



Council Offices, Almada Street  
Hamilton, ML3 0AA

Friday, 02 September 2022

Dear Councillor

## **Planning Local Review Body**

The Members listed below are requested to attend a meeting of the above Committee to be held as follows:-

**Date:** Monday, 12 September 2022

**Time:** 10:30

**Venue:** Hybrid - Council Chamber, Council Offices, Almada Street, Hamilton, ML3 0AA

The business to be considered at the meeting is listed overleaf.

Yours sincerely

**Cleland Sneddon**  
**Chief Executive**

### **Members**

Richard Nelson (Chair), Gerry Convery (Depute Chair), Alex Allison, Mary Donnelly, Gladys Ferguson-Miller, Mark Horsham, Lesley McDonald, Norman Rae, Dr Ali Salamati, Graham Scott

### **Substitutes**

Robert Brown, Maureen Devlin, Grant Ferguson, Alistair Fulton, Graeme Horne, Ross Lambie, Monique McAdams, Ian McAllan, Kenny McCreary, Davie McLachlan

## BUSINESS

### 1 Declaration of Interests

- 2 Minutes of Previous Meeting** 3 - 6  
The minutes of the meeting of the Planning Local Review Body held on 15 August 2022 submitted for approval as a correct record. (Copy attached)

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### Item(s) for Decision

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- 3 Review of Case - P/22/0440 for Erection of 2 Detached Dwellinghouses (Planning Permission in Principle) at Land 70 Metres Southeast of Ivy Cottage, Heads Highway, Glassford, Strathaven** 7 - 10  
Report dated 2 September 2022 by the Executive Director (Finance and Corporate Resources). (Copy attached)
- 3a Appendix 1 Planning Application Form** 11 - 20
- 3b Appendix 2(a) Consultation Responses** 21 - 28
- 3c Appendix 2(b) Representations** 29 - 32
- 3d Appendix 3 Site Photographs and Location Plan** 33 - 40
- 3e Appendix 4 Notice of Review** 41 - 68
- 3f Appendix 5 Further Representation** 69 - 82
- 3g Appendix 6 Applicant's Agent Comments on Further Representation** 83 - 88

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### Urgent Business

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- 4 Urgent Business**  
Any other items of business which the Chair decides are urgent.

***For further information, please contact:-***

Clerk Name:	Stuart McLeod
Clerk Telephone:	07385 370 117
Clerk Email:	stuart.mcleod@southlanarkshire.gov.uk

## PLANNING LOCAL REVIEW BODY (PLRB)

2

Minutes of meeting held via Confero and the Council Chamber, Council Offices, Almada Street, Hamilton on 15 August 2022

### Chair:

Councillor Richard Nelson

### Councillors Present

Councillor Alex Allison, Councillor Gerry Convery (Depute), Councillor Maureen Devlin (*substitute for Councillor Graham Scott*), Councillor Mary Donnelly, Councillor Gladys Ferguson-Miller, Councillor Mark Horsham, Councillor Lesley McDonald, Councillor Norman Rae

### Councillors' Apologies:

Councillor Dr Ali Salamati, Councillor Graham Scott

### Attending

#### Community and Enterprise Resources

J Wright, Planning Adviser to the Planning Local Review Body

#### Finance and Corporate Resources

M Cannon, Legal Adviser to the Planning Local Review Body; S Jessup, Administration Assistant; K McLeod, Administration Assistant; S McLeod, Administration Officer; S Somerville, Administration Manager

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### 1 Declaration of Interests

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No interests were declared.

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### 2 Minutes of Previous Meeting

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The minutes of the meeting of the Planning Local Review Body held on 20 June 2022 were submitted for approval as a correct record.

**The Committee decided:** that the minutes be approved as a correct record.

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### 3 Review of Case – Application P/21/0029 for Erection of 2 Houses with Associated Studio Flats Above Attached Garage, Raised Decking at Rear and Formation of Access at Land 120 Metres Northeast of 55 Bothwell Road, Bothwell Road, Hamilton

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A report dated 4 August 2022 by the Executive Director (Finance and Corporate Resources) was submitted on a request for a review of the decision taken by officers, in terms of the Scheme of Delegation, to refuse planning permission for planning application P/21/0029 by S Chaudhary for the erection of 2 houses with associated studio flats above attached garage, raised decking at rear and formation of access at land 120 metres northeast of 55 Bothwell Road, Bothwell Road, Hamilton.

To assist the PLRB in its review, copies of the following information had been appended to the report:-

- ♦ planning application form
- ♦ report of handling by the planning officer under the Scheme of Delegation together with representations and responses from consultees
- ♦ site photographs and location plan

- ◆ decision notice
- ◆ notice of review, including applicant's statement of reasons for requiring the review
- ◆ further submissions from interested parties following notification of the request for the review of the case
- ◆ comments from the applicant on the further submissions received from the interested parties

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

The Legal Adviser advised on the following procedural matters:-

- ◆ that a number of representations from parties who had not previously objected to the planning application or whose signatures were unidentifiable had not been included in the submissions as, in terms of The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013, only an interested party might make representations in respect of a review
- ◆ the Statement of Observations from the Planning Officer, attached at appendix 6 to the report, which stated that the reference to the suggestion for financial investment and a related Section 75 agreement was new information and had not been made available prior to the determination of application P/21/0029

The PLRB agreed that the information in relation to a proposed Section 75 agreement could be considered in relation to the review and heard the Planning Adviser in relation to the case.

The PLRB noted that the applicant had requested a hearing and site inspection, however, on the basis of the above, the PLRB considered it had sufficient information to allow it to proceed to determine the review. The options available to the PLRB were to uphold, reverse or vary the decision taken in respect of the application taken under review.

In reviewing the case, the PLRB considered:-

- ◆ the information submitted by all parties
- ◆ the relevant policies contained in the adopted South Lanarkshire Local Development Plan 2:-
  - ◆ Policy 3 – general urban areas and settlements
  - ◆ Policy 5 – development management and placemaking
  - ◆ Policy 13 – green network and greenspace
  - ◆ Policy DM1 – new development design
  - ◆ Policy NHE13 – forestry and woodland
  - ◆ Policy NHE14 – tree preservation orders
  - ◆ Policy NHE20 – biodiversity

Following its review of the information and after discussion, the PLRB concluded that the development was contrary to Policies 3, 5, 13, NHE13 and NHE20 of the South Lanarkshire Local Development Plan 2.

**The PLRB decided:**

that the decision taken by officers, in terms of the Scheme of Delegation, to refuse planning permission for planning application P/21/0029 by S Chaudhary for the erection of 2 houses with associated studio flats above attached garage, raised decking at rear and formation of access at land 120 metres northeast of 55 Bothwell Road, Bothwell Road, Hamilton be upheld.

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#### **4 Urgent Business**

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There were no items of urgent business.



# Report

3

Report to:	<b>Planning Local Review Body</b>
Date of Meeting:	<b>12 September 2022</b>
Report by:	<b>Executive Director (Finance and Corporate Resources)</b>

Subject:	<b>Review of Case – Application P/22/0440 for Erection of 2 Detached Dwelling Houses (Planning Permission in Principle)</b>
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## 1. Purpose of Report

1.1. The purpose of the report is to present the information currently available to allow a review of the undernoted application on the basis that the application has not been determined (deemed refusal) within the period allowed for determination.

### 1.2. *Summary Application Information*

Application Type:	Planning Permission in Principle
Applicant:	J and G Davidson Limited
Proposal:	Erection of 2 detached dwelling houses (planning permission in principle)
Location:	Land 70 Metres Southeast of Ivy Cottage, Heads Highway, Glassford, Strathaven, ML10 6TU
Council Area/Ward:	5 Avondale and Stonehouse

### 1.3. *Reason for Requesting Review*

<input type="checkbox"/> Refusal of Application	<input type="checkbox"/> Conditions imposed	<input checked="" type="checkbox"/> Failure to give decision (deemed refusal)
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## 2. Recommendation(s)

2.1. The Planning Local Review Body is asked to:-

- (1) consider whether it has sufficient information to allow it to proceed to determine the review without further procedure and, if so, that:-
  - (a) it proceeds to determine the application under review (deemed refusal)
  - (b) any appropriate reasons for refusal or detailed conditions to be attached to the decision letter are agreed
- (2) in the event that further procedure is required to allow it to determine the review, consider:-
  - (a) what further information is required, which parties are to be asked to provide the information and the date by which this is to be provided
  - (b) what procedure or combination of procedures are to be followed in determining the review

### 3. Background

- 3.1. The Council operates a Scheme of Delegation that enables Council officers to determine a range of planning applications without the need for them to be referred to Area Committees or the Planning Committee for a decision.
- 3.2. In terms of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act 2006, and the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013, where an application for planning permission relates to a proposal that falls within the category of “local development” and has been or could have been determined under the Scheme of Delegation, the applicant is entitled to request that the determination be reviewed by the Planning Local Review Body.

### 4. Notice of Review – Statement of Reasons for Requiring the Review

- 4.1. In submitting their Notice of Review, the applicant has stated their reasons for requiring a review of the determination in respect of their application. **(Refer Appendix 4)**
- 4.2. The applicant is entitled to state a preference for procedure (or combination of procedures) to be followed and has indicated that their stated preference is as follows:-

<input type="checkbox"/>	Further written submissions	<input checked="" type="checkbox"/>	Site inspection
<input checked="" type="checkbox"/>	Hearing session(s)	<input type="checkbox"/>	Assessment of review documents only, with no further procedure

- 4.3. However, members will be aware that it is for the Planning Local Review Body to determine how a case is reviewed.

### 5. Information Available to Allow Review of Application

- 5.1. Section 43B of the Planning etc (Scotland) Act 2006 restricts the ability of parties to introduce new material at the review stage. The focus of the review should, therefore, be on the material which was before the officer who dealt with the application under the Scheme of Delegation.
- 5.2. The following information is appended to this report to assist the Planning Local Review Body in its consideration of the application:-
- ♦ Planning Application Form **(Appendix 1)**
  - ♦ Copies of submissions from consultees **(Appendix 2(a))**
  - ♦ Copies of representations **(Appendix 2(b))**
  - ♦ Site photographs and location plan **(Appendix 3)**
  - ♦ Notice of Review including statement of reasons for requiring the review **(Appendix 4)**
- 5.3. Copies of the relevant drawings are available for inspection by contacting Administration and Legal Services prior to the meeting.

### 6. Notice of Review Consultation Process

- 6.1. As the review has been requested because of the failure to give a decision on the application (deemed refusal), no report of handling is available for the application. There is a strict statutory timescale of three months for the Planning Local Review Body to conduct a deemed refusal review. Therefore, to facilitate the review and



comply with the statutory timescale, the Head of Administration and Legal Services, in consultation with the Chair, asked for observations from Planning Services on the notice of review to be provided in advance of the meeting. This is attached as **Appendix 5**.

- 6.2 The applicant had the opportunity to comment on the further representations received. Comments from the applicant's agent are contained in the submission attached as **Appendix 6**.

**Paul Manning**  
**Executive Director (Finance and Corporate Resources)**

2 September 2022

### **Link(s) to Council Values/Priorities/Outcomes**

#### **Values**

- ◆ Accountable, effective, efficient and transparent

#### **Outcomes**

- ◆ Good quality, suitable and sustainable places to live

#### **Previous References**

- ◆ None

#### **List of Background Papers**

- ◆ Guide to the Planning Local Review Body

#### **Contact for Further Information**

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

Stuart McLeod, Administration Officer

Ext: 4815 (Tel: 01698 454815)

E-mail: [stuart.mcleod@southlanarkshire.gov.uk](mailto:stuart.mcleod@southlanarkshire.gov.uk)



# Appendix 1

3a

## Planning Application Form



Montrose House 154 Montrose Crescent Hamilton ML3 6LB Tel: 0303 123 1015 Email: [planning@southlanarkshire.gov.uk](mailto: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 100543604-001

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.

## Type of Application

What is this application for? Please select one of the following: \*

- ☐ Application for planning permission (including changes of use and surface mineral working).
- ☒ Application for planning permission in principle.
- ☐ Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- ☐ Application for Approval of Matters specified in conditions.

## Description of Proposal

Please describe the proposal including any change of use: \* (Max 500 characters)

Erection of 2no detached dwellinghouses (Planning Permission in Principle)

Is this a temporary permission? \*

☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?  
(Answer 'No' if there is no change of use.) \*

☐ Yes ☒ No

Has the work already been started and/or completed? \*

☒ No ☐ Yes – Started ☐ Yes - Completed

## 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:	Houghton Planning Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Paul	Building Name:	Alloa Business Centre
Last Name: *	Houghton MRTPI	Building Number:	
Telephone Number: *	07780117708	Address 1 (Street): *	Whins Road
Extension Number:		Address 2:	Alloa
Mobile Number:		Town/City: *	Clacks
Fax Number:		Country: *	Scotland
		Postcode: *	FK10 3RF
Email Address: *	paul@houghtonplanning.co.uk		
Is the applicant an individual or an organisation/corporate entity? *			
<input type="checkbox"/> Individual <input checked="" type="checkbox"/> Organisation/Corporate entity			

## Applicant Details

Please enter Applicant details

Title:		You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Knowehead Farm
First Name: *		Building Number:	
Last Name: *		Address 1 (Street): *	Glassford
Company/Organisation	J & G Davidson Ltd	Address 2:	
Telephone Number: *		Town/City: *	Strathaven
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	ML10 6TS
Fax Number:			
Email Address: *	paul@houghtonplanning.co.uk		

## Site Address Details

Planning Authority:

South Lanarkshire Council

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Land 70M Southeast Of Ivy Cottage Heads Highway Glassford Strathaven South Lanarkshire

Northing

Easting

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

☐ Yes ☒ No

## Site Area

Please state the site area:

0.19

Please state the measurement type used:

☒ Hectares (ha) ☐ Square Metres (sq.m)

## Existing Use

Please describe the current or most recent use: \* (Max 500 characters)

Agricultural land.

## Access and Parking

Are you proposing a new altered vehicle access to or from a public road? \*

☒ Yes ☐ No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

<p>Are you proposing any change to public paths, public rights of way or affecting any public right of access? * <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.</p>
<h2 style="margin: 0;">Water Supply and Drainage Arrangements</h2> <p>Will your proposal require new or altered water supply or drainage arrangements? * <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p>
<p>Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *</p> <p><input type="checkbox"/> Yes – connecting to public drainage network</p> <p><input checked="" type="checkbox"/> No – proposing to make private drainage arrangements</p> <p><input type="checkbox"/> Not Applicable – only arrangements for water supply required</p>
<p>As you have indicated that you are proposing to make private drainage arrangements, please provide further details.</p> <p>What private arrangements are you proposing? *</p> <p><input checked="" type="checkbox"/> New/Altered septic tank.</p> <p><input type="checkbox"/> Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).</p> <p><input type="checkbox"/> Other private drainage arrangement (such as chemical toilets or composting toilets).</p>
<p>What private arrangements are you proposing for the New/Altered septic tank? *</p> <p><input checked="" type="checkbox"/> Discharge to land via soakaway.</p> <p><input type="checkbox"/> Discharge to watercourse(s) (including partial soakaway).</p> <p><input type="checkbox"/> Discharge to coastal waters.</p>
<p>Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: *</p> <div style="border: 1px solid black; height: 100px; width: 100%; margin-top: 5px;"></div>
<p>Do your proposals make provision for sustainable drainage of surface water?? * <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>(e.g. SUDS arrangements) *</p> <p>Note:-</p> <p>Please include details of SUDS arrangements on your plans</p> <p>Selecting 'No' to the above question means that you could be in breach of Environmental legislation.</p>
<p>Are you proposing to connect to the public water supply network? *</p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No, using a private water supply</p> <p><input type="checkbox"/> No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>



## Assessment of Flood Risk

Is the site within an area of known risk of flooding? \*

☐ Yes ☒ No ☐ Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? \*

☐ Yes ☒ No ☐ Don't Know

## Trees

Are there any trees on or adjacent to the application site? \*

☒ Yes ☐ No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

## All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \*

☐ Yes ☒ No

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013? \*

☐ Yes ☒ No ☐ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*

☐ Yes ☒ No

## Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? \*

☒ Yes ☐ No

Is any of the land part of an agricultural holding? \*

☒ Yes ☐ No

Do you have any agricultural tenants? \*

☐ Yes ☒ No

## Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate E

# Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate E

I hereby certify that –

(1) – No person other than myself/the applicant was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) - The land to which the application relates constitutes or forms part of an agricultural holding and there are no agricultural tenants

Or

(1) – No person other than myself/the applicant was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) - The land to which the application relates constitutes or forms part of an agricultural holding and there are agricultural tenants.

Name:

Address:

Date of Service of Notice: \*

(4) – I have/The applicant has taken reasonable steps, as listed below, to ascertain the names and addresses of the other owners or agricultural tenants and \*have/has been unable to do so –

Signed: Paul Houghton MRTPI

On behalf of: J & G Davidson Ltd

Date: 21/03/2022

☒ Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? \*

☐ Yes ☐ No ☒ Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? \*

☐ Yes ☐ No ☒ Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? \*

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? \*

☐ Yes ☐ No ☒ Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? \*

☐ Yes ☐ No ☒ Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? \*

☐ Yes ☐ No ☒ Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

☒ Site Layout Plan or Block plan.

☐ Elevations.

☐ Floor plans.

☐ Cross sections.

☐ Roof plan.

☐ Master Plan/Framework Plan.

☐ Landscape plan.

☐ Photographs and/or photomontages.

☐ Other.

If Other, please specify: \* (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. \*

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. \*

☐ Yes ☒ N/A

A Flood Risk Assessment. \*

☐ Yes ☒ N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). \*

☐ Yes ☒ N/A

Drainage/SUDS layout. \*

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. \*

☐ Yes ☒ N/A

Habitat Survey. \*

☐ Yes ☒ N/A

A Processing Agreement. \*

☐ Yes ☒ N/A

Other Statements (please specify). (Max 500 characters)

## Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Paul Houghton MRTPI

Declaration Date: 21/03/2022

## Payment Details

Pay Direct

Created: 21/03/2022 15:58

# Appendix 2(a)

3b

## Consultation Responses

- ◆ Response dated 13 April 2022 from West of Scotland Archaeology Services
- ◆ Response dated 13 April 2022 from Environmental Services
- ◆ Response dated 6 May 2022 from Roads and Transportation Services



**From:** [REDACTED]  
**To:** Planning  
**Subject:** Planning Application P/22/0440 (OFFICIAL)  
**Date:** 13 April 2022 13:36:05

3b

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**OFFICIAL**

Dear Sir or Madam,

I refer to the above application for planning permission in principle for the erection of two detached houses on land 70m south-east of Ivy Cottage, Heads, which was sent to us for comment on the 5th of April. I have downloaded details of the proposal from the Council's online planning system, and having compared these against information contained in the Historic Environment Record, with available cartographic sources, and with previous planning casework, I would like to make the following comments.

As you will be aware, the two houses proposed under this application would be located within an Archaeological Consultation Trigger, which in this instance has been defined in relation to a group of buildings at or near this location called 'Heads of Glassart' (the modern Glassford) that appeared on Roy's Military Survey of Scotland, which was produced in the period 1747-55. The settlement was also shown on the 1st Edition Ordnance Survey map of 1864, by which time the name had contracted to 'Heads'. A settlement labelled 'Heads' was also shown on Pont's manuscript map of circa 1590 (NLS Pont sheet 34) in the correct topological relationship to other settlements in the vicinity, suggesting that the origins of the village date back to at least the late 16th century.

The two new houses proposed under the current application would be located in the area to the south-east of the main core of the settlement, at least in terms of the buildings shown on the 1st edition map. However, current satellite images indicate that the ground (particularly the northern of the two plots) has been subject to a degree of recent disturbance associated with the movement of heavy machinery and the storage of materials. I am also aware that modern housing has recently been constructed immediately to the south of these two plots, and that archaeological work was not required in relation to that application. As the current application affects a partially-disturbed plot of ground that appears to lie outside the core of the early settlement, I would not consider archaeological work to be required in relation to this proposal.

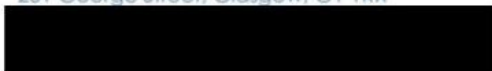
Regards,

Martin O'Hare



Martin O'Hare

Historic Environment Records Officer  
West of Scotland Archaeology Service  
231 George Street, Glasgow, G1 1RX



## OFFICIAL

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#### Protective Marking

We are using protective marking software to mark all our electronic and paper information based on its content, and the level of security it needs when being shared, handled and stored. You should be aware of what these marks mean for you when information is shared with you:

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**Community & Enterprise Resources  
Executive Director David Booth  
Fleet and Environmental Services**

To:	Planning & Building Standards Services	Our Ref.	MJH/463290
		Your Ref.	P/22/0440
CC:		If Calling Ask for	Mary Harkness
From:	Mary Harkness	Phone	01698 454900
		Date.	13 April 2022

---

Subject:	Application Ref:	<b>P/22/0440</b>
	Address:	<b>Ivy Cottage Glassford Strathaven</b>
	Proposed Development:	<b>Erection of 2no detached dwellinghouses (Planning Permission in Principle)</b>

I refer to the above planning application consultation and would comment as follows.

I have no objections to the proposal subject to the following conditions.

**W2. Residential Waste Control**

Details of facilities for the storage of refuse within the proposed development, including the design, location and access for uplift, shall be submitted to and approved in writing by the Council as Planning Authority. No dwellings shall be occupied until the facilities for the storage of waste have been provided within the proposed development, in accordance with the approved scheme.

**D01. Dust Mitigation/Control**

Prior to development commencing on site, a scheme for the control and mitigation of dust shall be submitted to and approved in writing by the Council as Planning Authority. No changes to the approved scheme shall take place unless agreed in writing by the Council as Planning Authority. The scheme shall thereafter be implemented in accordance with a programme to be agreed in writing with the Council as Planning Authority.

**D02. Dust Monitoring**

Prior to development commencing on site, a dust management and monitoring scheme shall be submitted to and approved in writing by the Council as Planning Authority. The scheme shall thereafter be implemented in accordance with a programme to be agreed in writing with the Council as Planning Authority.

**Septic Tank**

Each dwelling must be provided with its own septic tank located within the curtilage of the individual property, and be for the sole use of the occupants of the dwelling.



**Community & Enterprise Resources  
Executive Director David Booth  
Fleet and Environmental Services**

I would also request that if the application is approved, then the following advisory notes are attached to the decision notice for the applicant's information.

**ADV NOTE 5. Formal action may be taken if nuisance occurs.**

None of the above conditions will preclude formal action being taken by the Executive Director of Community Resources against the person responsible for any nuisance which may arise due to the operation of the proposed development.

**ADV NOTE 3. Noise: Construction and Demolition (BS 5228)**

The applicant is advised that all works carried out on site must be carried out in accordance with the current BS5228, 'Noise control on construction and open sites'.

The applicant is further advised that audible construction activities should be limited to, Monday to Friday 8.00am to 7.00pm, Saturday 8.00am to 1.00pm and Sunday – No audible activity. The applicant is advised that Environmental Services may consider formally imposing these hours of operation by way of statutory notice should complaints be received relating to audible construction activity outwith these recommended hours and should such complaints may be justified by Officers from this Service.

Further details of this may be obtained from South Lanarkshire Council, Environmental Services,

**ADV NOTE 8. Demolition and Pest Control**

The applicant is advised that adequate pest control measures should be employed to ensure that any demolition and/or associated ground works occurring as part of this development do not give rise to increased pest activities. Further details of this may be obtained from South Lanarkshire Council, Environmental Services.

**ADV NOTE 9. Details of application to be sent to SEPA.**

Details of this application should be sent to SEPA for their consideration and comments, as they are the legal body responsible for some of the matters raised.

Should you require any further information, please contact Mary Harkness.

**Mary Harkness  
Environmental Health Officer**

**Community and Enterprise Resources**  
Executive Director **David Booth**  
**Roads and Transportation Services – Transportation Engineering**

<b>To:</b>	Planning	<b>Planning Application No:</b>	P/22/0440
<b>From:</b>	Development Management Roads and Transportation Services	<b>Case Officer:</b>	Declan King
		<b>Contact:</b>	Sean Boyd
		<b>Phone Ext:</b>	07385370029
		<b>Date:</b>	06 May 2022

**Subject:** OBSERVATIONS ON PLANNING APPLICATION

**Location:** - Land 70m Southeast of Ivy Cottage, Heads Highway, Glassford, Strathaven

I refer to the above planning application and would respond as follows.

This application is for the erection of 2no detached dwellinghouses (Planning Permission in Principle).

The roads to the dwellings are rural in nature with no footways.

Although there are a number of unofficial passing places within Heads Highway, this Service will require additional passing places. These should be located to the north and south approaches to the development and be located within Heads Highway. These passing places should be signed and constructed to this Service's specifications. The applicant should submit an additional drawing detailing the location of the passing places.

At the proposed driveway accesses vehicular visibility splays of 2.4m x 215m must be provided. A pedestrian visibility splay of 2.4m x 2.4m, (measured from the heel kerb of the footway) is also required. Within these splays nothing over 900mm in height, ie. trees, shrubs walls etc is permitted.

For any relaxation in the visibility splay a speed survey must be carried out. This survey should be carried out on all roads that access is to be taken and should be carried out for a minimum of 7 days.

The number of bedrooms per dwelling is not currently known. A 2/3 bedroom property will require 3 parking spaces while a property with 4 bedrooms or more would require 3 spaces. Each space should be 3mX6m. Each unit should also be fitted with an electric vehicle charging point.

A new 2m wide footway is required along the frontage of the plot boundaries on Heads Highway. Roads Construction Consent will be required for the formation of the footway, a drop kerb access should be provided at the new driveway accesses.

If the accesses are to be gated then the gates must be set back a minimum of 6m from the heel kerb of the footway, and the gates should open inwards to the site. This 6m in addition to the first 2metres of driveway should be surfaced, sealed and trapped to prevent any detritus material or water leaving the driveway and entering Heads Highway.

In conclusion, this service would recommend a decision on the above planning application be deferred until the following is provided;

Montrose House, 154 Montrose Crescent, Hamilton ML3 6LB  
Email: [enterprise.hq@southlanarkshire.gov.uk](mailto:enterprise.hq@southlanarkshire.gov.uk)

- Details of proposed passing places,
- Vehicular and pedestrian visibility splays,
- 2m footway along the frontage of the properties on Heads Highway

# Appendix 2(b)

3c

## Representations

### Representation From

- ♦ Mathew Palmer, by email

### Dated

6/5/22



**From:** King, Declan  
**Sent:** 06 May 2022 17:13  
**To:** Planning  
**Subject:** FW: Comments on planning application P/22/0440

---

**From:** Matthew Palmer [REDACTED]  
**Sent:** 06 May 2022 13:41  
**To:** King, Declan <[Declan.King@southlanarkshire.gov.uk](mailto:Declan.King@southlanarkshire.gov.uk)>  
**Subject:** Re: Comments on planning application P/22/0440

Declan,

I would like to make these comments:

- As far as I know the land in question should be green belt (used for livestock until it became a dumping ground) that has been manipulated over time into whatever it is claimed to be now in order to exploit what I can only imagine is a loophole in the system. I would like this explained to me in very fine and plain detail, including whose decision it is to allow this kind of thing to happen. I will be pursuing this with anyone I need to until I get a satisfactory answer.
- Where there was once a farm there are now 6 large new houses with extensive outbuildings. This is already dense development even before considering building another two houses.
- I see no reason to assume that these two new houses will be in keeping with the original local aesthetic, taking recent development into account.
- There will be loss of privacy from having these new houses overlooking my property.
- The new houses would contribute to the already quite high light pollution in the area.
- They will put further strain on the area's drainage and infrastructure.
- The adjoining trees and hedges support much local wildlife that will be impacted by the addition of two new households with gardens and possibly pets.
- The roads are already much busier than they were and will therefore become more dangerous and congested.
- Two new households would come with increased noise pollution and potential pollution from garden fires.

Thanks for your time,

Matthew





## **Appendix 3**

3d

**Site photographs and location plan**



**Planning Local Review Body Photos for Land 70 Metres Southeast of Ivy Cottage, Heads Highway, Glassford**

Photograph A

3d



Photograph B

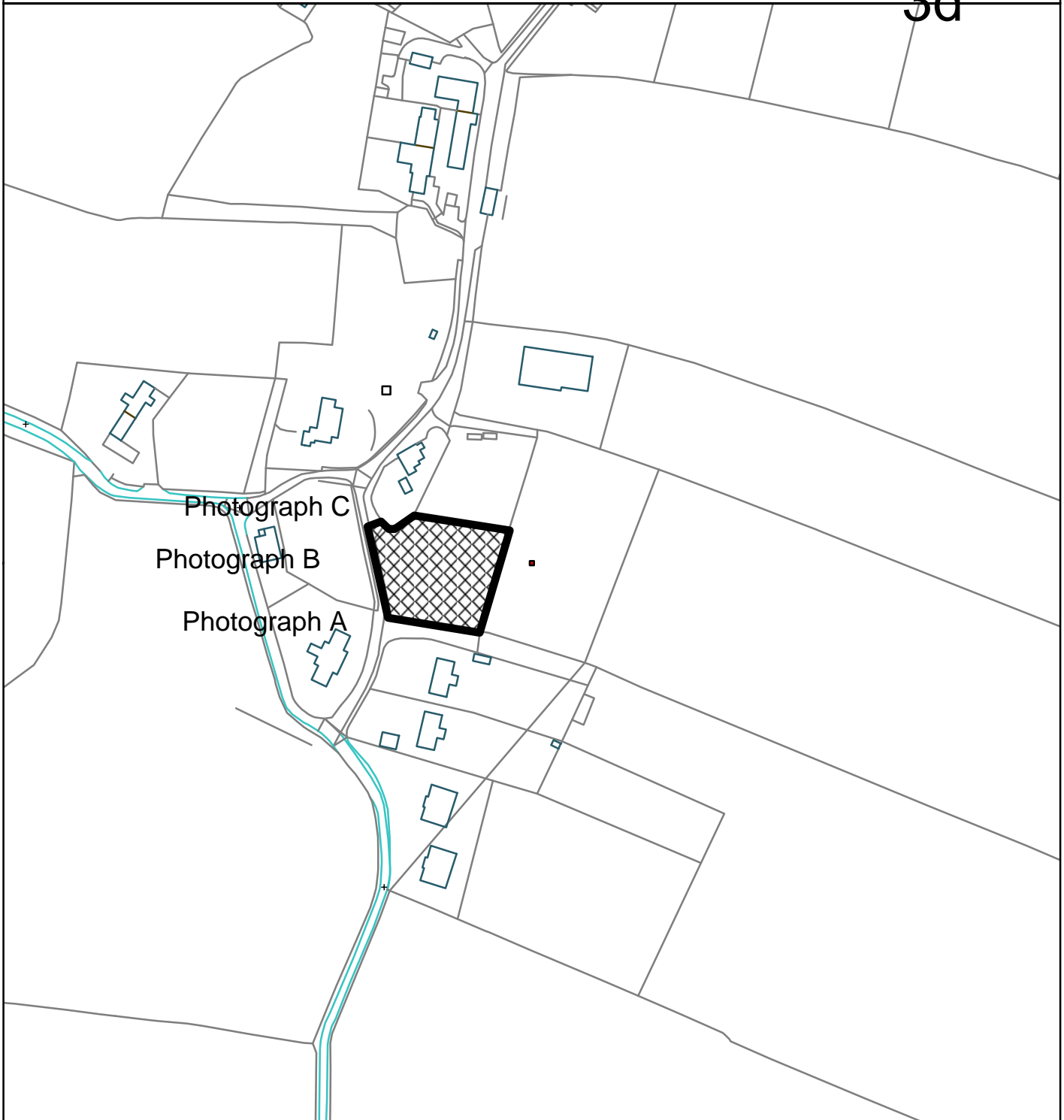




Photograph C







Key

**South Lanarkshire Council  
Community and  
Enterprise Resources**

**Planning and  
Economic Development**



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Scale: 1:2,500

Date: 02/09/2022





## **Appendix 4**

3e

**Notice of Review (including Statement of Reasons for Requiring the Review) submitted by applicant J & G Davidson Limited**



Montrose House 154 Montrose Crescent Hamilton ML3 6LB Tel: 0303 123 1015 Email: [planning@southlanarkshire.gov.uk](mailto: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 100543604-002

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:	<input type="text" value="Houghton Planning Ltd"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Paul"/>	Building Name:	<input type="text" value="Alloa Business Centre"/>
Last Name: *	<input type="text" value="Houghton MRTPI"/>	Building Number:	<input type="text"/>
Telephone Number: *	<input type="text" value=""/>	Address 1 (Street): *	<input type="text" value="Whins Road"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text" value="Alloa"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Clacks"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
		Postcode: *	<input type="text" value="FK10 3RF"/>
Email Address: *	<input type="text" value=""/>		

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

☐ Individual ☒ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Knowehead Farm"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="Glassford"/>
Company/Organisation	<input type="text" value="J &amp; G Davidson Ltd"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Strathaven"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="ML10 6TS"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

## 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"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

<input type="text" value="Land 70M Southeast Of Ivy Cottage Heads Highway Glassford Strathaven South Lanarkshire"/>
---------------------------------------------------------------------------------------------------------------------

Northing	<input type="text"/>	Easting	<input type="text"/>
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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 2no detached dwellinghouses (Planning Permission in Principle)

## 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.

See attached statement

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)

Application as submitted Local review statement

## Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

P/22/0440

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

21/03/2022

## 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

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure \*

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

See local review statement.

Please select a further procedure \*

Holding one or more hearing sessions on specific matters

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

See local review statement.

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 Paul Houghton MRTPI

Declaration Date: 15/06/2022

## Local Review Statement

This statement has been prepared to support a local review in relation to the non-determination of Application for Planning Permission in Principle ref: P/22/0440 for the *“Erection of 2no detached dwellinghouses (Planning Permission in Principle)”* at land 70 metres south east of Ivy Cottage, Heads Highway, Glassford, Strathaven.

The Planning Application was validated on 21<sup>st</sup> March 2022, and the statutory determination period expired two months later on 21<sup>st</sup> May 2022. This is the second Application submitted in relation to the land, with the previous one (ref: P/21/1008) having been withdrawn to allow the views of the case officer to be explored and responded to.

Although the Application has not been determined, the case officer has stated in an email dated 19<sup>th</sup> May 2022 that his intention is to recommend its refusal, and his reasoning for that is explored below in relevant to the case that is being made.

As part of this case turns on whether this is an gap site, a request is being made for an accompanied site visit by councillors. A hearing has also be asked for, so that the relevant policies, and their interpretation, can be explored further.

### **Description of Application Site**

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 extents 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. The nucleus here is identified by a star on the plan below.

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. Its relationship to the group is shown on the OS plan below, with this tightly knit nucleated cluster shown with a blue line.





The case officer considers that there are two distinct groupings at play here, but that does not square, in our view, with what is on the ground where there is clearly one large extended nucleated group, with properties positioned around a central point (nucleus). A site visit by councillors will allow them to see this for themselves.

The Application Site itself is in agricultural use, although is not productive, being instead used for outside storage purposes. It is generally flat and featureless, with fenced boundaries to the road and sides, and an open boundary to the rear to the remainder of the field of which it forms part.

A site visit will quickly allow councillors to understand the context, and will confirm that when standing on the Application Site, you are able to see dwellings and buildings in all directions, sometimes clearly, sometimes through existing vegetation, but always leaving the distinct impression that you are within a group of closely knit dwellings and buildings.

In terms of site constraints, there are none apparent on site from visual inspection, and a review of online records has not identified any landscape, biodiversity, or heritage, issues with developing the land. The case officer has not mentioned any.

For the purposes of planning policy, the site is shown as within the Green Belt (see further below).

### **Proposed Development**

The Application is for two plots to be created in the gap between Ivy Cottage and the new dwellings at Heads Farm. All details are being left for later approval, although each property will take its own access from the adjoining road.

The Site Plan indicates how two detached dwellings can be sited on the Application Site that will generally follow the existing building line from Ivy Cottage through to Heads Farm.

With the previous Application, the case officer expressed concern at the size of the red line, as that application included the entire field, which could potentially have led to each dwelling having a garden area extending back c. 90 metres from the road albeit the gardens would not have extended beyond those of the dwellings at Head Farm. However, the current Application significantly reduces the plot lengths down to c. 50 metres and less, so will bring garden areas into line with the norm in this area. If approved, the end of the gardens will fall well inside those of Heads Farm and, although they will still extend further east than the garden of Ivy Cottage, they will not extend further east than the paddock immediately to the rear of the Cottage, with the hedgerow that forms the southern boundary of that paddock offering visual containment to the north.

### **Planning Policy and Assessment**

The South Lanarkshire Local Development Plan 2 contains two policies that are relevant to the development of the Application Site namely: Policy GBRA8 Development of Gap Sites; and Policy GBRA9 Consolidation of Existing Building Groups. Each is considered in turn below.

Paragraph 3.17 of the Plan describes a building group as “*consisting of three or more houses or buildings situated in close proximity to each other*”. This issue has been explored above, and it is hoped that there will be no dispute that a nucleated building group exists in this case, whether that is the wider group identified above; the smaller group also mentioned; or even the more closely related group to the Application Site formed by Ivy Cottage, Willow House, Meadow House and the dwellings at Heads Farm.

#### **Policy GBRA8 Development of Gap Sites**

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 scale and nature of the development is discussed below in the context of the remainder of the policy.

The case officer is of the view that this is not a gap site because there are not actual buildings on both sides. He accepts that the southern boundary has buildings forming part of the Heads Farm development, but considers that this is not the case to the north because Ivy Cottage is set at the northern end of its plot, and so the boundary here is its garden and a line of trees. This seems an extreme interpretation, in our view, in that this would mean that a gap would only be accepted to exist in what is essentially an urban or suburban context of regimented houses set along a road, all equally spaced, with gaps of similar proportions in-between. This isn't the reality in the countryside where plot sizes vary from smaller gardens to substantial third, half acre plots, and sometimes larger. There are, therefore, going to be numerous situations where a dwelling is sited centrally within its plot, or further away from one boundary, and that should not be seen as a reason not to support a gap site. Look at this gap on a plan (as above), see it for yourself on the ground, and it appears as a gap site, and looks like a gap site, and that is the commonsense reaction that councillors will hopefully have towards it.

Having met that descriptive test, the Policy itself has six criteria that must be met, although only five are relevant here, which are dealt with in order below.

*1. 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 first criterion is met in that, as already stated, there are existing dwellings to the north and south of the Application Site. Furthermore, the gap is no more than is required for two plots of commensurate size to others in the locality.

In relation to the curtilage issue, this has already been discussed above, and the proposals now offer garden sizes of a comparable size to those at Heads Farm, with the gardens no longer extending as far east as proposed previously.

The indicative dwellings shown follow the established building line and, even were the actual dwellings to be pushed back on the plots, when Applications for Matters Specified in Conditions are submitted, they will still broadly follow the building convention already established.

*2. The proposed house size to plot ratio shall be comparable to existing properties within the building group.*

This criterion is met by the reduction in plot size.

*3. The proposed development shall not result in ribbon development or coalescence with another building group.*

The gap falls within an existing group, and so will not lead to any coalescence with another grouping.

Criterion 4 is not applicable. 4.

*5. 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 amenity space provided is comparable to others in the locality, as already discussed. None of the amenity/garden space belonging to neighbours is impacted upon.

*6. 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.*

No details are being submitted at this stage, but the Council will have the opportunity to ensure all design standards are met when Applications for Matters Specified in Conditions are submitted

For the above reasons, it is considered that the Application complies with Policy GBRA8, and thus complies with the development plan and can be supported. However, for completeness, the proposal will also now be tested against Policy GBRA9, in case of any lingering concerns.

## Policy GBRA9 Consolidation of Existing Building Groups

This policy allows development that adds to an existing group, which can be a gap site, or can be a site that does not fully meet the definition of one, i.e., one that lies on the edge of the group, but clearly forms part of it, or does not have an immediate road frontage, as examples.

Paragraph 3.17 states that where a building group exists *“The consolidation of these sites with sensitively located and designed new housing offers the potential to meet demand for new housing in the countryside. The suitability of a site for this type of development depends on the form, character and cohesiveness of the group and the level of containment provided by natural boundaries such as watercourses, trees or enclosing landform, or existing man-made boundaries such as roads, plantations or other means of enclosure.”* In this case, 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.

Having met that descriptive test, the Policy itself has five criteria that must be met, which are dealt with in order below.

*1. 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 Application Site lies within the existing building group, and otherwise meets all the other requirements of this criterion, for the reasons already discussed.

*2. The proposal shall not result in ribbon/linear development or the coalescence of the housing group with a nearby settlement or another housing group.*

This criterion is also met for the reasons already explained.

*3. 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.*

All existing landscape features will be maintained, and it is considered that two plots here, sited within the existing group, will have little wider landscape impact.

*4. 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 dwellinghouse.*

This criterion is met (see above).

*5. 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.*

These issues will be addressed when Applications for Matters Specified in Conditions are submitted

For the above reasons, it is considered that the Application complies with Policy GBRA9 as well.

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; he presumably means to the rear of Ivy Cottage. The owners of that land may well have aspirations for development, but that question is not at issue here, and this Application should be considered on its merits, against policy, and any future Application of that land will need to do the same. For what it's worth, the credentials for that land do not look as strong as for the Application Site in terms of the cohesiveness of the overall group, with the current proposal keeping housing tight to the road, and around the central green area and the nucleus of the group, whereas the land to the north has a looser connection with the group, and its current nucleated appearance

Overall, it is considered that there is a strong case here for Planning Permission in Principle to be supported. This will be strengthened by councillors doing a site visit, as this will allow them to see everything that has been discussed above in context. However, even without a site visit, the proposals are considered to accord with policy and, therefore, it is respectfully requested that councillors support this local review.

18<sup>th</sup> March 2022

Planning and Economic Development  
Community and Enterprise Resources  
South Lanarkshire Council  
Montrose House  
154 Montrose Crescent  
Hamilton  
ML3 6LB

Our Ref.: PH

Dear Sirs,

**Land 70 metres southeast of Ivy Cottage, Glassford, Strathaven**

Houghton Planning Ltd have been instructed by J & G Davidson Ltd to resubmit an Application for Planning Permission in Principle for two detached dwellings on land 70 metres southeast of Ivy Cottage, Heads of Glassford, Glassford, Strathaven.

The previous Application (ref: P/21/1008) was submitted on the 25<sup>th</sup> of May 2021 and withdrawn on the 4<sup>th</sup> of November 2021. This Application is, therefore, being submitted as a 'free go', with the only change being that the red line boundary has been significantly reduced in size to hopefully respond to that particular concern that was raised by the case officer (see further below).

The Application is accompanied by:

- (This) Covering Letter;
- Completed Application Form and Certificate;
- Location Plan and Site Plan, as existing; and
- Location Plan and Site Plan, as proposed.

**Description of Application Site**

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 arguably by Ivy Cottage to the east, or more correctly the agricultural building that lies to the north east of this.

Within the above wider grouping, there is 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 group sits the Application Site that lies north of Heads Farm and south of Ivy Cottage. Its relationship to the group is shown on the OS plan below, with this tightly knit cluster shown with a blue line.



The Application Site itself is in agricultural use, although is not productive, being instead used for outside storage purposes. It is generally flat and featureless, with fenced boundaries to the road and sides, and an open boundary to the rear to the remainder of the field of which it forms part.

A site visit will quickly allow any case officer to understand the context, and will confirm that when standing on the Application Site, you will be able to see dwellings and buildings in all directions, sometimes clearly, sometimes through existing vegetation, but always leaving the distinct impression that you are within a group of closely knit dwellings and buildings.

In terms of site constraints, there are none apparent on site from visual inspection, and a review of online records has not identified any landscape, biodiversity or heritage issues with developing the land. The site does not appear to be within a flood plan, based upon review of the SEPA indicative flood map, although it is within a Coal Mining Reporting Area. However, the Council does not appear to request Coal Mining Risk Assessments in relation to Applications in this area, and no such requirement was indicated with the previous Application on the land.

For the purposes of planning policy, the site is shown as within the Green Belt (see further below).

### **Proposed Development**

The Application is for two plots to be created in the gap between Ivy Cottage and the new dwellings at Heads Farm. All details are being left for later approval, although each property will take its own access from the adjoining road.

The Site Plan indicates how two detached dwellings can be sited on the Application Site that will generally follow the existing building line from Ivy Cottage through to Heads Farm.

With the previous Application, the case officer expressed concern at the size of the red line, as that application included the entire field, which could potentially have led to each dwelling having a garden area extending back c. 90 metres from the road albeit the gardens would not have extended beyond those of the dwellings at Head Farm. However, the current Application significantly reduces the plot lengths down to c. 50 metres and less, so will bring garden areas into line with the norm in this area. If approved, the end of the gardens will fall well inside those of Heads Farm and, although they will still extend further east than the garden of Ivy Cottage, they will not extend further east than the paddock immediately to the rear of the Cottage, with the hedgerow that forms the southern boundary of that paddock offering visual containment to the north.

### **Planning Policy and Assessment**

The South Lanarkshire Local Development Plan 2 contains two policies that are relevant to the development of the Application Site namely: Policy GBRA8 Development of Gap Sites; and Policy GBRA9 Consolidation of Existing Building Groups. Each is considered in turn below.

Paragraph 3.17 of the Plan describes a building group as “*consisting of three or more houses or buildings situated in close proximity to each other*”. This issue has been explored above, and it is hoped that there will be no dispute that a building group exists in this case, whether that is the wider group identified above; the smaller group also mentioned; or even the more closely related group to the Application Site formed by Ivy Cottage, Willow House, Meadow House and the dwellings at Heads Farm.

#### **Policy GBRA8 Development of Gap Sites**

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 scale and nature of the development is discussed below in the context of the remainder of the policy.

Having met that descriptive test, the Policy itself has six criteria that must be met, although only five are relevant here, which are dealt with in order below.

*1. 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 first criterion is met in that, as already stated, there are existing dwellings to the north and south of the Application Site. Furthermore, the gap is no more than is required for two plots of commensurate size to others in the locality.



In relation to the curtilage issue, this has already been discussed above, and the proposals now offer garden sizes of a comparable size to those at Heads Farm, with the gardens no longer extending as far east as proposed previously.

The indicative dwellings shown follow the established building line and, even were the actual dwellings to be pushed back on the plots, when Applications for Matters Specified in Conditions are submitted, they will still broadly follow the building convention already established.

*2. The proposed house size to plot ratio shall be comparable to existing properties within the building group.*

This criterion is met by the reduction in plot size.

*3. The proposed development shall not result in ribbon development or coalescence with another building group.*

The gap falls within an existing group, and so will not lead to any coalescence with another grouping.

Criterion 4 is not applicable. 4.

*5. 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 amenity space provided is comparable to others in the locality, as already discussed. None of the amenity/garden space belonging to neighbours is impacted upon.

*6. 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.*

No details are being submitted at this stage, but the Council will have the opportunity to ensure all design standards are met when Applications for Matters Specified in Conditions are submitted

For the above reasons, it is considered that the Application complies with Policy GBRA8, and thus complies with the development plan and can be supported. However, for completeness, the proposal will also now be tested against Policy GBRA9, in case of any lingering concerns.

#### Policy GBRA9 Consolidation of Existing Building Groups

This policy allows development that adds to an existing group, which can be a gap site, or can be a site that does not fully meet the definition of one, i.e., one that lies on the edge of the group, but clearly forms part of it, or does not have an immediate road frontage, as examples.

Paragraph 3.17 states that where a building group exists *"The consolidation of these sites with sensitively located and designed new housing offers the potential to meet demand for new housing in the countryside. The suitability of a site for this type of development depends on the form, character and cohesiveness of the group and the level of containment provided by natural boundaries such as watercourses, trees or enclosing landform, or existing man-made boundaries such as roads, plantations or other means of enclosure."* In this case, 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.

Having met that descriptive test, the Policy itself has five criteria that must be met, which are dealt with in order below.

*1. 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 Application Site lies within the existing building group, and otherwise meets all the other requirements of this criterion, for the reasons already discussed.

*2. The proposal shall not result in ribbon/linear development or the coalescence of the housing group with a nearby settlement or another housing group.*

This criterion is also met for the reasons already explained.

*3. 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.*

All existing landscape features will be maintained, and it is considered that two plots here, sited within the existing group, will have little wider landscape impact.

*4. 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 dwellinghouse.*

This criterion is met (see above).

*5. 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.*

These issues will be addressed when Applications for Matters Specified in Conditions are submitted

For the above reasons, it is considered that the Application complies with Policy GBRA9 as well.

Because of the above, it is hoped that the proposals will be supported, and Planning Permission in Principle is granted in due course.

In the meantime, if you require any further information to allow the Application to be validated, and subsequently determined, please get in touch.

Yours faithfully

Paul Houghton MRTPI  
Director on behalf of Houghton Planning Ltd



Montrose House 154 Montrose Crescent Hamilton ML3 6LB Tel: 0303 123 1015 Email: [planning@southlanarkshire.gov.uk](mailto: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 100543604-001

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.

## Type of Application

What is this application for? Please select one of the following: \*

- ☐ Application for planning permission (including changes of use and surface mineral working).
- ☒ Application for planning permission in principle.
- ☐ Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- ☐ Application for Approval of Matters specified in conditions.

## Description of Proposal

Please describe the proposal including any change of use: \* (Max 500 characters)

Erection of 2no detached dwellinghouses (Planning Permission in Principle)

Is this a temporary permission? \*

☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?  
(Answer 'No' if there is no change of use.) \*

☐ Yes ☒ No

Has the work already been started and/or completed? \*

☒ No ☐ Yes – Started ☐ Yes - Completed

## 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:	Houghton Planning Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Paul	Building Name:	Alloa Business Centre
Last Name: *	Houghton MRTPI	Building Number:	
Telephone Number: *		Address 1 (Street): *	Whins Road
Extension Number:		Address 2:	Alloa
Mobile Number:		Town/City: *	Clacks
Fax Number:		Country: *	Scotland
		Postcode: *	FK10 3RF
Email Address: *			
Is the applicant an individual or an organisation/corporate entity? *			
<input type="checkbox"/> Individual <input checked="" type="checkbox"/> Organisation/Corporate entity			

## Applicant Details

Please enter Applicant details

Title:		You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Knowehead Farm
First Name: *		Building Number:	
Last Name: *		Address 1 (Street): *	Glassford
Company/Organisation	J & G Davidson Ltd	Address 2:	
Telephone Number: *		Town/City: *	Strathaven
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	ML10 6TS
Fax Number:			
Email Address: *			

## Site Address Details

Planning Authority:

South Lanarkshire Council

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Land 70M Southeast Of Ivy Cottage Heads Highway Glassford Strathaven South Lanarkshire

Northing

Easting

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

☐ Yes ☒ No

## Site Area

Please state the site area:

0.19

Please state the measurement type used:

☒ Hectares (ha) ☐ Square Metres (sq.m)

## Existing Use

Please describe the current or most recent use: \* (Max 500 characters)

Agricultural land.

## Access and Parking

Are you proposing a new altered vehicle access to or from a public road? \*

☒ Yes ☐ No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

<p>Are you proposing any change to public paths, public rights of way or affecting any public right of access? * <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.</p>
<h2 style="margin: 0;">Water Supply and Drainage Arrangements</h2> <p>Will your proposal require new or altered water supply or drainage arrangements? * <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p>
<p>Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *</p> <p><input type="checkbox"/> Yes – connecting to public drainage network</p> <p><input checked="" type="checkbox"/> No – proposing to make private drainage arrangements</p> <p><input type="checkbox"/> Not Applicable – only arrangements for water supply required</p>
<p>As you have indicated that you are proposing to make private drainage arrangements, please provide further details.</p> <p>What private arrangements are you proposing? *</p> <p><input checked="" type="checkbox"/> New/Altered septic tank.</p> <p><input type="checkbox"/> Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).</p> <p><input type="checkbox"/> Other private drainage arrangement (such as chemical toilets or composting toilets).</p>
<p>What private arrangements are you proposing for the New/Altered septic tank? *</p> <p><input checked="" type="checkbox"/> Discharge to land via soakaway.</p> <p><input type="checkbox"/> Discharge to watercourse(s) (including partial soakaway).</p> <p><input type="checkbox"/> Discharge to coastal waters.</p>
<p>Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: *</p> <div style="border: 1px solid black; height: 100px; width: 100%; margin-top: 5px;"></div>
<p>Do your proposals make provision for sustainable drainage of surface water?? * <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>(e.g. SUDS arrangements) *</p> <p>Note:-</p> <p>Please include details of SUDS arrangements on your plans</p> <p>Selecting 'No' to the above question means that you could be in breach of Environmental legislation.</p>
<p>Are you proposing to connect to the public water supply network? *</p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No, using a private water supply</p> <p><input type="checkbox"/> No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>

## Assessment of Flood Risk

Is the site within an area of known risk of flooding? \*

☐ Yes ☒ No ☐ Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? \*

☐ Yes ☒ No ☐ Don't Know

## Trees

Are there any trees on or adjacent to the application site? \*

☒ Yes ☐ No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

## All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \*

☐ Yes ☒ No

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013? \*

☐ Yes ☒ No ☐ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*

☐ Yes ☒ No

## Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? \*

☒ Yes ☐ No

Is any of the land part of an agricultural holding? \*

☒ Yes ☐ No

Do you have any agricultural tenants? \*

☐ Yes ☒ No

## Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate E

# Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate E

I hereby certify that –

(1) – No person other than myself/the applicant was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) - The land to which the application relates constitutes or forms part of an agricultural holding and there are no agricultural tenants

Or

(1) – No person other than myself/the applicant was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) - The land to which the application relates constitutes or forms part of an agricultural holding and there are agricultural tenants.

Name:

Address:

Date of Service of Notice: \*

(4) – I have/The applicant has taken reasonable steps, as listed below, to ascertain the names and addresses of the other owners or agricultural tenants and \*have/has been unable to do so –

Signed: Paul Houghton MRTPI

On behalf of: J & G Davidson Ltd

Date: 21/03/2022

☒ Please tick here to certify this Certificate. \*



## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? \*

☐ Yes ☐ No ☒ Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? \*

☐ Yes ☐ No ☒ Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? \*

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? \*

☐ Yes ☐ No ☒ Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? \*

☐ Yes ☐ No ☒ Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? \*

☐ Yes ☐ No ☒ Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

☒ Site Layout Plan or Block plan.

☐ Elevations.

☐ Floor plans.

☐ Cross sections.

☐ Roof plan.

☐ Master Plan/Framework Plan.

☐ Landscape plan.

☐ Photographs and/or photomontages.

☐ Other.

If Other, please specify: \* (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. \*

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. \*

☐ Yes ☒ N/A

A Flood Risk Assessment. \*

☐ Yes ☒ N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). \*

☐ Yes ☒ N/A

Drainage/SUDS layout. \*

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. \*

☐ Yes ☒ N/A

Habitat Survey. \*

☐ Yes ☒ N/A

A Processing Agreement. \*

☐ Yes ☒ N/A

Other Statements (please specify). (Max 500 characters)

## Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

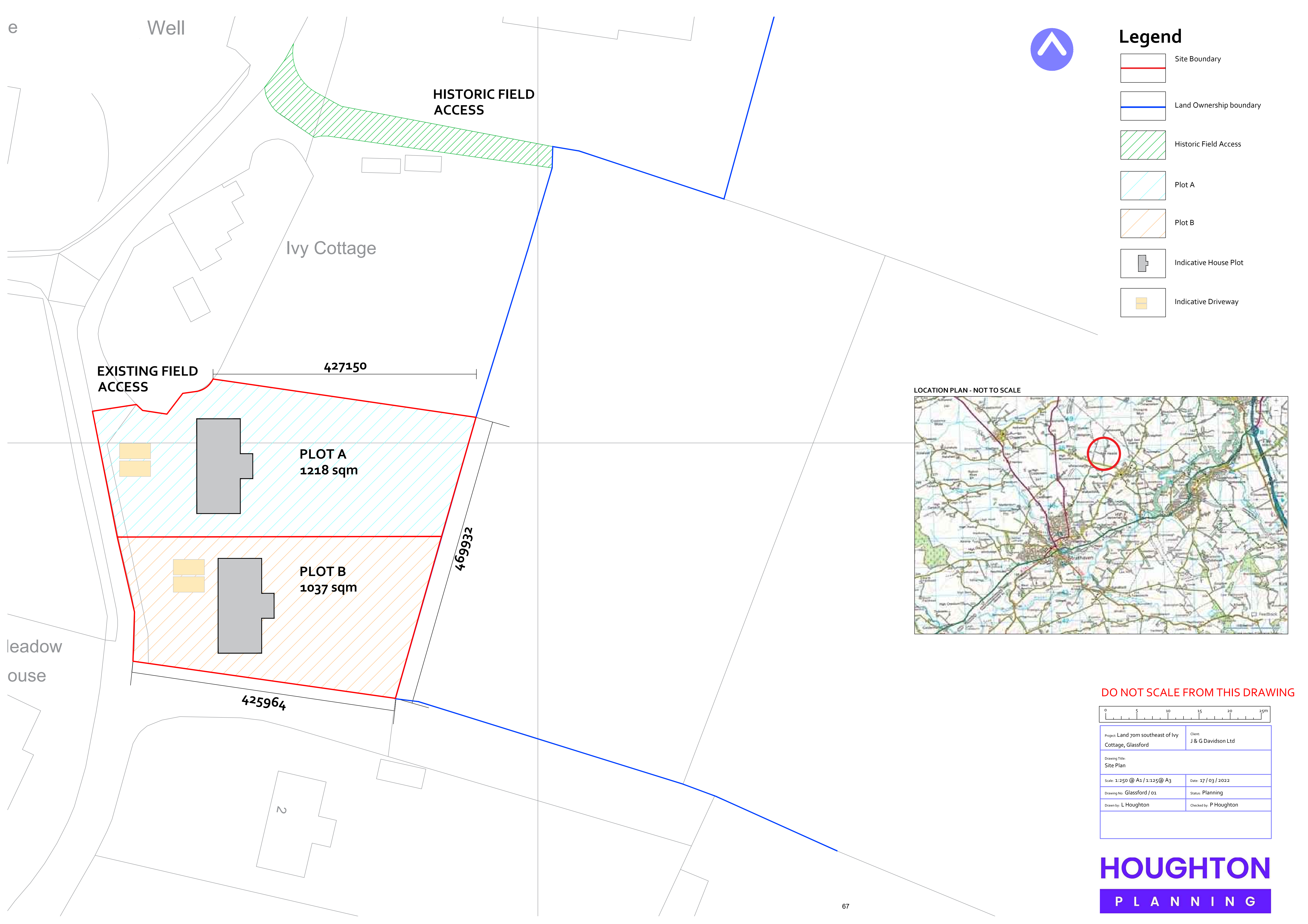
Declaration Name: Mr Paul Houghton MRTPI

Declaration Date: 21/03/2022

## Payment Details

Pay Direct

Created: 21/03/2022 15:58



DO NOT SCALE FROM THIS DRAWING

0 5 10 15 20 25m	
Project: Land 70m southeast of Ivy Cottage, Glassford	Client: J & G Davidson Ltd
Drawing Title: Site Plan	
Scale: 1:250 @ A1 / 1:125 @ A3	Date: 17 / 03 / 2022
Drawing No: Glassford / 01	Status: Planning
Drawn by: L Houghton	Checked by: P Houghton



# Appendix 5

3f

## Further Representation

### Further Representation From

- ◆ Statement of Observations from Planning Officer on Applicant's Notice of Review



## **1.0 Planning Background**

- 1.1 J & G Davidson Ltd submitted a planning application on 25 May 2021 seeking Planning Permission in Principle (PPP) for the erection of two detached dwellinghouses on land to the southeast of Ivy Cottage, Glassford (Planning Ref: P/21/1008). Following discussions between the applicant and the Planning Service, where it was advised that the Planning Service was not in a position to support the application as it did not adhere to adopted Council planning policy as set out in the South Lanarkshire Local Development Plan 2 (adopted 2021), the applicants withdrew the application from further consideration.
- 1.2 Subsequent to this, on 21 March 2022, the applicants submitted a similar application for PPP to erect two dwellinghouses on the site, with an additional area of farmland to the east of the site removed from the application site boundary (Planning Ref: P/22/0440). This is the application to which the current appeal relates. After due consideration of the application in terms of the South Lanarkshire Local Development Plan 2 (adopted 2021), the Planning Service was again minded to refuse Planning Permission in Principle under the Council's approved Scheme of Delegation. However, before a decision was issued in respect of the application, this Notice of Review was submitted on behalf of the applicants against the non-determination of the application.

## **2.0 Details of development plan policies**

- 2.1 Section 25 of the Town & Country Planning (Scotland) Act 1997, as amended, requires that an application for planning permission is determined in accordance with the Development Plan, unless material considerations indicate otherwise. The Development Plan consists of the Clydeplan Strategic Development Plan (SDP) as approved July 2017 and the adopted South Lanarkshire Local Development Plan 2 (SLLDP) adopted 2021. The SDP sets out the strategic policy context against which development proposals within the Glasgow and Clyde Valley area require to be assessed. The proposal raises no issues with regard to the SDP. In this case the development therefore requires to be considered against the relevant provisions of the South Lanarkshire Local Development Plan 2 (adopted 2021).
- 2.2 The following policies of the SLLDP are relevant to the assessment of application P/22/0440 which is the subject of this review:

### **Policy 4 Green Belt and Rural Area** **Green Belt**

*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 SPP.*

### **Rural Area**

*Within the Rural Area the Council seeks to protect the amenity of the countryside while, at the same time, supporting small scale development in the right places that is appropriate in land use terms and is of high environmental quality that will support the needs of communities.*

### **Green Belt and Rural Area**

*Both 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. Isolated and sporadic development will not be supported.*

### **Policy 5 Development Management and Placemaking**

*In order to ensure that 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 and address the six qualities of placemaking. Further detail is included in supporting planning guidance on Design and Placemaking.*

*When assessing development proposals, the Council will ensure that, where appropriate;*

- 1. there is no significant adverse impact on adjacent buildings or streetscape in terms of layout, scale, massing, design, external materials or amenity;*
- 2. the development shall not have a significant adverse impact on the amenity of any nearby residential properties in terms of overshadowing, overlooking or other loss of residential amenity as a result of light, noise, odours, dust or particulates or other emissions;*
- 3. the proposed development provides suitable access and parking, encourages active travel, has no adverse implications for public safety and incorporates inclusive access for all people, regardless of disability, age or gender;*
- 4. sustainability issues are addressed through carbon reduction measures and energy efficient design, layout, site orientation and building practices, including provision for heat network infrastructure and safeguarding space for future pipework/piperuns and energy centres;*
- 5. risks to new development from unstable land resulting from past mining activities are fully assessed and, where necessary, mitigated prior to development;*
- 6. the development will have no significant impact on the natural or historic environment and no adverse impact on the integrity of any Natura 2000 sites;*
- 7. the development does not result in, or can mitigate against, any significant adverse impact on quiet areas, the water environment, air quality or soil quality;*
- 8. the proposal includes appropriate: utility and roads infrastructure open space, green infrastructure and landscape provision water management (including foul drainage) and Sustainable Drainage Systems (SuDS) including the provision of SuDS during construction of the development.*

### **Policy GBRA1 Rural Design and Development**

*Within the Green Belt and Rural Area all proposed developments will require to adhere to the following criteria:*



1. Developments shall be sited in a manner that respects existing built form, land form and local landscape character and setting as appropriate
2. Proposed developments shall be well related to locally traditional patterns of scale and shall avoid the introduction of suburban-style developments into the rural environment. Proposals specifically for residential development should not be isolated or sporadic.
3. Proposals shall be of a high quality, of either traditional or contemporary innovative design which interprets and adapts traditional principles and features.
4. Proposals shall make use of appropriate materials which respect and reinforce local character and identity.
5. Developments shall have no adverse impacts on existing residential amenity, particularly in terms of overlooking or overshadowing of existing residential properties.
6. Proposals relating to residential development, including extensions and alterations, shall conform to the requirements of the Council's Residential Design Guide and, in particular, shall ensure the provision of appropriate private amenity space to all existing and proposed residential properties.
7. Development proposals shall incorporate suitable boundary treatment and landscaping proposals to minimise the visual impact of the development on the surrounding landscape. Existing trees, woodland and boundary features such as beech and hawthorn hedgerows and stone dykes, shall be retained on site. A landscape framework shall be provided, where appropriate, to demonstrate how the development would fit into the landscape and improve the overall appearance of the site.
8. Proposals shall be readily served by all necessary infrastructure including water, sewerage and electricity as required to accommodate the development.
9. Proposals shall comply with all required parking and access standards and have no adverse impact in terms of road or public safety.
10. Proposals shall not have a significant adverse environmental impact on the amenity of the surrounding area. In particular, 'bad neighbour' uses which by virtue of visual impact, noise, smell, air and light pollution, disturbance, traffic or public safety are detrimental to local amenity, will not be permitted.
11. Proposals shall have no significant adverse impact on the natural and historic environment and no adverse impact on the integrity of any Natura 2000 sites.
12. In the case of a Listed Building or a property within a designated Conservation Area, proposals shall comply with all relevant policy and guidance relating to the historic environment.

### **Policy GBRA8 Development of Gap Sites**

*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:*

1. 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.
2. The proposed house size to plot ratio shall be comparable to existing properties within the building group.

3. *The proposed development shall not result in ribbon development or coalescence with another building group.*
4. *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.*
5. *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.*
6. *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.*

**Policy GBRA9 Consolidation of Existing Building Groups**

*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:*

1. *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.*
2. *The proposal shall not result in ribbon/linear development or the coalescence of the housing group with a nearby settlement or another housing group.*
3. *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.*
4. *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 dwellinghouse.*
5. *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.*

**Policy DM1 New Development Design**

*New development will require to promote quality and sustainability in its design and layout and should enhance or make a positive contribution to the character and appearance of the urban or rural environment in which it is located. New developments will require to:*

1. *Respect the local context and be appropriate to the character and topography of the site in terms of layout, scale, proportion, massing and appearance of buildings, structures and landscaped and hard surfaced areas.*

2. Be of a high quality design which is sympathetic to local traditions of form, detailing and materials. Modern, innovative design can reflect local tradition through scale, massing, siting and colour rather than replicating existing building forms. Where local tradition is indistinct or of poor quality, development should be of an imaginative and innovative design which improves the visual quality of the area in which it is located and which creates a strong sense of place.

3. Ensure that any archaeological, built heritage, landscape features and nature conservation interests on the site, or those adjacent to the site, are identified and incorporated into the overall layout and design of the development, with appropriate measures taken to enhance and/or protect the setting of these features.

4. Address sustainable development issues including the incorporation of energy efficient designs and layouts (including heat networks), the re-use/recycling of materials, water and waste, and the use of alternative energy sources.

5. Incorporate the use of sustainable drainage systems (SuDS).

6. Make provision for creating new or extending existing footpaths, cycle routes and access to public transport, and appropriate linkages to local centres and services.

7. Ensure appropriate provision of green infrastructure, including open space and landscaping as an integral part of the development.

8. Ensure provision of an appropriate road layout and parking, and where appropriate electric vehicle charging points, in accordance with the Council's Guidelines for Development Roads and the Local Transport Strategy.

9. Ensure that there is no conflict with adjacent land uses and no adverse impact on existing or proposed properties in terms of overlooking, loss of privacy, overshadowing, noise or disturbance.

10. Make provision for any building that the public may use, of safe, easy and inclusive access for all people regardless of disability, age or gender.

11. Incorporate crime prevention and community safety considerations within the layout and design of the development.

12. Minimise the generation of waste during its construction and operation and be designed to include appropriate provision for the recycling, storage, collection and composting of waste materials once completed and occupied.

13. New houses, business properties and redevelopment proposals should be designed in such a way as to incorporate high speed broadband connection. Where appropriate, a Design and Access Statement will be required to accompany planning applications for major developments.

- 2.3 The proposals are assessed against the relevant provisions of these policies in Section 3 below.

### **3.0 Assessment against development plan policies**

- 3.1 In this case, as the application is for Planning Permission in Principle, there is no requirement for detailed drawings to be submitted by the applicants. As such, the provisions of Policies 5, DM1 and GBRA1, which relate primarily to design and layout matters, are not directly applicable to this application. Instead, it is the principle of the proposed residential development of the site that requires to be considered, primarily taking account of the provisions of Policies 4 (Green Belt and Rural Area), GBRA8 (Development of Gap Sites) and GBRA9 (Consolidation of Existing Building Groups).

- 3.2 Policy 4 – Green Belt and Rural Area 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, as well as to protect and provide access to open space. The policy also states that 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.

- 3.3 In this case it is noted that a residential development is proposed that would not be considered to be essential to the function of the Green Belt for an appropriate countryside use. As such, the proposal would require to be considered to fail to comply with the provisions of Policy 4, unless it can be demonstrated that the proposal satisfies any of the exceptions detailed in Volume 2 of the adopted LDP. In this case the relevant exceptions that the proposal requires to be assessed against are Policy GBRA8 – Development of Gap Sites and Policy GBRA9 – Consolidation of Existing Building Groups.
- 3.4 Policy GBRA8 advises that, within Green Belt and Rural Areas, proposals for the development of gap sites can be supported where all of the following criteria are met:
1. 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.
  2. The proposed house size to plot ratio shall be comparable to existing properties within the building group.
  3. The proposed development shall not result in ribbon development or coalescence with another building group.
  4. 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.
  5. 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 dwellings.
  6. 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 In this case, the Planning Service is of the view that the proposed development would fail to adhere to the requirements of points 1 and 3 as detailed above. Point 1 requires that the proposed gap site shall be bounded on at least two sides by existing houses/buildings, with the distance between the existing buildings being no more than that needed to form two house plots. In this case it is noted that the site is located close to, but not directly bounded to the south by the adjacent residential property, as it is separated by a farm access road. To the west and east there are no residential properties directly bounding the site. Importantly, to the north, the site is

also not bounded by a residential property, but by land forming part of Ivy Cottage, with the cottage itself being located further to the north and removed from the application site to which this appeal relates.

- 3.6 As such, the proposed development site is not bounded on at least two sides by buildings in this case. In addition, while two house plots are proposed in this case, it is noted that the granting of permission for the development of this site, rather than infilling a gap site, would actually have the effect of creating a new gap site between the proposed Plot A and the existing house at Ivy Cottage, as a substantial area of ground would remain undeveloped which would then form a clear gap between the two dwellings. As such, the proposed development would clearly not satisfy the requirements of point 1) of Policy GBRA8.
- 3.7 Additionally, point 3) requires that developments shall not result in ribbon development or coalescence between building groups. In this case the view is taken that two existing groups of buildings exist in the vicinity of this site, one to the south and another to the north. It is considered that the development of this site as proposed, rather than infilling a gap site, would actually increase the coalescence between these two building groups. Furthermore, the creation of a gap site within the grounds of Ivy Cottage, as detailed above, would then lead to a situation where a ribbon development of residential dwellings could result in these two separate building groups becoming entirely coalesced. As such, the proposed development would also fail to satisfy the requirements of point 3) of Policy GBRA8.
- 3.8 As Policy GBRA8 requires that all of the points 1 to 6 listed require to be adhered to and as the proposed development fails to comply with two of these points, it must be concluded that the proposals fail to comply with Policy GBRA8 in this case.
- 3.9 Turning to policy GBRA9 this policy advises that, within Green Belt and Rural Areas, proposals for new houses within existing building groups will be supported where all of the following criteria can be met:
1. 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.
  2. The proposal shall not result in ribbon/linear development or the coalescence of the housing group with a nearby settlement or another housing group.
  3. 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.
  4. 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 dwellinghouse.
  5. 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.

- 3.10 While it is noted that the applicant considers this site to form part of a single larger building group, following a detailed planning assessment it is not considered that, in planning terms, this is the case. It is noted that there is clearly a building group to the south of the application site, comprising of dwellings that were constructed on the site of the former Heads Farm. To the north of the site there are two houses located directly opposite each other which, in themselves, could perhaps be considered to form a small group. However, there is a clear separation between these two groups of houses in the form of greenfield, Green Belt land and as such, it is not considered that these houses could be considered together as a single building group.
- 3.11 Of particular note is point 2) of Policy GBRA9 which requires that proposals shall not result in ribbon development of the coalescence of two housing groups. Given the location of the site between two groups of houses as set out above it is noted that, rather than consolidating an existing building group, the proposed development would have the unwelcome effect of infilling a significant portion of the greenfield land that exists between these groups of houses. In addition to this, the development would also create a gap site to the south of Ivy Cottage which, if developed, would result in the two building groups then becoming entirely coalesced.
- 3.12 As such, given that the development is not considered to relate to the consolidation of an existing single building group and given that the development would in fact reduce the separation between two existing groups of buildings, the proposed development cannot be considered to comply with the provisions of Policy GBRA9 in this instance.
- 3.13 In addition, as the proposal fails to meet any relevant exceptions relating to residential development in the Green Belt, it must also be concluded that it fails to comply with the overall Green Belt and Rural Area policy, Policy 4 of the LDP. As such, it is concluded that the proposals do not adhere to relevant Council planning policy as set out in the South Lanarkshire Local Development Plan 2 (adopted 2021) in this instance.

#### **4.0 Observations on Appellant's Notice of Review**

- 4.1 The appellants' case in this instance is primarily based around the assertion that the proposed development site 1) forms a gap site between the properties at the former Heads Farm and the property at Ivy Cottage and 2) would result in the consolidation of a single existing building group that the appellants consider to exist in the vicinity of the site. As such, they take the view that the development complies with Policies 4, GBRA8 and GBRA9 of the South Lanarkshire Local Development Plan 2 (adopted 2021) and the principle of the residential development of the site for two dwellinghouses should be considered acceptable in this case.
- 4.2 However, the view of the Planning Service is that 1) the application site does not form a gap site but rather that its development would, in fact, have the unwelcome effect of creating a gap site in the Green Belt and 2) that the various houses and buildings in this area cannot be considered to form a single building group given the sizeable areas of greenfield, Green Belt land that exist between them and the

proposed development would in fact have the effect of reducing the separation that currently exists between the two smaller groups of buildings that are considered to exist in the vicinity of the site.

- 4.3 It is noted that the appellants have provided a plan which they consider to show an existing building group adjacent to the site. However, it is clear from the plan that the dwellings in question are distinctly separated by areas of greenfield, Green Belt land. Indeed the “nucleus” of the building group as shown on the plan submitted is, in itself, a greenfield site. The aerial photograph below shows the layout of built development in the area and the clear separation that exists between the group of buildings to the south of the application site and the existing properties to the north (both circled in blue).



- 4.4 As can be seen from the aerial plan, the properties at this location do not form a single building group but are clearly distinct from each other with a group of buildings located to the south of the proposed development site and a separate pair of houses to the north of the site. In this case the granting of permission for the development of two houses within the greenfield area that separates the properties would have an adverse overall effect at this location as it would result in the development of much of the greenfield land that separates the groups of buildings and as such, cannot be considered to comply with the relevant planning policy – Policy GBRA9 of the South Lanarkshire Local Development Plan 2 (adopted 2021).
- 4.5 The appellants' other contention is that the site would represent a clear and identifiable gap site between the buildings at the former Heads Farm, to the south of the application site and Ivy Cottage, which is located to the north of the application site. However, the Planning Service retains the view that this site cannot be considered a gap site as it is not bounded on two sides by houses or buildings that are capable of being turned into houses, as is required by Policy GBRA8 of the adopted development plan. The aerial photograph below shows the relationship of the application site with the properties in question.
- 4.6 As can be seen in the photograph, while the site (outlined in orange) can be broadly considered to bound the house to the south, albeit a farm track separates the sites in question, the site clearly does not bound the house to the north (Ivy Cottage - circled in blue) as there is a sizeable area of land associated with Ivy Cottage that would remain undeveloped between the existing house and the proposed development site. As such, the site is not bounded on two sides by houses and this site would therefore not be considered to be a gap site as defined by Policy GBRA8.
- 4.7 In this case the Planning Service hold further concerns that, not only would the application site clearly not represent a gap site as set out in adopted Council planning policy, its development would in fact have the unwelcome effect of creating a clear gap site between the application site and the house at Ivy Cottage, which could then be developed to form a further dwellinghouse in the Green Belt. Indeed Policy GBRA8 is clear that any area of land between buildings that is to be considered a gap site should be capable of accommodating no more than two house plots. Given that the application relates to the formation of two house plots and given that there would remain space for an additional, third, house plot in the gap between the two existing dwellings, it is again clear that this would not be a gap site as set out in adopted Council planning policy.





- 4.8 In addition, Policy GBRA8 states that any proposed development shall not result in ribbon development or coalescence with another building group. As set out above the Planning Service is of the view that the development of this site, if approved, would create an undesirable degree of coalescence between the two existing distinct

groups of buildings at this location, thereby again not meeting the requirements of GBRA8.

- 4.9 In summary, while the points raised by the appellants are noted, the view of the Planning Service remains that the proposed development of the application site for residential purposes cannot be considered to comply with Policies GBRA8 or GBRA9 of the South Lanarkshire Local Development Plan 2 (adopted 2021). As such, the proposals also fail to comply with Policy 4 (Green Belt and Rural Area) of the adopted plan. The Planning Service therefore respectfully requests that the Planning Local Review Body refuse the application for planning permission for the following reasons –

1) The proposal would constitute new residential development in the Green Belt without appropriate justification, and the site does not constitute a gap site or result in the consolidation of an existing building group. The proposal is therefore contrary to Policy 4 - Green Belt and Rural Area, Policy GBRA8 – Development of Gap Sites and Policy GBRA9 – Consolidation of Existing Building Groups of the South Lanarkshire Local Development Plan 2 (adopted 2021).

## **Appendix 6**

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**Comments from the Applicant's Agent on Submission received from an Interested Party in the Course of the Notice of Review process**



The applicant's case is set out in the Local Review Statement submitted with the local review, and so the comments below should be read after that statement has been read, followed by the case officer's observations.

The applicant fervently hopes that a site visit will take place, and that councillors don't simply rely on photographs, and an aerial photograph, as a substitute. The lie of the land, so to speak, says volumes in this case, and no aerial can fully show what is on the ground, and whether this is a gap site, or whether this is one group, as we say, or two, as the case officer suggests. These are subjective opinions, and councillors will only be able to fully conclude for themselves either way by visiting.

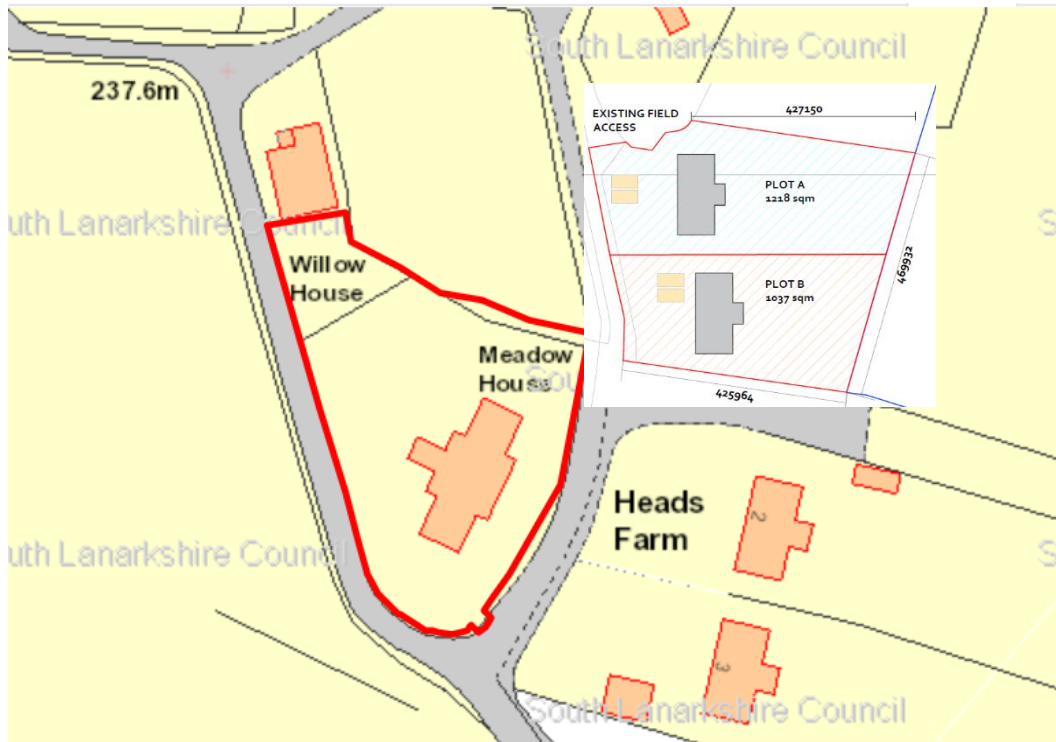
It is the applicant's view that this is a gap site, with development on two sides, to the north and south. Councillors will be able to see that for themselves at a site visit. It is accepted that it is Ivy Cottage's garden that bounds the site to the north, but policy and guidance does not say a building, it says a residential property. That must surely include a garden or else there would be few situations in the countryside, where people often have generous gardens surrounding their houses on all sides, where policy would apply. In similar vein, the existence of a track between the site and Heads Farm, and the new development there, is a quirk, a circumstance that will often happen in a countryside setting where access rights to agricultural land behind must be maintained.

As a further comment, the applicant cannot see why their application is seen as supposedly coalescing two separate groups when that is happening anyway via consents already granted, specifically:

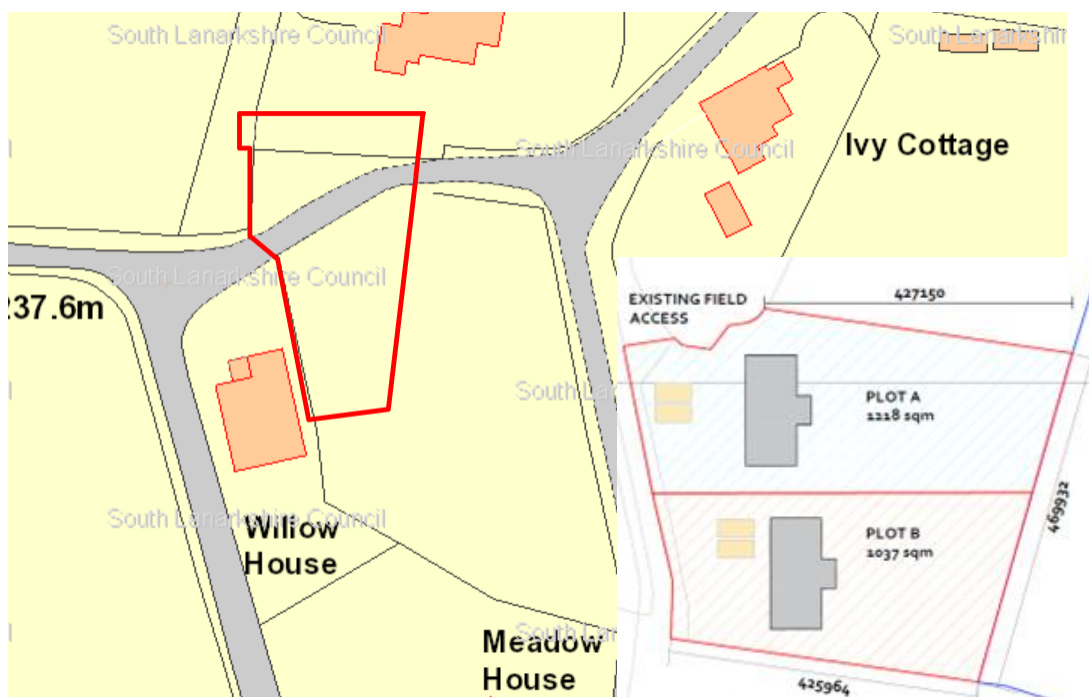
- Ref: P/18/0654 - Erection of two storey dwellinghouse (amendment to EK/16/0308 to change the housetype on plot 1) - Land 49M Southeast Of Heads Cottage Heads Highway Glassford Strathaven South Lanarkshire; and
- Ref: P/19/0321 - Application to extend time period for starting development (planning permission EK/16/0055 for erection of dwellinghouse) - Land 38M Southwest Of Rockville House Heads Highway Glassford Strathaven South Lanarkshire

There is also a current plot opposite the current application site, which has a pending planning application (ref: P/21/1438 - Erection of dwellinghouse (planning permission in principle) -Land 34M East Of Heads Cottage Heads Highway Glassford Strathaven South Lanarkshire). Individually, and collectively, these permissions have already connected the two groups described by the case officer, or will do, if councillors go for the two groups rather than one group idea. The attached PDF shows those planning permissions, and the pending application, their red line application boundaries, and indicatively superimposes where the two plots are proposed by this application in relation to them.

P/18/0654 | Erection of two storey dwellinghouse (amendment to EK/16/0308 to change the housetype on plot 1) | Land 49M Southeast Of Heads Cottage Heads Highway Glassford Strathaven South Lanarkshire



P/19/0321 | Application to extend time period for starting development (planning permission EK/16/0055 for erection of dwellinghouse). | Land 38M Southwest Of Rockville House Heads Highway Glassford Strathaven South Lanarkshire



P/21/1438 | Erection of dwellinghouse (planning permission in principle) | Land 34M East Of Heads Cottage Heads Highway Glassford Strathaven South Lanarkshire

