



Council Offices, Almada Street,
Hamilton

Planning Local Review Body

Decision Notice

Decision by South Lanarkshire Council Planning Local Review Body (PLRB)
PLRB Reference NOR/CL/20/003

- ◆ Site address: Glaikhead, Coalburn Road, Coalburn, ML11 0NF
- ◆ Application for review by J Brodie of the decision by an appointed officer of South Lanarkshire Council to refuse planning permission in principle for planning application P/19/0454
- ◆ Application P/19/0454 for a residential development (planning permission in principle)
- ◆ Application Drawings: P1C, P2C, P3C

Decision

The PLRB upholds the decision taken by the appointed officer, in terms of the Scheme of Delegation, to refuse planning permission in principle for planning application P/19/0454 for the reasons detailed in the Council's decision notice dated 31 March 2020.

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

Geraldine McCann

Head of Administration and Legal Services

Date of Decision Notice: 23 October 2020

1. Background

- 1.1 This Notice constitutes the formal decision notice of the Planning Local Review Body (PLRB) as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.
- 1.2 The above application for planning permission in principle was considered by the PLRB at its meeting on 21 September 2020. The PLRB was attended by Councillors Alex Allison, Maureen Devlin, Isobel Dorman (Chair), Mark Horsham (Depute), Graham Scott, Jim Wardhaugh.

2. Proposal

- 2.1 The proposal is for a residential development (planning permission in principle) at Glaikhead, Coalburn Road, Coalburn.
- 2.2 The options available to the PLRB were to uphold, reverse or vary the decision taken in respect of the application under review.

3. Determining Issues

- 3.1 The determining issues in this review were:-

- ◆ the proposal's compliance with the adopted South Lanarkshire Local Development Plan (SLLDP) and Supplementary Guidance (SG) and the proposed South Lanarkshire Local Development Plan 2
- ◆ impact on amenity of surrounding area
- ◆ impact on road safety

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

- ◆ Policy 3 – green belt and rural area
- ◆ Policy 4 – development management and place making
- ◆ Green Belt and Rural Area Supplementary Guidance - Policy GBRA7 (redevelopment of previously developed land)

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

- ◆ Policy 4 – green belt and rural area
- ◆ Policy 5 – development management and place making
- ◆ Policy GBRA5 – redevelopment of previously developed land containing buildings

- 3.4 Policy 3 of the adopted South Lanarkshire Local Development Plan states that the green belt and the rural area function primarily for agriculture, forestry, recreation and other uses appropriate to the countryside. Development which does not require to locate in the countryside will be expected to be accommodated within the settlements identified on the proposals map, other than in the following circumstances where:-

- ◆ it is demonstrated that there is a specific locational requirement and established need for a proposal
- ◆ the proposal involves the redevelopment of derelict or redundant land and buildings where significant environmental improvement can be shown
- ◆ the proposal is for conversion of traditional buildings and those of a local vernacular
- ◆ the proposal is for limited development within clearly identifiable infill or gap sites and existing building groups
- ◆ the proposal is for extension of existing premises or uses providing it is of a suitable scale and design. Any new built form should be ancillary to the main use

- 3.5 Policy 3 also states that, in both the green belt and rural area, isolated and sporadic development will not be supported. It further states that, in the rural area, limited expansion of an existing settlement may be appropriate where the proposal is proportionate to the scale and built form of the settlement, it is supportive of the sustainability of the settlement and a defensible settlement boundary is maintained.

- 3.6 Policy 4 states that all planning applications will require to take account of and be integrated with the local context and built form. Development proposals should have no significant adverse impacts on the local community.

3.7 Policy GBRA7 states that proposals involving the redevelopment of previously developed land will be acceptable in principle in the following cases where:-

- ◆ the site contains traditional buildings and justification for their demolition is provided. This will require the submission of a structural survey showing that the building(s) is/are not capable of conversion or financial evidence demonstrating that they are beyond economic repair and their retention is not viable
- ◆ it is not desirable to retain existing buildings because of their form and layout, for example, modern agricultural buildings. This will require an assessment of the proposals on the overall enhancement of the site
- ◆ there are clearly demonstrable and significant environmental benefits resulting from the existing buildings being demolished and the site being redeveloped. This includes sites which are visually or environmentally intrusive or detract from the rural and visual amenity of the area and there is no realistic prospect of the site being returned to agricultural land or woodland, for example, due to contamination
- ◆ the redevelopment proposals are of an appropriate scale that respect the landscape character of the area

In all cases, the proposal will be expected to comply with a list of criteria.

3.8 In terms of Policies 4, 5 and GBRA5 of the proposed South Lanarkshire Local Development Plan 2, these policies are broadly consistent with, and build on, the policies and proposals contained in the adopted South Lanarkshire Local Development Plan.

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

- ◆ the review site used to be the colliery base, with pit head, winding wheel, offices, stores, washing plant, sorting facility, changing and showering area
- ◆ planning permission had been granted for a house some 10 metres from the review site with no traffic impact or speed survey
- ◆ the review site had generated an estimated 5.6 million journeys in its time, yet planning permission had been refused
- ◆ there is no consistent approach by the Council in determining planning applications. Planning permission (CL/11/0019) was granted for the erection of a 2-storey house on a site opposite the review site

3.10 In reviewing the case, the PLRB considered that the applicant had supplied sufficient information and adequate plans to allow proper consideration of the proposal. It further considered that the proposed development would pose a threat to road safety by virtue of the inability of the site to be safely accessed.

4. Conclusion

4.1 The PLRB considered a request to review the decision taken by the appointed officer, in terms of the Scheme of Delegation, to refuse planning permission in principle for planning application P/19/0454 for the erection of a residential development at Glaikhead, Coalburn Road, Coalburn. The PLRB concluded that the proposal would pose a threat to road safety by virtue of the inability of the site to be safely accessed. As a result, the PLRB concluded that the proposal was contrary to Policies 3, 4 and GBRA7 of the adopted South Lanarkshire Local Development Plan and associated Supplementary Guidance and Policies 4, 5 and GBRA5 of the proposed South Lanarkshire Local Development Plan 2.

4.2 The PLRB, therefore, upheld the decision to refuse planning permission in principle for planning application P/19/0454 for the reasons stated on the Council's decision notice dated 31 March 2020.

5. Accompanying Notice

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



NOTICE TO ACCOMPANY REFUSAL ETC

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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