

Planning Local Review Body

Decision Notice

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

- ◆ Site address: Land 108 metres west of Quarry Cottage A726 from East Kilbride to Chapelton, Chapelton, Strathaven ML10 6SJ
- ◆ Application for review by R McDonald of the decision by an appointed officer of South Lanarkshire Council to refuse planning permission for planning application P/18/1478
- ◆ Application P/18/1478 for change of use and alteration of agricultural shed to form house and erection of detached domestic garage
- ◆ Application Drawings: L(0-) 01; L(0-) 02; L(0-) 03; L(1-) 01; L(2-) 01.

Decision

The PLRB reverses the decision taken by the appointed officer, in terms of the Scheme of Delegation, to refuse planning permission for planning application P/18/1478 and grants planning permission for planning application P/18/1478 subject to the conditions attached to this decision notice.



Geraldine McCann
Head of Administration and Legal Services

Date of Decision Notice: 18 September 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 was considered by the PLRB at its meeting on 24 August 2020. The PLRB was attended by Councillors Alex Allison, Margaret Cowie, Maureen Devlin, Isobel Dorman (Chair), Mark Horsham (Depute), Graham Scott and Jim Wardhaugh.

2. Proposal

- 2.1 The proposal is for the change of use and alteration of an agricultural shed to form a house and the erection of a detached domestic garage land 108 metres west of Quarry Cottage A726 from East Kilbride to Chapelton, Chapelton, Strathaven.
- 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 issue in this review was 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.
- 3.2 The PLRB established that, in terms of the Adopted South Lanarkshire Local Development Plan, the site was located within the green belt. 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 GBRA2 (conversion and re-use of existing buildings)
- 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 GBRA4 – conversion and re-use of existing 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
- 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.
- 3.5 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.

- 3.6 Policy GBRA2 states that there will be presumption in favour of the conversion and sympathetic extension/alteration of traditional buildings and those of a local vernacular to residential use or a use appropriate to the Green Belt and rural area. Where conversion and re-use is not practicable due to structural or financial reasons, the aim should be to retain any traditional buildings as intact as possible, including the retention and incorporation of the façade of the buildings into new development. Retention may also be appropriate in the case of modern buildings where their design or form is of a special or local character and contributes to the amenity of the area. The taking down and rebuilding of existing walls on the same footprint may also be acceptable.

In terms of Policy GBRA2, an additional element of limited new build may be appropriate where it can be demonstrated that there will be no harm to the character and setting of the existing buildings and of the wider environment in terms of siting, scale and design. This will only be acceptable where it can be included in a cohesive and complementary manner. In all cases, the following detailed criteria will require to be met:-

- ◆ a structural survey from a suitably qualified person should be submitted to demonstrate that the original building is structurally sound, largely intact and capable of conversion for the proposed use
- ◆ buildings should be of a local, visual or historical merit which generally means traditionally constructed stone buildings. However, brick/block structures of the late 19th and 20th century, for example former piggeries and poultry houses may also be suitable. In such cases, buildings should be of a permanent and substantial construction and should not be so derelict that they could only be brought back into use by substantial rebuilding
- ◆ alterations and/or extensions shall be carried out sympathetically without detrimentally affecting their character. The structure, form, historic and architectural integrity of the buildings must remain as unaltered as possible and their overall setting respected and preserved so that they retain their traditional appearance after conversion. Increases to the original footprint or height may be acceptable as long as the overall proportions of the buildings are maintained
- ◆ the proposal should not create disturbance to the agricultural management or operation of a rural business on adjoining land. Permission will not be granted for the formation of houses within a working steading unless it is shown that the amenity of future residents will not be adversely affected, for example, through the submission of a Noise Impact Assessment
- ◆ proposals should be able to be readily served by required infrastructure including water, sewerage and electricity and be able to provide all required parking and access standards
- ◆ proposals should have no adverse impact on either the residential or the visual amenity of the surrounding area, or in terms of road safety
- ◆ proposals should have no adverse impact on biodiversity, including Natura 2000 sites and protected species, or features which make a significant contribution to the cultural and historic landscape value of the area

- 3.7 In terms of Policies 4, 5, and GBRA4 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.

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

- ◆ there was another house at Quarry Farm and, within the curtilage of Quarry Farm, an amended planning permission (EK/17/0046) had been granted for an additional two houses
- ◆ the conversion, particularly when finished with appropriate materials, would comply with the local vernacular
- ◆ there would be no loss of trees or important or protected flora and fauna
- ◆ the building was complete enough to be used for agricultural purposes and had been

used for this purpose. The applicant had provided 5 years of business accounts to the Planning Authority through his agent during the processing of the application. This was to help exhibit the active operation of the poultry business over several years when the new building was in existence and being used

- ◆ sufficient storage existed at present within other buildings, therefore, conversion of the current building would not result in further buildings being required
- ◆ the proposed conversion would integrate well with the local context and could be more traditional in appearance than the dwellings approved adjacent to Quarry Farm (EK/17/0046)
- ◆ the proposed dwelling would not result in loss of privacy nor would it have an adverse effect on residential amenity for adjoining dwellings
- ◆ the proposal would not result in any road safety issues
- ◆ the proposal constituted a clear example of promoting the efficient use of available land in line with Scottish Planning Policy (SPP)
- ◆ the proposal represented the re-use of a building that was otherwise redundant. It should be considered a brownfield site similar to that which was approved adjacent to Quarry Farm, although for one house only
- ◆ the site which was the subject of the review, was no further away than the two houses granted consent at Quarry Farm. Separation distances between dwellings and buildings were similar in both cases and throughout the wider grouping

3.9 The PLRB considered the applicant's request that it should undertake a site visit and hold a hearing prior to determining the review case, however, it took the view that neither a site visit nor a hearing was required as it had sufficient information to determine the application.

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 was in accordance with the Adopted South Lanarkshire Local Development Plan and Associated Supplementary Guidance and the Proposed South Lanarkshire Local Development Plan 2

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 for planning application P/18/1478 for the change of use and alteration of an agricultural shed to form a house and the erection of a domestic garage land 108 metres west of Quarry Cottage A726 from East Kilbride to Chapelton, Chapelton, Strathaven. The PLRB concluded that the proposal was in accordance with relevant policies contained in the Adopted South Lanarkshire Local Development Plan and Associated Supplementary Guidance and the Proposed South Lanarkshire Local Development Plan 2 and that planning consent for the proposal could be granted, subject to conditions.

4.2 The PLRB, therefore, reversed the decision to refuse planning permission for planning application P/18/1478 and granted planning permission for planning application P/18/1478 subject to the undernoted conditions.

4.3 The PLRB was not unanimous in its decision, a motion to uphold the decision taken by the appointed officer, in terms of the Scheme of Delegation, to refuse planning permission for planning application P/18/1478, having been defeated by 5 votes to 2.

5. Accompanying Notice

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

Conditions and reasons

01. That before any work commences on the site, a scheme of landscaping shall be submitted to the Council as Planning Authority for written approval and it shall include:
- (a) an indication of all existing trees and hedgerows plus details of those to be retained and measures for their protection in the course of development;
 - (b) details and specification of all trees, shrubs, grass mix, etc., including, where appropriate, the planting of fruit/apple trees;
 - (c) details of any top-soiling or other treatment to the ground;
 - (d) sections and other necessary details of any mounding, earthworks and hard landscaping;
 - (e) proposals for the initial and future maintenance of the landscaped areas;
 - (f) details of the phasing of these works; and no work shall be undertaken on the site until approval has been given to these details.

Reason: To ensure the appropriate provision of landscaping within the site.

02. That the landscaping scheme required by condition 1 above shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of the building(s) or completion of the development hereby approved, whichever is the sooner, and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.

Reason: In the interests of the visual amenity of the area.

03. That before any development commences on site or before any materials are ordered or brought to the site, details and samples of all materials to be used as external finishes on the development shall be submitted to and approved by the Council as Planning Authority.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

04. That before development starts, full details of the design and location of all fences and walls, including any retaining walls, to be erected on the site shall be submitted to and approved by the Council as Planning Authority.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

05. That before the dwellinghouse hereby approved is to be formed is occupied, the fence or wall for which the permission of the Council as Planning Authority has been obtained under the terms of Condition 4, shall be erected and thereafter maintained to the satisfaction of the Council.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

06. That before development commences a plan detailing the achievable visibility splays at the access shall be submitted for the written approval of the Council as Planning Authority. Thereafter, before the development is completed or brought into

use, everything exceeding 0.9 metres in height above the road channel level/footway level shall be removed and nothing exceeding 0.9 metres in height above the road channel level/footway level shall be planted, placed, erected or allowed to grow within the visibility splays shown on the approved plan.

Reason: In the interests of public safety.

07. That no development shall commence until details of surface water drainage arrangements have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design Criteria and shall include signed appendices as required. The development shall not be occupied until the surface drainage works have been completed in accordance with the details submitted to and approved by the Council as Planning Authority.

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

08. That before the dwellinghouse hereby approved is occupied, a septic tank and soakaway designed and constructed in accordance with the current code of practice BS6297:1983 shall be provided.

Reason: To ensure the timeous provision of a satisfactory sewerage system.

09. That before the development hereby approved is completed or brought into use, a private vehicular access or driveway shall be provided and the first 10 metres of this access from the heel of the footway/service strip shall be hard surfaced across its full width.

Reason: To prevent deleterious material being carried onto the road.

10. That before the dwellinghouse hereby permitted is occupied, 3 car parking spaces and a turning area shall be provided within the curtilage of the plot and outwith the public road or footway and shall thereafter be maintained to the specification of the Council as Planning Authority.

Reason: To ensure the provision of adequate parking facilities within the site.

11. That before the development hereby approved is completed or brought into use, the surface of the access road shall be so trapped and finished in hardstanding as to prevent any surface water or deleterious material from running onto or entering the road.

Reason: In the interests of traffic safety and to prevent deleterious material entering the road.

12. That before any development starts, details to widen the access from the public road to prevent vehicles queuing shall be submitted for the written approval of the Council as Planning Authority. Any works approved through this submission shall be carried out before the development is completed or brought into use.

Reason: In the interests of traffic and public safety.

13. That prior to development commencing, the applicants shall submit a Construction and Traffic Management Plan (TMP). The TMP will identify the construction access point and appropriate cleaning systems within the site to ensure mud and debris are not deposited on the public road. The TMP shall also show how vehicles can access and exit the site in forward gears. In addition, sufficient parking shall be provided within the site boundary to accommodate all site staff/operatives parking requirements. A plan showing the turning area and location and number of spaces for site staff / operatives shall be submitted for approval. No works shall commence on site until these details have been approved in writing by the Council as Planning Authority.

Reason: In the interests of road and public safety.

14. That prior to development commencing, details of the garage (dimensions, materials and siting) shall be submitted for the written approval of the Council as Planning Authority. No work shall start on the construction of the garage until these details are approved by the Council.

Reason: In the interests of road and public safety.

15. That before development starts, full details of bin storage for the dwellinghouse shall be submitted to and approved by the Council as Planning Authority. This must be located in a place acceptable for uplift by the Council.

Reason: To ensure the development is satisfactory in appearance and to control waste.

16. That before the dwellinghouse hereby approved is occupied, the bin storage for which the permission of the Council as Planning Authority has been obtained under the terms of Condition 15, shall be formed and thereafter maintained to the satisfaction of the Council.

Reason: To ensure the development is satisfactory in appearance and to control waste

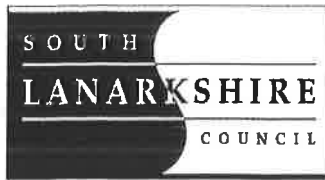
Informatives

1. The applicant is advised that all works carried out on site must be carried out in accordance with BS 5228 Parts 1-4 1997, '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 be deemed justifiable by Officers from this Service. Further details of this may be obtained from South Lanarkshire Council, Environmental Services, Montrose House, Montrose Crescent, Hamilton, ML3 6LB.

2. Prior to demolition the existing structure should be surveyed for the presence of materials containing asbestos. Where such materials exist, removal works and any statutory notifications should comply with current legislation and Health and Safety Executive guidance.

3. 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, Montrose House, Montrose Crescent, Hamilton, ML3 6LB.

4. Although the proposed development area is not on the Council's prioritised list of potentially contaminated land sites, it is recommended that an Action Plan is prepared in advance of works commencing, to guide staff in the event that any contamination is encountered during construction. This Plan will require the Planning Authority to be advised immediately if contamination is suspected.



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.

