

Appendix 5

Notice of Review (including Statement of Reasons for Requiring the Review) submitted by applicant Mr Hugh Nelson

NOTICE OF REVIEW

Under Section 43A(8) Of the Town and Country Planning (SCOTLAND) ACT 1997 (As amended) In Respect
 of Decisions on Local Developments
 The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND)
 Regulations 2013
 The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA <https://www.eplanning.scot>

1. Applicant's Details		2. Agent's Details (if any)	
Title	MR	Ref No.	EK/17/0262
Forename	HUGH	Forename	ROBERT
Surname	NELSON	Surname	MURRAY
Company Name		Company Name	BUSINESS PROJECT CONSULTANTS
Building No./Name	EAST BRACKENRIDGE	Building No./Name	295
Address Line 1	FARM	Address Line 1	LANARK ROAD
Address Line 2		Address Line 2	AUCHENHEATH
Town/City	STATHAVEN	Town/City	LANARK
Postcode	ML10 6BB	Postcode	ML11 944
Telephone		Telephone	
Mobile		Mobile	
Fax		Fax	
Email		Email	
3. Application Details			
Planning authority	SOUTH LANARKSHIRE COUNCIL		
Planning authority's application reference number	EK/17/0262		
Site address	NEWTON ROAD STATHAVEN ML10 6PA		
Description of proposed development	ERECTION OF TWO DWELLING HOUSES WITH DETACHED GARAGES AND FORMATION OF ACCESS ROAD.		

Date of application

13/7/17

Date of decision (if any)

17/10/17

Note. This notice must be served on the planning authority within three months of the date of decision notice or from the date of expiry of the period allowed for determining the application.

4. Nature of Application

Application for planning permission (including householder application)

Application for planning permission in principle

Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition)

Application for approval of matters specified in conditions

5. Reasons for seeking review

Refusal of application by appointed officer

Failure by appointed officer to determine the application within the period allowed for determination of the application

Conditions imposed on consent by appointed officer

6. 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.

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

Further written submissions

One or more hearing sessions

Site inspection

Assessment of review documents only, with no further procedure

If you have marked either of the first 2 options, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary.

TO PROVIDE E-MAILS AND ANY OTHER DOCUMENTATION REQ.
TO ALLOW ME TO PRESENT THE CASE.
TO ALLOW THE APPEAL PANEL TO SEE THE SITE IN QUESTION.

7. Site inspection

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

Can the site be viewed entirely from public land?

YES

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

YES

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

N/A

8. Statement

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. **Note:** 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.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

PLEASE SEE ATTACHED STATEMENT.

Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes No

If yes, please explain below a) why your are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

APPLICATION FORM
DECISION NOTICE
OFFICERS REPORT
SUPPORTING STATEMENT
PLANS OF SITE & OTHER SITES.

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

10. Checklist

Please mark the appropriate boxes to confirm that you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requesting a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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 from that earlier consent.

DECLARATION

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature:  Name: ROBERT MURRAY
AGENT. Date: 3/11/17

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.

Supporting Information
Planning Application Number EK/17/0262

COMMUNITY ENTERPRISE RESOURCES	
Montrose House	
RECEIVED:	
10 NOV 2017	
Allocated to:	

Background

I approached South Lanarkshire Council Planning Department with a Pre Enquiry with regard to Erection of 2 Dwelling Houses with Detached Garages and Formation of Access Road at Newton Road Strathaven. (see attached Proposed Plan)

The reason I approached them with this site was because there is a development opposite to the west at Highside of Newton which originally was a courtyard Development (Please see Plan marked A) then after a renewal of application totally changed to nothing like a courtyard development (Please see Plan marked B) and was allowed to take out a huge piece of Greenbelt to accommodate the development and new access and in thus doing so I believe created our site to become a possible development site under the GBRA5 Policy.

I then got a very poor response back from the Planner which I then pursued.

I explained that this site was created for development under the GBRA5 Policy after the amended renewal of the site at Highside of Newton as it was no longer a courtyard effect and the land taken out of the Green Belt to accommodate the New Builds extended far beyond what was required for both Gardens Areas which extends up the roadway opposite our site and New Access point and thus made our site meet all the criteria under the GBRA5 Policy.

After many e mails explaining that this site met the criteria quoting GBRA5 Policies the planner stuck to Green Belt and Ribbon Development Policies without answering the questions raised and said that no other advice could be given so I asked for a meeting with the Team Leader.

I then met with the Team Leader and Planner and we went through the policies and discussed other sites similar Planning Ref. no. CL/ 16/0254 (Please see attached Plan C) Granted under the GBRA5 Policy and See the distances from adjacent properties. Planning Ref. no. CL/17/0005 (Please see attached Plan D) Granted under the GBRA4 Policy and see the distances opposite adjacent properties shows that there was no continuity throughout the service and debated my case that this site did qualify under the GBRA5 Policy and asked what part of the policy

doesn't apply, which I'm still awaiting an answer too. So after our discussions the Team Leader said she would visit the site and inform me of her decision.

After visiting the site she informed me that she was sticking by her Officers decision so I asked for a meeting with the Manager and then attended a meeting with the Manager and Team Leader and again repeated other sites similar (as above) and the continuity of the service and to what part of the policy does this site not qualify under the GBRA5 Policy and again I'm still awaiting an answer so after our discussions the Team Leader said she would visit the site and inform me of her decision.

The Team Leader then informed me that she was sticking by her Team Leaders decision.

We then applied for an Outline Planning Application and was informed to submit a Full Planning Application to properly asses the site which we then lodged.

We were notified throughout the application that we had an option to withdraw the application as it was being refused on its determination date but I declined the offer as I wish to see what the reasons are for refusal are as I will be appealing the decision.

Needless to say the application was refused.

Reason for Refusal.

1. The proposal is contrary to policies 3,4, DM1, GBRA5 and GBRA6 of the South Lanarkshire Local Development Plan (adopted 2015) in that the development would involve the loss of an undeveloped Green Belt Site without justification and that it would constitute inappropriate development which would adversely impact upon the character and function of the Green Belt and upon visual amenity.

Response

I would suggest you read the application for the development opposite **Original Planning Application no. EK/11/0275** then **Amended Planning Application no. EK/13/0355** then compare it to our site.

2. The proposal is contrary to policies 3, 4, DM1, GBRA5, and GBRA6 of the South Lanarkshire Local Development Plan (adopted 2015) in that the

development would result in further Ribbon Development along Newton Road, which would adversely impact upon the character and function of the Green Belt and upon Visual Amenity.

Response

I would suggest that a precedent has been set regarding the Character and Visual Amenity with regard to what's been allowed Opposite and furthermore Ribbon Development cannot be achieved as we have a Building neighbouring our site to the North, an Adopted Roadway to the front with a Mature Tree Belt and an Adopted Roadway to the South of the Site and the corner of the site is required for Splay Lines and SUDS Etc.

3. If Approved the proposal would set an undesirable precedent which would encourage further similar applications for development along Newton Road due to the Lack of Defendable Boundaries and the Location of the proposed Vehicular Access to the south of the site.

Response

This does not apply as we have Defensible Boundaries as stated Building, Mature Tree Belt & Adopted Roads all around our site including the New Development opposite who's Garden Areas come up to the roadside opposite our site.

Reasons for Decision

The proposal does not comply with the relevant policies of the adopted South Lanarkshire Local Development Plan (Policies 3,4, DM1, GBRA5 and GBRA6) as the development would result in Ribbon Development and the loss of a previously undeveloped Green Belt Site. The proposed development would also harm the character and function of the Green Belt and would adversely impact upon Amenity and the Streetscape. There are no additional material considerations which would justify granting planning consent contrary to the adopted Local Development Plan.

Response

As previously mentioned we have defensible boundaries around our site so no Ribbon Development is possible.

With regard to Amenity and Streetscape totally disagree with this Statement as we have designed the house in the same footprint as the development across the road which was granted and which sets a Precedent now to this area of Newton Road.

This site complies under the GBRA5 Policy (please see attached)

Officers Report in Relation to Decision Notice. (see attached)

Point 1.3 - The area of Ground is set aside for use as a Drainage Field.

Response

Planner failed to mention that it is also used to create a safe Splay Line, so can never be built on, so no Ribbon Development can occur in this area of ground. In addition we didn't want to Break the Build Line of the site opposite.

1.5 - Meetings took place between Agent and Planning Service.

Response

No mention of in depth discussions regarding other sites discussed which were granted similar to this site.

3.4 - The Development of sites within a recognisable cohesive group of houses in the countryside may be acceptable where it would not damage the character of the group or the wider countryside.

Response

This Proposal would blend in with the Character of the group at this location by defining a natural boundary within this countryside setting.

3.5 - Policy GBRA5 also states that exceptionally, the layout of the group of houses may allow for the infill of a small area up to a natural boundary or physical feature, and that new house should be well related in scale and setting to existing adjoining development. The house size to plot ratio and separation distances between houses should be comparable to adjoining properties in the build up frontage.

Response

This Proposal qualifies that this site is up to a natural boundary of Adopted Road and Mature Tree Line at the Front of the site with a New Development across the road to the West and Another Adopted Road to the South Side and an existing Dwelling Adjoining the site to the North and is well related in size to plot ratio and separation distances with the development opposite.

The design and footprint of the proposed houses are based on the New Development opposite to keep in character with area.

Response

We are in keeping with all these proposals.

3.11 - The Proposed size, scale and design of the proposed dwellings does not conform with the existing houses on Newton Road and would adversely impact upon the Streetscape.

Response

Totally disagree as there are different types of housing along Newton Road and this site was designed in keeping with the New Development Opposite.

3.14 - Given the above, it is considered that the proposal does not comply with the relevant policies of the adopted South Lanarkshire Local Development Plan as it is not a clearly identifiable gap site and does not consolidate an existing Building Group. The proposal would extend the area of ribbon development into previously undeveloped field along Newton Road and would likely lead to further pressure on development due to the lack of a defendable boundaries and the location of the proposed access. The Proposed houses are also significantly larger in scale and plot size than those existing house located along Newton Road.

Response

It is obvious that the Planner has only taken into account what houses he wishes to look at on Newton Road at no time has he compared this Application to the surrounding properties around this proposed site.

At no time throughout the Pre Application were any concerns raised regarding the Access Arrangements.

With Regard to Ribbon Development There is no case for this as we have kept the Build Lines to the Rear of our Proposed Dwellings in line with Existing Property Adjacent to the Site and have not broke any build lines of the existing site opposite.

I appreciate your time in reading this and I know it seems like repetitive but I must answer the comments individually that is applicable.

Much Appreciated.

Robert Murray

Town and Country Planning (Scotland) Act 1997

To : Mr Hugh Nelson

East Brackenridge Farm
Strathaven
ML10 6QB

Per : R Murray Business &
Project Consultant
295 Lanark Rd
Auchenheath
Lanark
ML11 9UU

With reference to your application dated 13 July 2017 for Planning Permission under the above mentioned Act :

Description of Proposed Development :

Erection of two dwellinghouses with detached garages and formation of access road

Site Location:

Newton Road
Strathaven
ML10 6PA

South Lanarkshire Council in exercise of their powers under the above mentioned Act hereby:

REFUSE PLANNING PERMISSION

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

Date: 17/10/17

Head of Planning and Economic Development

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

South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

**South Lanarkshire Council
Refuse Planning Permission**

Application Number: EK/17/0262

Reason(s) for Refusal:

- 1 The proposal is contrary to Policies 3, 4, DM1, GBRA5 and GBRA6 of the South Lanarkshire Local Development Plan (adopted 2015) in that the development would involve the loss of an undeveloped Green Belt site without justification and that it would constitute inappropriate development which would adversely impact upon the character and function of the Green Belt and upon visual amenity.
- 2 The proposal is contrary to Policies 3, 4, DM1, GBRA5 and GBRA6 of the South Lanarkshire Local Development Plan (adopted 2015) in that the development would result in further ribbon development along Newton Road, which would adversely impact upon the character and function of the Green Belt and upon visual amenity.
- 3 If approved, the proposal would set an undesirable precedent which could encourage further similar applications for development along Newton Road due to the lack of defensible boundaries and the location of the proposed vehicular access to the south of the site.

Reason(s) for Decision:

- 1 The proposal does not comply with the relevant policies of the adopted South Lanarkshire Local Development Plan (Policies 3, 4, DM1, GBRA5 and GBRA6) as the development would result in ribbon development and the loss of a previously undeveloped Green Belt site. The proposed development would also harm the character and function of the Green Belt and would adversely impact upon amenity and the streetscape. There are no additional material considerations which would justify granting planning consent contrary to the adopted Local Development Plan.

NOTES TO APPLICANT

APPLICATION NUMBER: EK/17/0262

Important

The following notes do not form a statutory part of this Decision Notice. However, it is recommended that you study them closely as they contain information which guides you to other relevant matters that may assist in ensuring that the development is properly carried out.

- 1 This decision relates to drawing numbers: PP(01)001, PP(01)001 Rev B, PP(01)002 Rev C, PP(02)001 Rev A and AD(02)001.

10 NOV 2017

	Delegated Report	Reference No	EK/17/0262
		Date	16 October 2017

Planning proposal:	Erection of two dwellinghouses with detached garages and formation of access road
Location:	Newton Road Strathaven ML10 6PA

Application Type : Detailed Planning Application
Applicant : Mr Hugh Nelson
Location : Newton Road
Strathaven
ML10 6PA
Decision: Refuse detailed planning permission (for the reasons stated overleaf)
Report by: Area Manager (Planning & Building Standards)

Policy reference:
South Lanarkshire Local Development Plan (adopted 2015)
Policy 3 - Green Belt and rural area
Policy 4 - Development management and placemaking
Development management, placemaking and design supplementary guidance (2015)
DM1 - Design
Green belt and rural area supplementary guidance (2015)
GBRA 5 - Development of gap sites
GBRA 6 - Consolidation of existing building groups

Assessment

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

Consultations

**Roads & Transportation Services
(Development Management)**
**Roads & Transportation Services
(Flood Risk Management Section)**
Environmental Services
Scottish Water

Summary of response

Recommend deferral of the application to resolve a number of design issues and the inclusion of relevant conditions.
No objections, subject to the inclusion of relevant conditions requiring a SuDS system to serve the development.
No objections, subject to the inclusion of relevant advisory notes.
No objections.

Representation(s):

- ▶ 0 Objection letters
- ▶ 0 Support letters
- ▶ 1 Comments letters

Planning Application Delegated Report

1.0 Application Summary

- 1.1 The applicant seeks detailed planning consent for the erection of two detached dwellinghouses with garages on a site on Newton Road, near Strathaven. The application site is located within the designated Green Belt.
- 1.2 The application site is located approximately 440 metres due south of the Strathaven settlement boundary, within the designated Green Belt. The site extends approximately 5200 square metres and is bound by Newton Road to the west and south and by an existing property to the north. Existing properties are also located approximately 28 metres to the west of the site at Highside of Newton. The site consists of an agricultural field with no existing structures.
- 1.3 The applicant proposes to form a new vehicular access to the site from the south and to erect two large single storey detached dwellinghouses with detached double garages. The dwellings would be built parallel to Newton Road, with the 'front' elevation of the proposed houses located approximately 7.8m from the site boundary. The proposed vehicular access would serve both properties, with the driveway located to the east of the site, to the rear of the proposed houses. The applicant has also indicated an area to the south-west of the site to be set aside for use as a drainage field.
- 1.4 The proposed houses would share a common design, with a footprint of approximately 240 square metres each. They are proposed to contain three bedrooms, a lounge, dining room, a large kitchen/diner, sun room, utility room, dressing room, porch and associated bathrooms, en-suites and a W/C. The dwellings are proposed to be finished with a pitched roof, approximately 7.4 metres to the ridge, 2.6m to the eaves. The external walls are proposed to be finished with a smooth cream coloured render and the roof with Spanish slate or a slate substitute. The proposed garages would be finished with similar external finishing materials and a roof design to match the associated dwellings.
- 1.5 Pre-application discussions have taken place between the applicant, agent and Planning Service regarding the proposal. The agent has also submitted a Supporting Planning Statement stating that he believes that the proposal complies with Policy GBRA5 – Development of gap sites.
- 1.6 In terms of the adopted South Lanarkshire Local Development Plan, the relevant policies to be considered in the assessment of this application are Policy 3 – Green Belt and rural area

and Policy 4 – Development management and placemaking. In addition, Policy DM1 – Design from the Development management, placemaking and design supplementary guidance is relevant to the assessment of this proposal, as are Policies GBRA5 (Development of gap sites) and GBRA6 (Consolidation of existing building groups) from the Green Belt and rural area supplementary guidance.

2.0 Representation(s)

2.1 Statutory neighbour notification was undertaken in respect of this application and the proposal was further advertised in the local press as development contrary to the development plan. One letter of comment has been received in connection with this publicly and the matters raised can be summarised as follows:

(a) The proposal is contrary to the Development Plan, which may be reason enough to refuse the application. However, if consent is granted, all possible protection should be given to wildlife, flora and fauna in situ.

Response: The application was advertised as being potentially contrary to the adopted South Lanarkshire Local Development Plan due to its location within the designated Green Belt. A full assessment of the proposal and its compliance with the Local Development Plan is contained in Section 3 of this report, below. In the event that consent was granted, conditions could be imposed to protect the environment and wildlife, as appropriate.

3.0 Assessment and Conclusions

3.1 The applicant seeks detailed planning consent for the erection of two detached dwellinghouses and garages together with the formation of an associated new vehicular access on a site at Newton Road, near Strathaven. The relevant policies to be considered in the assessment of this proposal are Policies 3, 4, DM1, GBRA5 and GBRA6.

3.2 Policy 3 – Green Belt and rural area states that the Green Belt functions primarily for agriculture, forestry, recreation and other uses appropriate to the countryside. Development that does not require to locate in the countryside will be expected to be accommodated within settlements except in certain specific circumstances. Residential development may be supported where it involved; the conversion of traditional buildings, the redevelopment of derelict or redundant property which would result in significant environmental improvement, the consolidation of existing building groups or where it involved limited development within clearly identifiable infill gap sites.

3.3 The application site does not contain any structures and it is a section of an undeveloped agricultural field. In addition, it is located too far from the Strathaven settlement boundary to be considered as a settlement extension. As such, the only scenarios where acceptable residential development may be justifiable on this Green Belt site would be if it was a clearly identifiable gap site or if it consolidated existing building groups.

3.4 The development of gap sites within a recognisable cohesive group of houses in the countryside may be acceptable where it would not damage the character of the group or the

wider countryside. Policy GBRA5 – Development of gap sites states that gap sites should be bound on at least two sides by habitable houses or other buildings. It also states that the distance between the buildings should be no more than needed to allow for the formation of a maximum of two plots of a size in keeping with the curtilage and frontage of the existing group. An extension to a building group will not normally be acceptable where it would result in ribbon development.

- 3.5 Policy GBRA5 also states that exceptionally, the layout of the group of houses may allow for the infill of a small area up to a natural boundary or physical feature, and that new housing should be well related in scale and setting to existing adjoining development. The house size to plot ratio and separation distances between houses should be comparable to adjoining properties in the built up frontage.
- 3.6 Following a detailed assessment of this proposal, it is considered that the proposal is not a clearly identifiable gap site and that this application does not accord with Policy GBRA5. In this respect, the site is only immediately bound on one side (to the north) by existing residential development. There are dwellings located to the west of the site at Highside of Newton that were built as part of the development at an existing farm, however these are located some 28m away from the site boundary across Newton Road and do not clearly bound the site. In addition, there is a gap of approximately 67 metres between these houses and the existing property that bounds the application site to the north on Newton Road. As such, the majority of the site is not bound on two sides by any existing development and the development to the west of the site is too far removed to be considered as part of the same building group as those houses constructed along Newton Road.
- 3.7 With regards to size and proposed layout of the site, it is noted that the plot size and distance between the proposed houses is significantly larger than those existing properties on Newton Road, and the site is far larger (0.52 hectares) than would generally be required to construct two detached dwellings. Policy GBRA5 also states that an extension to a building group will not normally be acceptable where it would result in ribbon development, and this proposal would clearly represent further ribbon development along Newton Road, into an undeveloped Green Belt field.
- 3.8 It is noted that, exceptionally, the layout of the group of houses may allow for the infill of a small area up to a natural boundary of physical feature, however this is not applicable in this instance. The site extends over 110 metres in length and at an area of approximately 5200 square metres it could not be considered as a 'small area'. The site is bound by Newton Road to the south and west; however there is no clear boundary, defensible or otherwise, to the east of the site which is open to the remainder of the agricultural field. In addition, given the location of the proposed vehicular access to the south of the site, there is a clear potential that this development could lead to pressure to further extend the area of ribbon development beyond the curve of Newton Road which forms the boundary of the site to the south and west.

- 3.9** The proposal has also been considered in terms of Policy GBRA6 – Consolidation of existing building groups. This policy supports the development of new dwellings within existing building groups where set criteria can be met. The policy does, however, state that development should not extend into a previously undeveloped field and that proposals should not result in ribbon or linear development along a public road. In addition, new development should respect the character, cohesiveness, spacing and amenity of the existing group and the individual houses within the group, and the overall scale and massing of new houses should respect that of the existing group. As such, the proposal would not comply with Policy GBRA6 for the same reasons it does not comply with Policy GBRA5.
- 3.10** Policy 4 – Development management and placemaking is relevant to this proposal, as it is to each planning application. It states that all development proposals will require to take account of and be integrated with the local context and built form. Proposals should have no significant adverse impact upon adjacent buildings or the streetscape in terms of layout, scale, massing, design, external materials or amenity. Policy DM1 – Design is also relevant to this proposal, and it states that the design and layout of all new development will be assessed in relation to various appropriate criteria, including the Council's Residential Design Guide.
- 3.11** The proposed size, scale and design of the proposed dwellings does not conform with the existing houses on Newton Road and the development would not integrate with the adjacent dwellings. The proposed large, single storey houses on equally large plots would appear out of character with the existing properties on Newton Road and would adversely impact upon the streetscape. The proposed layout would help to retain the existing mature tree line along the west of the site, however it would require an access along the eastern boundary of the site running along the rear of the houses. Such a layout is not used elsewhere on Newton Road and it may lead to pressure for further development to the east of the site. As such, it is considered that the proposal would not comply with these policies.
- 3.12** Statutory neighbour notification was undertaken in respect of this application, and the proposal was further advertised in the local press as development contrary to the development plan. One letter of comment was received in connection with this publicity, and the matters raised have been summarised in section 2 of this report, above.
- 3.13** Consultations were undertaken with colleagues in Roads and Transportation Services (Development Management and the Flood Risk Management Section), Environmental Services and Scottish Water regarding this proposal. No objections to the application have been received, subject to the inclusion of relevant conditions and advisory notes, however the response from Roads and Transportation Services (Development Management) recommended deferring the application until design issues relating to a public utility strip and passing places had been addressed. Given that the proposal does not comply with the Local Development Plan and is to be refused, it is not considered relevant to address these matters at this time.

3.14 Given the above, it is considered that the proposal does not comply with the relevant policies of the adopted South Lanarkshire Local Development Plan as it is not a clearly identifiable gap site and does not consolidate an existing building group. The proposal would extend the area of ribbon development into a previously undeveloped field further along Newton Road and would likely lead to further pressure on development due to the lack of a defensible boundaries and the location of the proposed access. The proposed houses are also significantly larger in scale and plot size than those existing houses located along Newton Road. There are no material considerations which would justify granting permission contrary to the development plan at this site. The development therefore represents inappropriate development of a Green Belt site and it is considered that the granting of planning consent is not justified in this instance and that the application should be refused.

4.0 Reason for decision

4.1 The proposal does not comply with the relevant policies of the adopted South Lanarkshire Local Development Plan (Policies 3, 4, DM1, GBRA5 and GBRA6) as the development would result in ribbon development and the loss of a previously undeveloped Green Belt site. The proposed development would also harm the character and function of the Green Belt and would adversely impact upon amenity and the streetscape. There are no additional material considerations which would justify granting planning consent contrary to the adopted Local Development Plan.

Delegating Officer: G Rae

Date: 16.10.17

Previous References

◆ None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan (adopted 2015)
- ▶ Development management placemaking and design supplementary guidance (2015)
- ▶ Green belt and rural area supplementary guidance (2015)
- ▶ South Lanarkshire Local Plan: Residential Design Guide (August 2011)
- ▶ Neighbour notification letter dated 26 July 2017 and 04 August 2017
- ▶ Newspaper Advert, East Kilbride News, dated 02 August 2017 and 16 August 2017
- ▶ Consultation Response – Roads & Transportation Services (Development Management), dated 01 September 2017
- ▶ Consultation Response – Roads & Transportation Services (Flood Risk Management Section), dated 21 August 2017
- ▶ Consultation Response – Environmental Services, dated 17 August 2017
- ▶ Consultation Response – Scottish Water, dated 07 August 2017
- ▶ Supporting Statement from agent
- ▶ Correspondence with agent, various dates
- ▶ Planning Consents EK/11/0275 & EK/13/0355, Highside of Newton, Strathaven

▶ **Representations**

Representation from :

**Joe Allan, 94 Franklin Place, Westwood, East Kilbride,
G75 8LS, dated 22/08/2017**

Contact for further information

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

Andrew Muir

(Tel : 01698 455058)

E-mail: andrew.muir2@southlanarkshire.gov.uk

Detailed Planning Application

PAPER APART – APPLICATION NUMBER : EK/17/0262

REASONS FOR REFUSAL

- 1 The proposal is contrary to Policies 3, 4, DM1, GBRA5 and GBRA6 of the South Lanarkshire Local Development Plan (adopted 2015) in that the development would involve the loss of an undeveloped Green Belt site without justification and that it would constitute inappropriate development which would adversely impact upon the character and function of the Green Belt and upon visual amenity.
- 2 The proposal is contrary to Policies 3, 4, DM1, GBRA5 and GBRA6 of the South Lanarkshire Local Development Plan (adopted 2015) in that the development would result in further ribbon development along Newton Road, which would adversely impact upon the character and function of the Green Belt and upon visual amenity.
- 3 If approved, the proposal would set an undesirable precedent which could encourage further similar applications for development along Newton Road due to the lack of defensible boundaries and the location of the proposed vehicular access to the south of the site.

INFORMATIVES

- 1 This decision relates to drawing numbers: PP(01)001, PP(01)001 Rev B, PP(01)002 Rev C, PP(02)001 Rev A and AD(02)001.

A1

10 NOV 2017

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PROPOSED PLAN.

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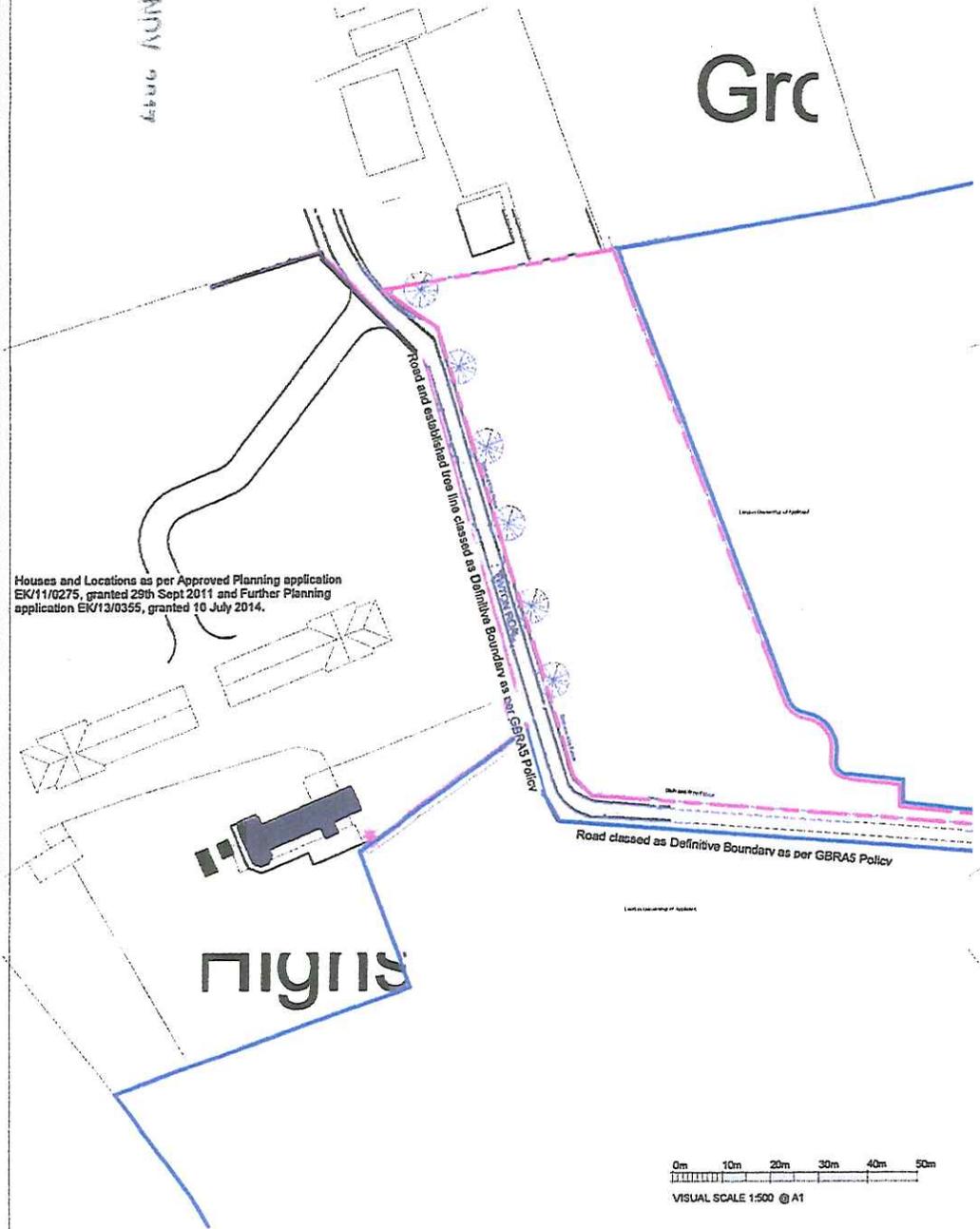
All measurements / materials to be provided in accordance with / or suppliers recommendations.

All details of a structure shall be confirmed by a Structural Engineer.
All structures shall be checked by the client based on rights of way, easements, etc. of all adjacent properties.

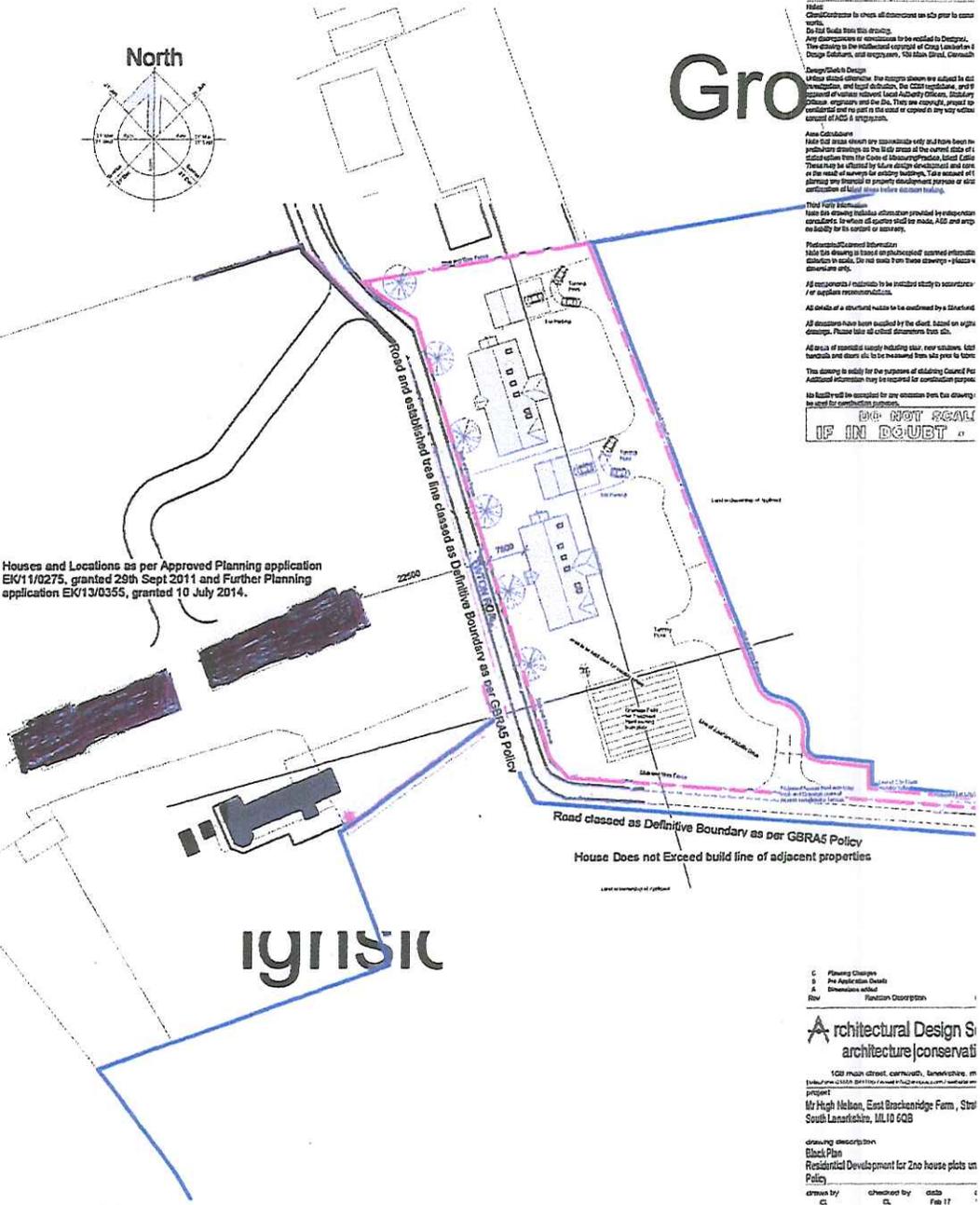
All areas of essential nearby existing structures, trees, watercourses, land, etc. shall be measured from the site prior to construction.

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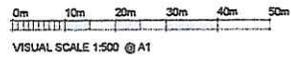
**DO NOT REAL
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1 Block Plan as Existing
1:500



2 Block Plan as Proposed
1:500



Rev	Revision Description
C	Planning Consent
B	Pre Application Details
A	Drawings issued
Rev	Revision Description

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tel: 0131 222 1111
www.adscotland.com

My High Melton, East Brackenzie Farm, Strath South Lanarkshire, ML10 6QB

drawing description:
Block Plan
Residential Development for 2no house plots on
Policy

drawn by: CL checked by: CL date: Feb 17
project no: C1750 file no: 19/01/2017
drawing status: Council Approval

ORIGINAL DRAWING

10 NOV 2017

A

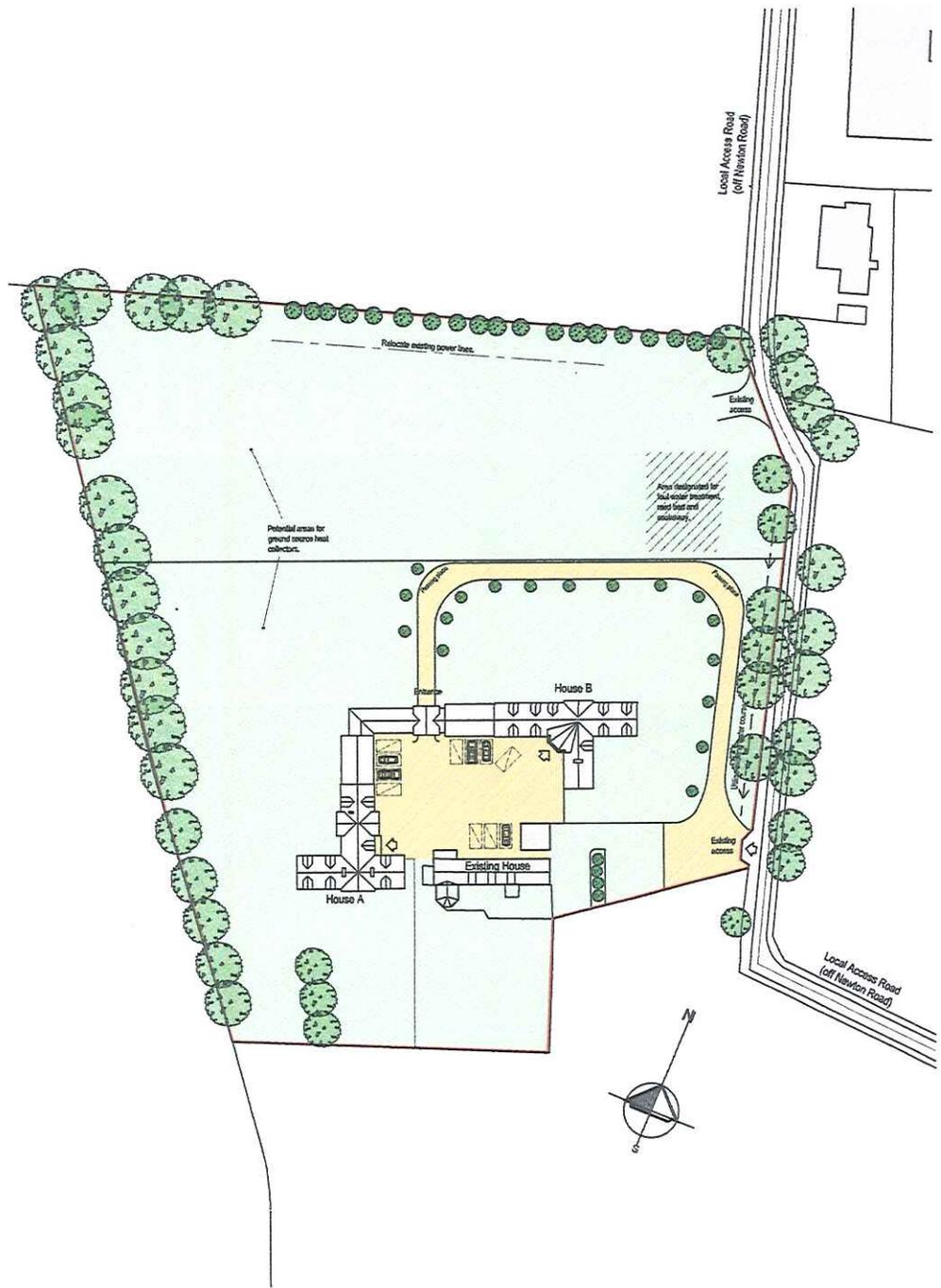
Notes

Overall site area: 18,161sqm

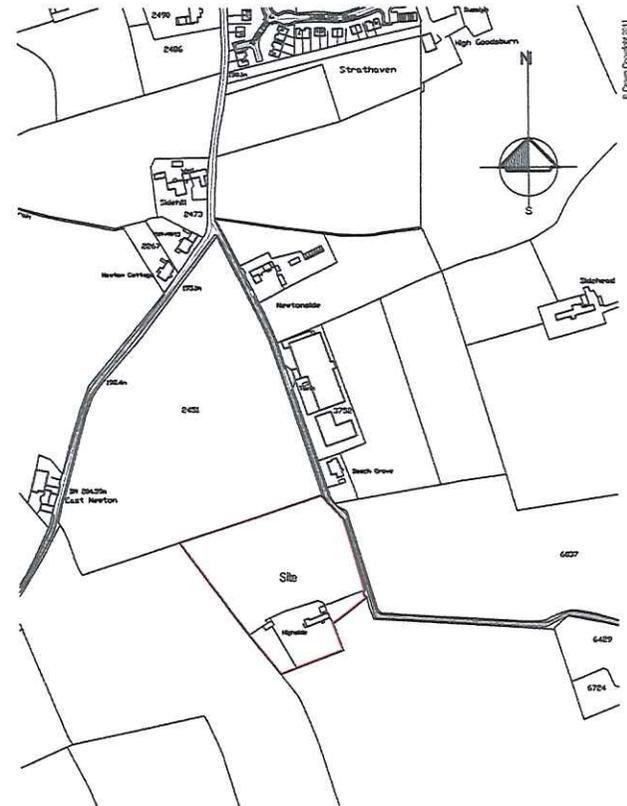
House A Ground Floor: 252sqm
 House A Upper Floor: 216sqm
 House A Garage: 65sqm
 House A Total: 545sqm

House B Ground Floor: 277sqm
 House B Upper Floor: 220sqm
 House B Garage: 50sqm
 House B Total: 547sqm

Area of additional outbuildings: 100sqm



Proposed Block Plan 1:500



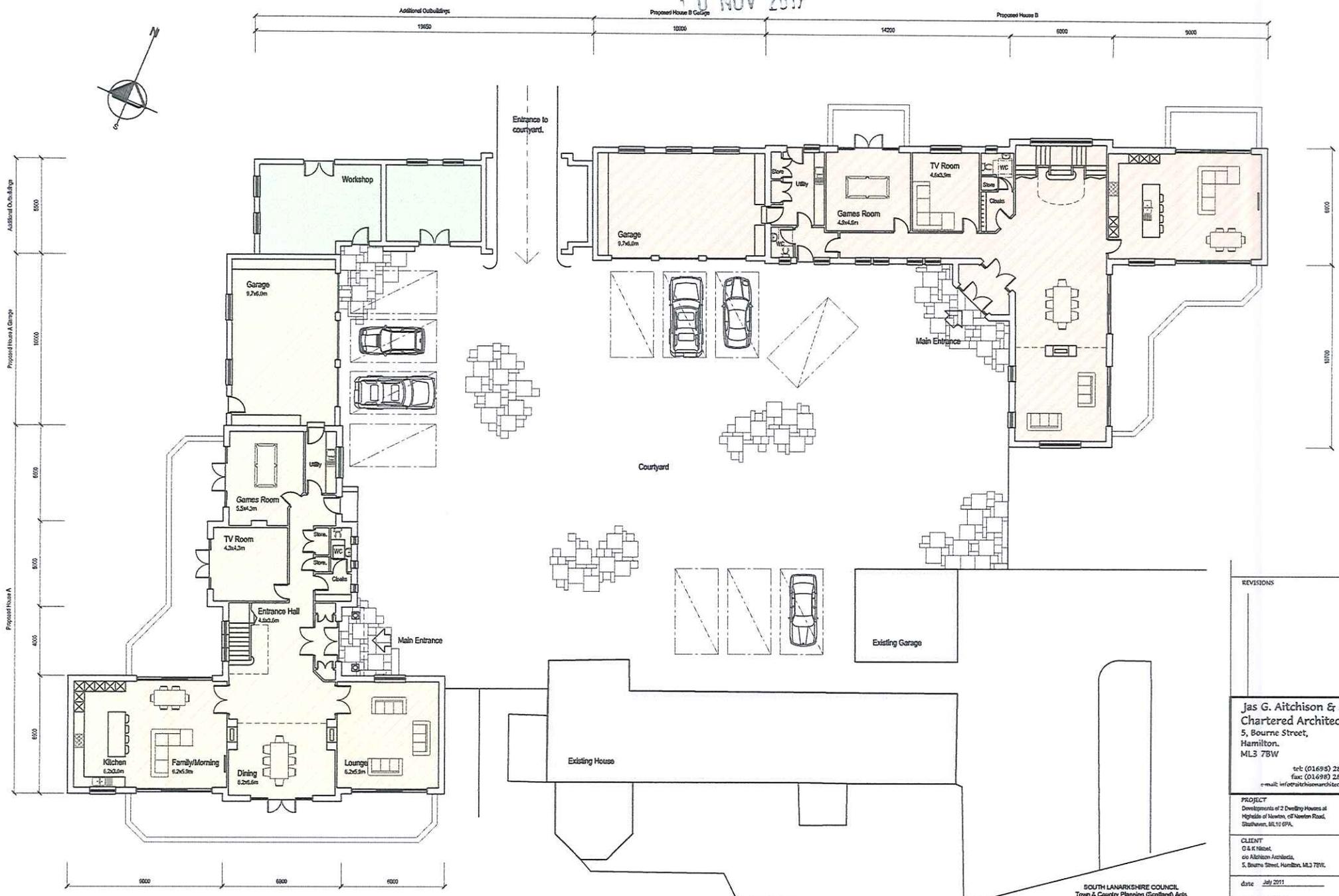
Location Plan 1:2500

SOUTH LANARKSHIRE COUNCIL
 Town & Country Planning (Scotland) Act
 APPROVED
 IN TERMS OF CONSENT OF
 29 Sept 2011
 Michael McClynn
 Head of Planning and Building Standards
 Services

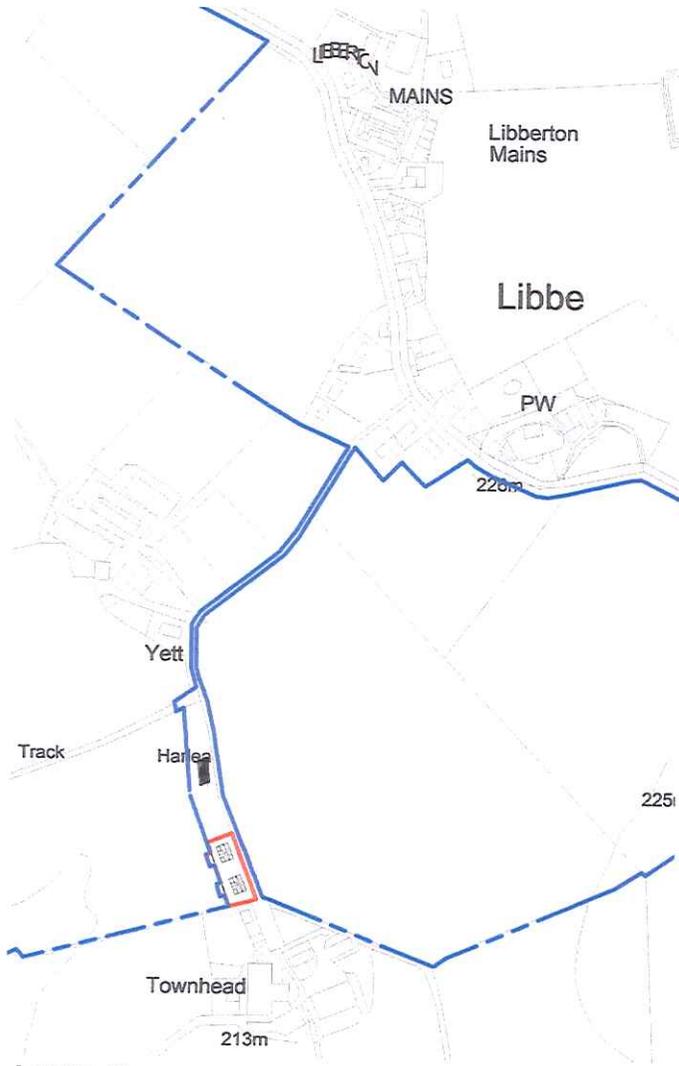
REVISIONS	
A	Drawing updated. 0911
<p>Jas G. Aitchison & Son Chartered Architects 5, Bourne Street, Hamilton, ML3 7BW</p> <p>tel: (01698) 286265 fax: (01698) 283996 e-mail: info@aitchisonarchitects.com</p>	
<p>PROJECT Developments of 2 Dwelling Houses at Highside of Newton, off Newton Road, Strathaven, ML10 9PA.</p>	
<p>CLIENT G & K Nisbet, c/o Aitchison Architects, 5, Bourne Street, Hamilton, ML3 7BW.</p>	
date	July 2011
scale	As Shown @ A1
job no.	1781/D
drawg.	15
<p>description Planning Proposals Block and location plans.</p>	

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Notes



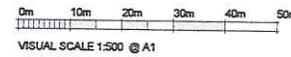
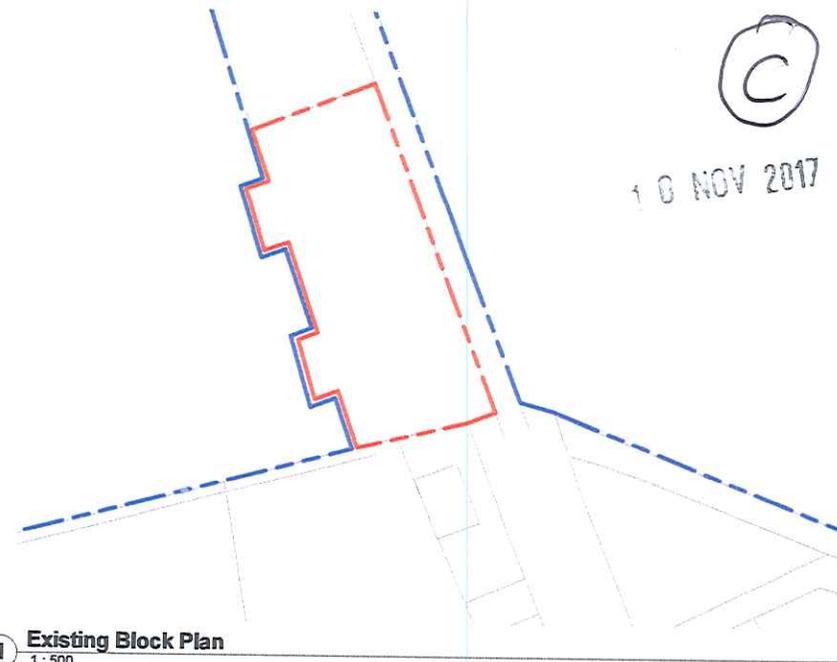
REVISIONS
<p>Jas. G. Aitchison & Son Chartered Architects 5, Bourne Street, Hamilton, ML3 7BW</p> <p>tel: (01698) 286265 fax: (01698) 283996 e-mail: info@aitchisonarchitects.com</p>
<p>PROJECT Developments of 2 Dwelling Houses at Highside of Newton, off Newton Road, Gushwain, ML11 6PA.</p>
<p>CLIENT G & K Hiebet, c/o Aitchison Architects, 5, Bourne Street, Hamilton, ML3 7BW.</p>
<p>date: July 2011</p> <p>scale: 1:100 @ A1</p> <p>job no. 1781/D drawg. 16</p>
<p>SOUTH LANARKSHIRE COUNCIL Town & Country Planning (Scotland) Act APPROVED IN TERMS OF CONSENT OF 22 Sept 2011 Michael McClynn Head of Planning and Building Standards Services</p>



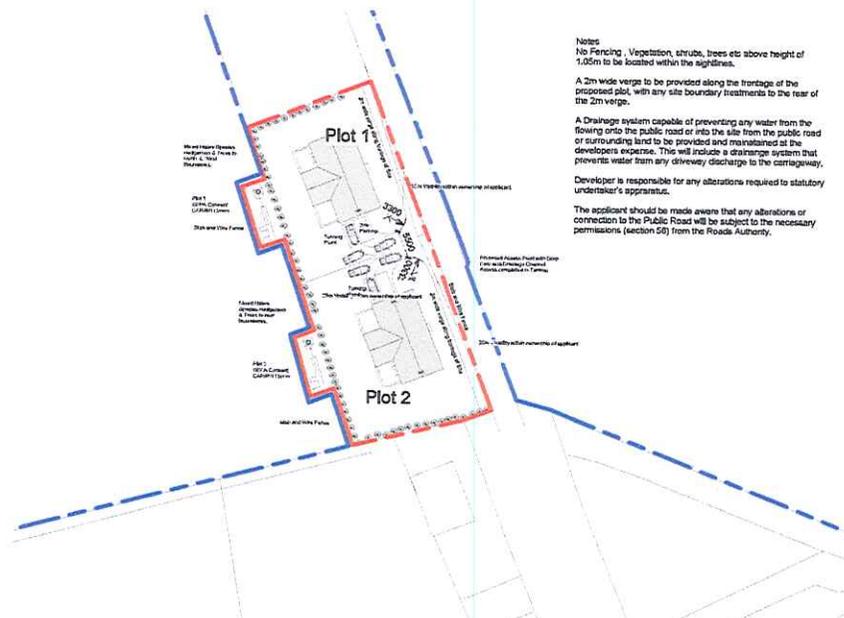
2 Location Plan
1 : 2500



1 Existing Block Plan
1 : 500



3 Proposed Block Plan
1 : 500



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 8 Sept 2016
 Head of Planning
 and Economic Development

Revised Comments added
 CL
 Aug
 2016

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 telephone: 01552 841100 | email: info@arsjg.com | www.arsjg.com
 Project:
 Mr T Smith, Yett Farm, Libberton, Carmarthen, South
 Lanarkshire, ML11 8LX

Drawing description
 Location Plans
 Proposed Two House Plots at Land South Harlea Libberton
 Carmarthen, South Lanarkshire, ML11 8LX

drawn by	checked by	date	scale
CL	CL	May 16	As indicated

project no.	file no.	draw. no.	revision
C1632		AL01/001	B

Project Status: ORIGINAL DRAWING SIZE A1

10

10 NOV 2017

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15 Feb 2017
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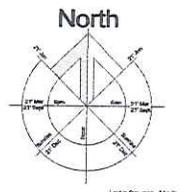
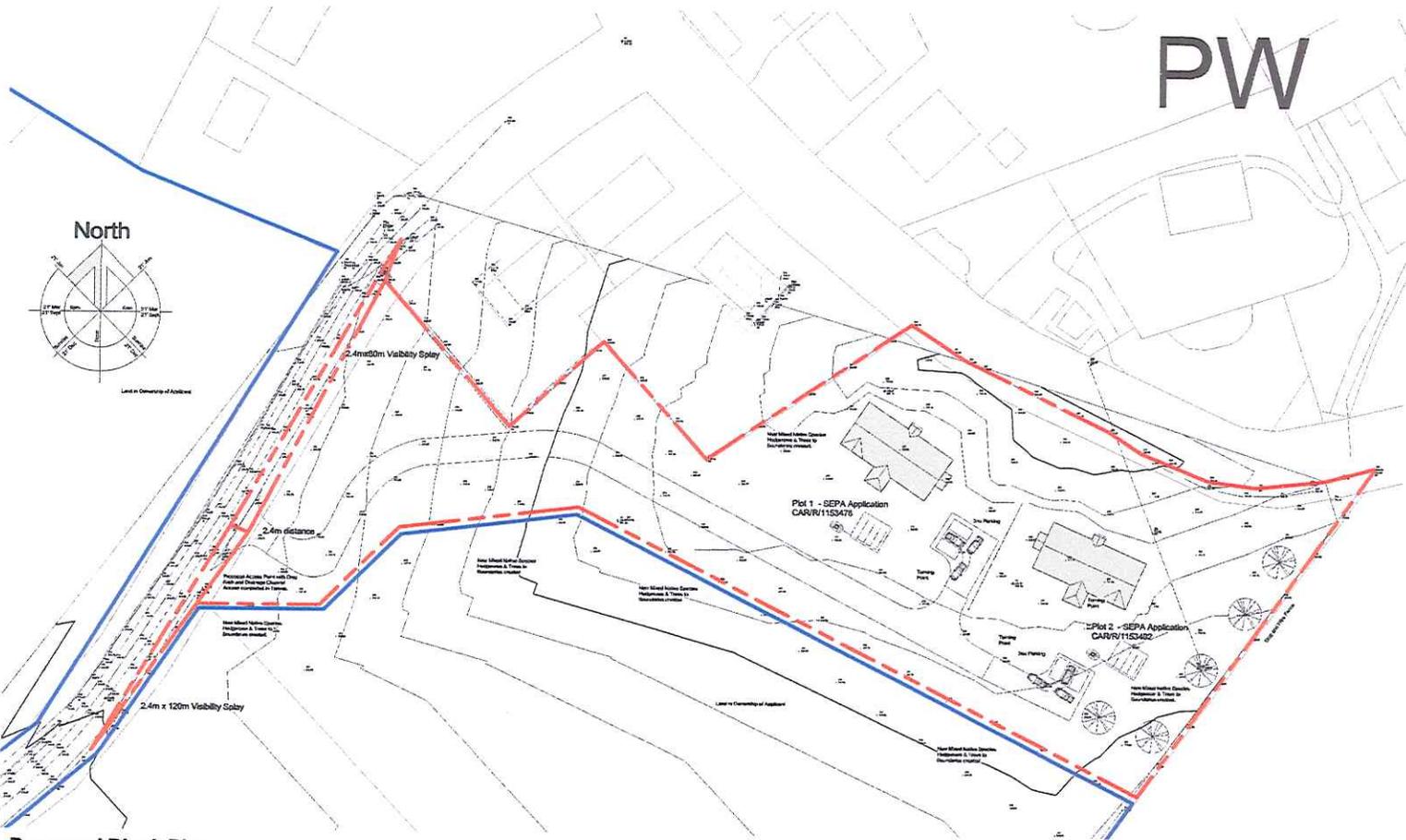
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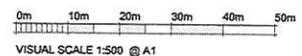
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1 Proposed Block Plan
1 : 500



VISUAL SCALE 1:500 @ A1

A Planning Changes at Lodgement
Date: 15/02/2017
Scale: 1:500

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Tel: 01252 941520 Fax: 01252 941521 Email: info@adsai.com
Project:
Mr T Smith Yett Farm Liberton Carmeth South
Lanarkshire ML11 8LX

Drawing description:
Proposed Block Plan
Proposed 2no house plots inc associated access

drawn by	checked by	date	scale
CL	CL	15/02/17	1:500
project no.	file no.	drp. no.	revision
C1678		09/01/003	A

Drawing status:
Council Permission

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