59 of the Town and Country Planning (Scotland) Act 1997 as amended.

02. That, notwithstanding the terms of Condition 1 above, the design and siting of any dwellinghouse on the site shall take due cognisance of the rural location, with particular regard being paid to scale, massing, roof pitch, fenestration and materials.

Reason: In the interests of amenity and to ensure satisfactory integration of the new dwellinghouses with the greenbelt location in which they are to be situated.

03. That no consent is hereby granted for the indicative house footprint shown on the site plan.

Reason: Permission is granted in principle only and no approval is given for these details.

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

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

05. That, before the development hereby approved is completed or brought into use, details, including construction specifications, of passing places to the north and south approaches to the development, hereby approved, shall be submitted for the written approval of the Council, as Planning Authority. Once approved the passing places shall be constructed and maintained as such for the lifetime of the development, hereby approved. For the avoidance of doubt the passing places shall be located within Heads Highway.

Reason: In the interests of road safety.

06. That, before the development hereby approved is completed or brought into use, a 2 metre wide footway shall be constructed along the frontage of the site to the specification of the Council as Roads and Planning Authority.

Reason: In the interests of pedestrian and road safety.

07. That before the development hereby approved is completed or brought into use and unless otherwise approved in writing by the Council as Planning Authority, a visibility splay of 2.4 metres by 215 metres measured from the road channel shall be provided on both sides of the vehicular access and everything exceeding 0.9 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.

Reason: In the interests of traffic and public safety.

08. That before the development hereby approved is completed or brought into use and unless otherwise approved in writing by the Council as Planning Authority, a visibility splay of 2.4 metres by 2.4 metres measured from the heel of the footway shall be provided on both sides of the vehicular access and everything exceeding 0.9 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.

Reason: In the interests of public safety.

09. That no gates or other obstructions shall be erected within the first 6 metres of the driveway as measured from the heel of the footway.

Reason: In the interests of traffic and public safety.

10. That, unless otherwise agreed in writing and prior to works commencing on site, the applicant shall submit details to demonstrate that the new dwelling will be fitted with an electric vehicle charging (EVC) point. Thereafter, the agreed EVC provision shall be installed, commissioned and maintained in accordance with the approved plans and specifications prior to that property which it serves being occupied.

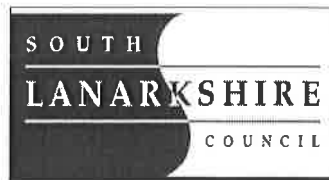
Reason: To ensure the provision of appropriate facilities for the dwelling.

11. Prior to commencement of the development hereby approved, details of measures to facilitate the provision of full fibre broadband to serve the dwelling, including details of appropriate digital infrastructure and a timescale for implementation, shall be submitted to and approved in writing by the Council as Planning Authority, unless otherwise agreed in writing with the applicant. The approved measures shall thereafter be carried out in accordance with the agreed implementation timescale.

Reason: To ensure the provision of digital infrastructure to serve the development.

12. That details of surface water drainage arrangements should be submitted to the Council as Planning Authority as part of the further submission for this site; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design Criteria and shall include a flood risk assessment of the site and signed appendices as required. Thereafter, the development shall not be occupied until the surface drainage works have been completed in accordance with the details submitted to and approved by the Council as Planning Authority.

Reason: To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.



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.

