



Council Offices, Almada Street
Hamilton, ML3 0AA

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, 25 March 2019

Time: 10:30

Venue: Committee Room 5, Council Offices, Almada Street, Hamilton, ML3 0AA

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

Members are reminded to bring their fully charged tablets to the meeting

Yours sincerely

Lindsay Freeland
Chief Executive

Members

Alistair Fulton (Chair), Isobel Dorman (Depute Chair), Alex Allison, Walter Brogan, Fiona Dryburgh, Mark Horsham, Ann Le Blond, Graham Scott, David Shearer, Jim Wardhaugh

Substitutes

John Bradley, Jackie Burns, Stephanie Callaghan, Margaret Cowie, Maureen Devlin, Martin Lennon, Katy Loudon, Kenny McCreary, Lynne Nailon, Collette Stevenson

BUSINESS

- | | | |
|----------|------------------------------------|--------------|
| 1 | Declaration of Interests | |
| 2 | Minutes of Previous Meeting | 3 - 4 |

Item(s) for Decision

- | | | |
|-----------|--|------------------|
| 3 | Review of Case - Application P/18/0245 for Formation of House Plot (Planning Permission in Principle) at Land 55 Metres North Northwest of 16 St Patrick's Road, Lanark | 5 - 8 |
| | Report dated 5 March 2019 by the Executive Director (Finance and Corporate Resources). (Copy attached) | |
| 3a | Appendix 1 Planning Application Form | 9 - 18 |
| 3b | Appendix 2(a) Report of Handling | 19 - 30 |
| 3c | Appendix 2(b) Consultation Responses | 31 - 42 |
| 3d | Appendix 2(c) Representations | 43 - 48 |
| 3e | Appendix 3 Site Photographs and Location Plan | 49 - 58 |
| 3f | Appendix 4 Planning Decision Notice and Reasons for Refusal | 59 - 66 |
| 3g | Appendix 5 Notice of Review | 67 - 108 |
| 3h | Appendix 6 Further Representations | 109 - 116 |
| 3i | Appendix 7 Applicant's Comments on Further Representations | 117 - 122 |

Urgent Business

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

For further information, please contact:-

Clerk Name: Pauline MacRae
Clerk Telephone: 01698 454108
Clerk Email: pauline.macrae@southlanarkshire.gov.uk

PLANNING LOCAL REVIEW BODY (PLRB)

2

Minutes of meeting held in Committee Room 5, Council Offices, Almada Street, Hamilton on 28 January 2019

Chair:

Councillor Alistair Fulton

Councillors Present:

Councillor Alex Allison (*substitute for Councillor Richard Nelson*), Councillor Walter Brogan, Councillor Stephanie Callaghan (*substitute for Councillor Mark Horsham*), Councillor Isobel Dorman (Depute), Councillor Fiona Dryburgh, Councillor Ann Le Blond, Councillor Graham Scott, Councillor David Shearer, Councillor Jim Wardhaugh

Councillors' Apologies:

Councillor Mark Horsham, Councillor Richard Nelson

Attending:

Community and Enterprise Resources

G McCracken, Planning Adviser to the Planning Local Review Body

Finance and Corporate Resources

P MacRae, Administration Officer; K Moore, Legal Adviser to the Planning Local Review Body

1 Declaration of Interests

No interests were declared.

2 Minutes of Previous Meeting

The minutes of the meeting of the Planning Local Review Body held on 27 August 2018 were submitted for approval as a correct record.

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

Councillor Callaghan entered the meeting following consideration of this item of business

3 Review of Case – Application P/18/1104 for Change of Use of Existing Bank to Form Restaurant, Ancillary Hot Food Takeaway, Entrance Alterations on Ground Floor, Function Room on First Floor and Erection of Flue to Rear at 5 Greenlees Road, Cambuslang

A report dated 8 January 2019 by the Executive Director (Finance and Corporate Resources) was submitted on a request for a review of planning application P/18/1104 by M Jawab for the change of use of an existing bank to form a restaurant, ancillary hot food takeaway, entrance alterations on the ground floor, a function room on the first floor and the erection of a flue to the rear of the property at 5 Greenlees Road, Cambuslang.

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 responses from statutory consultees and representations received
- ♦ site photographs and location plan

- ◆ notice of review, including the applicant's statement of reasons for requiring the review
- ◆ a further submission from an interested party following notification of the request for the review of the case
- ◆ comments from the applicant's agent on the further submission received from the interested party

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

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 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 and associated Supplementary Guidance (SG):-
 - ◆ Policy 4 – development management and place making
 - ◆ Policy 8 – strategic and town centres
 - ◆ Policy DM8 – hot food shops
- ◆ the relevant policies contained in the Proposed South Lanarkshire Local Development Plan 2:-
 - ◆ Policy 5 – development management and place making
 - ◆ Policy 9 – network of centres and retailing
 - ◆ Policy DM9 – hot food shops

Following its review of the information, the PLRB concluded that the proposal did not satisfy the terms of the relevant Development Plan policies and that there were no material considerations that warranted granting planning permission for planning application P/18/1104 contrary to the relevant policies.

The PLRB decided:

that the decision taken by officers, in terms of the Scheme of Delegation, to refuse planning permission for planning application P/18/1104 by M Jawab for the change of use of an existing bank to form a restaurant, ancillary hot food takeaway, entrance alterations on the ground floor, a function room on the first floor and the erection of a flue to the rear of the property at 5 Greenlees Road, Cambuslang be upheld.

4 Urgent Business

There were no items of urgent business.

Report

3

Report to:	Planning Local Review Body
Date of Meeting:	25 March 2019
Report by:	Executive Director (Finance and Corporate Resources)

Subject:	Review of Case – Application P/18/0245 for Formation of House Plot (Planning Permission in Principle)
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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 decision taken by officers, in terms of the Scheme of Delegation, on the following application:-

1.2. *Summary Application Information*

Application Type:	Planning Permission in Principle
Applicant:	J Ward
Proposal:	Formation of House Plot
Location:	Land 55 Metres Nnw of 16 St Patrick's Road, Lanark ML11 9EH
Council Area/Ward:	02 Clydesdale North

1.3. *Reason for Requesting Review*

<input checked="" type="checkbox"/> Refusal of Application	<input type="checkbox"/> Conditions imposed	<input 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 whether the decision taken in respect of the application under review should be upheld, reversed or varied
- (b) in the event that the decision is reversed or varied, the reasons and the 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 5)**
- 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 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 review of the decision taken by officers:-
- ◆ Planning Application Form **(Appendix 1)**
 - ◆ Report of Handling by the Planning Officer under the Scheme of Delegation **(Appendix 2(a))**
 - ◆ Copies of submissions from statutory consultees **(Appendix 2(b))**
 - ◆ Copies of representations **(Appendix 2(c))**
 - ◆ Site photographs and location plan **(Appendix 3)**
 - ◆ Decision notice **(Appendix 4)**
 - ◆ Notice of Review including statement of reasons for requiring the review **(Appendix 5)**

5.3. Copies of the relevant drawings are available for inspection within Administration Services prior to the meeting and will be available for reference at the meeting of the Planning Local Review Body.

6. Notice of Review Consultation Process

6.1. 4 further submissions, including a Statement of Observations from the Planning Officer on the Applicant's Notice of Review, were received in the course of the 14 day period from the date on which notification of the request for a review of the case was given. These are listed at and attached as **Appendix 6**.

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 7**.

Paul Manning

Executive Director (Finance and Corporate Resources)

5 March 2019

Link(s) to Council Values/Ambitions/Objectives

- ◆ Work with communities and partners to promote high quality, thriving and sustainable communities
- ◆ Accountable, effective, efficient and transparent

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:-

Pauline MacRae, Administration Officer

Ext: 4108 (Tel: 01698 454108)

E-mail: pauline.macrae@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

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 100087256-001

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)

Proposed new residential house plot on gap site between Limewood - 16 St Partick's Road and Clydeholm - 18 St Patrick's Road, Lanark.

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:	929 DESIGN LTD		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Stuart	Building Name:	
Last Name: *	Veitch	Building Number:	22
Telephone Number: *		Address 1 (Street): *	Greenlady Walk
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Lanark
Fax Number:		Country: *	South Lanarkshire
		Postcode: *	ML11 7EP
Email Address: *			

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Jim	Building Number:	4
Last Name: *	Ward	Address 1 (Street): *	St Patrick's Court
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Lanark
Extension Number:		Country: *	South Lanarkshire
Mobile Number:		Postcode: *	ML11 9ES
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

Northing

643668

Easting

287455

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☒ Yes ☐ No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

☐ Meeting ☐ Telephone ☐ Letter ☒ Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

general enquire and e-mail correspondence in respect to the proposed project.

Title:

Ms

Other title:

First Name:

Lynda

Last Name:

Dickson

Correspondence Reference Number:

Date (dd/mm/yyyy):

31/10/2017

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

3960.00

Please state the measurement type used:

☐

Heclares (ha)

☒

Square Metres (sq.m)

Existing Use

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

vacant field

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.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? *

☐

Yes

☒

No

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.

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

☒

Yes

☐

No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *

☒

Yes – connecting to public drainage network

☐

No – proposing to make private drainage arrangements

☐

Not Applicable – only arrangements for water supply required

Do your proposals make provision for sustainable drainage of surface water?? *
(e.g. SUDS arrangements) *

☒

Yes

☐

No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

☒

Yes

☐

No, using a private water supply

☐

No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

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

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Stuart Veitch

On behalf of: Mr Jim Ward

Date: 12/03/2018

☒ 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. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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 Stuart Veitch

Declaration Date: 12/03/2018

Payment Details

Cheque: 929 DESIGN LTD, 000269

Created: 12/03/2018 20:37

Appendix 2(a)

3b

Report of Handling

Report dated 17 October 2018 by the Council's Authorised Officer under the Scheme of Delegation

	Delegated Report	Reference no.	P/18/0245
		Date	17/10/2018

Planning proposal: Formation of house plot (planning permission in principle)

Location: Land 55M Nnw Of 16 St Patricks Road
St Patricks Road
Lanark
South Lanarkshire

Application Type : Permission in principle

Applicant : Mr Jim Ward

Location : Land 55M Nnw Of 16 St Patricks Road
St Patricks Road
Lanark
South Lanarkshire

Decision: Application refused

Report by: Area Manager (Planning & Building Standards)

Policy reference:

South Lanarkshire Local Development Plan:

Policy 3 - Green belt and rural area

Policy 4 – Development Management and Placemaking

Policy 15 - Natural and Historic Environment

Supplementary Guidance 9: Natural and Historic Environment Policy NHE16 Landscape

Supplementary Guidance 2: Green Belt and Rural Area Policy GBRA5 Development of Gap Sites

Proposed South Lanarkshire Local Development Plan 2:

Policy 4 Green Belt and Rural Area

Policy NHE16 Landscape

Policy GBRA1 Rural Design and Development

Policy GBRA8 Development of Gap Sites

Assessment

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

Consultations

Summary of response

Roads Development Management Team
Advise that access to the site will require a 6 metre wide dropped kerb crossing. The gradient on this access can not exceed 8%. The submitted plans show that visibility splays of 2.5m x 35m to the north-west and 2.5m x 24m to the south-east are achievable, and due to the narrow road width and reduced vehicle speeds, these splays area acceptable. A Traffic Management Plan should be provided by the applicant to confirm how construction on the site would be managed in relation to the characteristics, and lack of passing places, along St Patricks Road.

Noted. Suitable conditions could be attached to any consent issued.

Roads and Transportation Flooding advise that a Flood Risk Assessment should be submitted which considers any possible impact and the mitigation measures required in relation to the gradients of the site and surrounding land, the proposed earthworks, the presence of an historic well as well as the proximity of Scottish water apparatus.

Noted. A condition will be attached to any planning consent issued, requiring the submission of a Flood Risk Assessment as part of any future detailed planning applications.

WOSAS advise that no substantive archaeological issues are raised by the application as it avoids the site of the well and spring.

Noted.

Scottish Water have no objection to the proposal, but the development proposal impacts on existing Scottish water assets which may place restrictions on the proximity of any construction.

Noted.

Representation(s):

▶	3	Objection letters
▶	0	Support letters
▶	0	Comment letters

Planning Application Delegated Report

1 Application Summary

- 1.1 The application site is located towards the end of St. Patricks Road, Lanark which is a “no-through” road, and just outside the town’s south-west settlement boundary. It is an undefined portion of a field which lies between two bungalows (No.16, Limewood and No.18, Clydesholm), with a difference of 15 metres from the front of the site up to the rear boundary. On the opposite side of the public road from the application site are the grounds associated with the property, St Patricks Cottage. This dwelling is not immediately apparent from the public road due to topography and mature vegetation. St Patricks Road is characterised by the narrow, single width road, bound on both sides by mature hedges or walls which follows the natural curve of the hillside. On the higher side of the road the ground rises steeply north-eastwards up to the Lanark settlement edge. The lower side of the road falls westward down to the River Clyde, again screened by mature vegetation. The application site sits within the New Lanark World Heritage Site Buffer Zone, is in a Special Landscape Area and St Patrick’s Road forms part of the Clyde walkway. The applicant also owns the remaining portion of the field immediately to the rear of the application site plus the ground that spreads southward along the shoulder of the slope, all of which border the Lanark’s settlement boundary.
- 1.3 Planning permission is sought for the formation of a single house plot of approximately 4000 square metres. Due to the aforementioned site topography it is anticipated that any dwelling erected on the site would be split-level, and due to the existence of a natural spring towards the front of the application site, it would have to be positioned higher up the slope towards the rear boundary. An existing field access would be upgrade and re-aligned to provide vehicular access approximately 20 metres into the site, from where pedestrian access would continue up to the dwelling itself. The existing ground levels would have to be re-engineered and retaining walls would be necessary to form a level development platform to provide an access compliant with current Building Regulations and also the requisite private amenity space. It is noted that in the vicinity of the proposed access, excavated soil spoil from another development site has been deposited parallel with the common boundary with number 16, Limewood.

2 Representation(s)

- 2.1 Following statutory neighbour notification and advertisement of the proposal for non-notification of neighbours, 3 letters of representation have been received, and are summarised as follows:
- 2.2 **a) St Patricks Road is narrow and without a pavement. It is well used by walkers as it forms part of the Clyde Walkway, so additional traffic would increase the risks to users as there is barely enough space for cars to pass pedestrians.**
Response: Roads and Transportation Services have not objected to the proposal.
- b) The historic St Patricks Well is a spring which collects water over a wide area particularly the field in which the application site lies, and is at the front of the application site. As part of the processing of a planning application further along St Patricks Road, West of Scotland Archaeology Service advised that ground disturbance in the vicinity of St Patricks Well should be avoided. If this application were to be approved there would undoubtedly be ground engineering works close to the Well and affecting the flow of water. The location of Scottish Water’s infrastructure as shown on the application plans is at variance from the details shown on Scottish Waters consultation response. Using the latter’s data, they are at the same location as the proposed house.**

Response: West of Scotland Archaeology Service (WoSAS) advised that the development area avoids the site of the well and that the spring is shown as being maintained as part of the garden ground. As the application is for planning permission in principle, the positioning, size and style of house shown on the plans is only illustrative. Such matters would be addressed as part of detailed planning applications if applicable.

c) There is no justification for placing the house at the same height as the new house which was granted planning consent the other side of number 16, Limewood (planning ref CL/17/0044). St Patricks Road has a natural gradient falling as it progresses northwards towards the Clyde, and placing the house in the proposed position would make it too high for its environs. It would dominate and disrupt the landscape. Council policy is that any development should seek to enhance the environmental quality of the area and protect the New Lanark World Heritage Site Buffer Zone. Erecting another house here would have the opposite effect.

Response: Noted. The siting of the house as shown in the submitted plans is for illustrative purposes only as planning consent is sought for the formation of a house plot.

3 Assessment and Conclusions

- 3.1 The applicant seeks planning permission for the formation of a single residential plot fronting onto St Patricks Road just to the north-west of number 16, Limewood. Access would be taken at the point where there is currently a field access, and the ground across the majority of the application site re-engineered to provide a driveway with suitable gradient and a level platform upon which a house could be constructed. The determining issues in the assessment of this proposal are compliance with government advice and adopted local plan policies, and in particular the ability of the site to be safely accessed together with impact upon both amenity and the character of the area, including the New Lanark World Heritage Site.
- 3.2 The adopted South Lanarkshire Local Development Plan identifies the application site as being within the rural area, outwith the Lanark settlement boundary. Policy 3 – Green Belt and Rural Area applies and this advises that development which does not require to be located in the countryside will be expected to be accommodated within settlements. However, where the proposal is for limited development within clearly identifiable infill or gap sites it will be considered and assessed against other relevant policies in the development plan. Specific guidance on development within gap sites is contained within Policy GBRA5, with a number of criteria listed that should all be satisfied for development proposals to be favourably considered. As the Council expects the design and layout of new developments to create buildings and spaces which respect their surroundings and contribute positively towards the existing character of the area, Policy 4 – Development Management and Place Making is also applicable, as is Policy 15 – Natural and Historic Environment due to the site's location within the setting of the World Heritage Site and the Special Landscape Area. This advises that those developments which would affect the natural or historic environment will only be permitted where there is no significant or adverse impact on the protected resource.
- 3.3 With respect to Policy 3 – Green Belt and Rural Area the application site meets the basic definition of a gap site in that it is bounded on both sides (Limewood to the south-east and Clydesholm Braes to the north-west) by properties, fronted by a road and could accommodate a dwelling of a similar footprint to those in the vicinity. However it is noted that due to build zone constraints posed by Scottish Water infrastructure and St Patricks Well, the curtilage of the proposed plot is larger and extends further up the hill than the garden ground associated with properties to the south-east, numbers 14 and 16 St Patricks Road. As Policy 3 further advises, development proposals must also accord with

other relevant policies, specifically for this proposal Policy GBRA 5 – Development of Gap Sites - which list the following criteria to be met:-

- The building group should form a clearly identifiable nucleus with strong visual cohesion – *as described above, this part of St Patricks Road lies outwith the settlement boundary and is characterised by detached properties set within mature gardens, each separated by fields which contain many small trees or saplings. These provide screening and emphasise the rural character of the area and the individuality and setting of the existing properties. It is considered that there is not a building group but rather a number of individual properties.*
- The distance between the buildings should be no more than needed to allow the formation of a maximum of two plots of a size in keeping with the curtilage and frontage of the existing group – *as noted above the proposed plot would extend further than the rear garden boundaries of existing properties to the south-east.*
- An extension to a building group will not normally be acceptable where it could result in ribbon development – development of the application site would not contribute to ribbon development along the northern side of St Patricks Road.
- New housing should be well related in scale and siting to the existing adjoining development, reflect local distinctiveness and respect the existing built form, the landform and the local landscape character - *the existing dwellinghouses immediately adjacent to the application site, Clydesholm Braes and Limewood are traditional designed cottages set approximately 10 metres back from the road. Their front boundaries are defined by hedging and the steep front gardens visually emphasise the houses elevated positions close to the road. Due to site constraints the applicant has advised that any house to be constructed on the application site would have to be well back into the site, and higher up the slope. It would not be possible to replicate the siting of the existing dwellings.*
- The location, siting and design of new houses should meet existing rural design guidance. The design, appearance and the materials of the proposed house should be complementary to the character of the existing built frontage – *the application is for the formation of a house plot, and as such design and materials do not form part of this application assessment.*
- Provision must be made for a private amenity space comparable to adjacent properties in the built up frontage - *the application is for the formation of a house plot only, and it is unclear what amount of usable, and private amenity space would be available after the re-configuration of the gradients. It would appear however that the majority of it will be positioned in front of any new dwellinghouse.*
- The house size to plot ration should be comparable to adjoining properties – *the rear boundary of the application site extends beyond the garden ground of properties to the south-east, and this may result in a house to plot ratio different to the adjoining properties.*
- The landscape character of the area must not be compromised by the development and proposals should have regard to the landscape backdrop, topographical features and levels. Trees, woodland and boundary features such as hedgerows should be retained - *some trees would be lost as a result of the ground engineering works, and the hedgerow onto St Patricks Road would have to be removed or cut back to achieve the necessary visibility splays. The landscape character is formed by the steeply sloping ground which rises to the east, and the mature hedgerows and trees growing up the hillside. These give the backdrop against which the existing dwellings are viewed, especially from across the other side of the valley in the Kirkfieldbank area. Positioning a house on the upper portions of the application site would result in a siting that visually dominates the neighbouring dwellings, and this visual impact on the wider landscape would be exacerbated by its failure to follow the historic development pattern which mirrors the undulations of St Patricks Road. The front edge of the application site sits in a dip in the road. This is illustrated in the streetscape (drawing number P-004) submitted as part of the application.*

- Proposals should have no adverse impact in terms of road safety – *amended plans were submitted in relation to the site access, which demonstrate that the appropriate visibility splays can be achieved. Roads and Transportation Services have no objection to the proposal subject to the inclusion of conditions to any consent granted.*
- Proposals should have no adverse impact on biodiversity and protected species or features which make a significant contribution to the cultural or historic landscape value of the area - *WoSAS are satisfied that the proposal will not impinge on the historic St Patricks Well, and the integrity of the New Lanark World Heritage Site will not be affected.*

- 3.4 It is considered that the proposal does not meet all the criteria of Policy GBRA 5 – Development of Gap Sites, and the site is therefore not suitable for the formation of a house plot. Within the emerging South Lanarkshire Local Development Plan 2, there are no significant amendments to the advice on gap sites, and as such the proposal is also contrary to Policy GBRA8.
- 3.5 In relation to the development's impact on the local context, Policy 4 states that development proposals should not have significant adverse impacts on, and should include measures to enhance the environment. As noted in paragraph 3.4 above the siting of a dwelling on the higher parts of the application site would certainly impact on the local streetscape and landscape character. While landscape planting could provide a degree of mitigation, the topography and other site constraints would mean that the ground engineering works to form a development platform for any future house would have a notable impact on the locality of St Patricks Road, contrary to Policy 4.
- 3.6 Views into the application site are primarily from the Kirkfieldbank area to the west and north-west, while bends in the valley of the Clyde and distance mean that there would be no effect on the New Lanark World Heritage Site's outstanding universal value. The formation of a plot would therefore be acceptable in the context of Policy 15 - Natural and Historic Environment.
- 3.7 Policy NHE16 – Landscape states that proposals within Special Landscape Areas will only be permitted if they satisfy the requirements of Policy 3, and can be accommodated without significantly and adversely affecting the pattern, scale and design of development within the landscape. Due cognisance must be taken of the tree and hedge patterns and other features particularly where they define/create a positive settlement/urban edge, as well as the historical properties of the area and its sensitivity to change. Skyline and hill features including key views are important elements in a landscape's character. Having assessed the landscape and the local views into the application site, the formation of a house plot would adversely affect the local landscape context and the rural character of St Patricks Road, contrary to Policy NHE16.
- 3.8 On 29 May 2018 the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan. The relevant Policies are 4, NHE16, GBRA1, and GBRA8.
- 3.9 Objections have been received from a number of local residents who are concerned about the principle of the development on the site, the impact on the character and landscape of the area, and on heritage and cultural assets of the area as well as road safety. There are no objections from statutory consultees.

- 3.10 All matters have been assessed and it is considered that the proposal is contrary to policies within the adopted local development plan. It is therefore recommended that planning consent be refused.

4 Reason for decision

- 4.1 The proposed house plot would not be comparable with those nearby in terms of size and road frontage, and it would be unable to be developed with a dwelling position which reflected adjoining properties, contrary to Policies 3 and GBRA5 of the adopted South Lanarkshire Local Development Plan and its associated supplementary guidance. The proposal is also considered not to comply with Policies 4 and NHE16 in that it would adversely affect the landscape character and rural nature of the area.

Delegating officer: Lynda Dickson

Date: 26/10/18

Previous references

- ◆ None

List of background papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated

- ▶ Consultations
 - Roads Development Management Team 10.08.2018
 - Roads and Transportation Flooding 16.10.2018

 - WOSAS 24.05.2018
 - Scottish Water 18.05.2018
 - Roads Flood Risk Management

- ▶ Representations
 - Steven And Valerie Laing, Clydesholm Braes, 18 St Patricks Road, Lanark, South Lanarkshire, ML11 9EH Dated: 07.06.2018

 - Chris Whitehead, Limewood, 16 St Patricks Road, Lanark, South Lanarkshire, ML11 9EH Dated: 06.06.2018

 - Jean Sanders, Via E-mail, Dated: 06.06.2018

Contact for further information

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

Ailsa Shearer, Planning officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455273

Email: ailsa.shearer@southlanarkshire.gov.uk

Reasons for refusal

01. The proposed development on the site would be contrary to Policy 3: Green Belt and Rural Area of the South Lanarkshire Local Development Plan and the associated Green Belt and Rural Area Supplementary Guidance, as it would constitute an unacceptable form of development in the countryside in that it does not involve an identifiable infill or gap site, and would not involve the consolidation of an existing building group.
02. The proposal is contrary to Policies GBRA5 of the South Lanarkshire Local Development Plan in that the application site does not constitute a gap site that would be in keeping with the siting, frontage and curtilage of dwellinghouses in the immediate vicinity. In addition the site's topography and other characteristics would result in a development which would adversely impact on the rural character of the area.
03. The proposal is contrary to Policies 4 and NHE16 of the South Lanarkshire Local Development Plan in that the proposal, if approved, would adversely impact on the landscape character of the area.

Reason(s) for decision

Informatives

01. This decision relates to drawing numbers:

Reference	Version No:	Plan Status
E-002		Refused
E-001		Refused
P-004		Refused
P-003	rev B	Refused
P-002	rev B	Refused

Appendix 2(b)

3c

Consultation Responses

- ◆ Response from Roads and Transportation Services
- ◆ Response from Roads Flood Risk Management Team
- ◆ Response from Scottish Water
- ◆ Response from West of Scotland Archaeology Service

**SOUTH LANARKSHIRE COUNCIL
ROADS AND TRANSPORTATION SERVICES
OBSERVATIONS ON PLANNING APPLICATION**

Planning Application No: P/18/0245	Dated: 10/05/18	Received: 04/07/18
Applicant: Mr Jim Ward		Contact: Craig Lattimer
Proposed : Formation of house plot (planning permission in principle)		Ext: 5288
Location: Land 55M Nnw Of 16 St Patricks Road St Patricks Road Lanark South Lanarkshire		Planner: Ailsa Shearer
Type of Consent: Full	No of drg(s) submitted: 6	

Proposals Acceptable?	Y or N	Item ref	Comments
1. EXISTING ROADS			
(a) General Impact of Development	Y	1	This application is for the formation of a house plot near to 16 St Patricks Road, Lanark which is a 3m wide public road and at this point is within a 30mph speed limit.
(b) Type of Connection(s) (road junction/footway crossing)		1(b)	Access should be taken at 90 degree angle to St Patricks Road. Angle of entry shown would make access and egress from site difficult.
(c) Location(s) of Connection(s)			Minimum radius into driveway access should be 4.5m.
(d) Sightlines ()			Driveway access gradient to the site should not exceed 8%
(e) Pedestrian Provision			1(d) Visibility splays of 2.5m x 35m should be provided and maintained in both directions. No fencing, vegetation, shrubs, trees, etc. above the height of 900mm to be located within the sightlines. These should be shown on a plan.
2. NEW ROADS			
(a) Width(s) ()		3	Parking to be provided as per the National Roads Development Guide.
(b) Layout (horizontal/vertical alignment)			2 or 3 Bedrooms, 2 No spaces. 4 or more bedrooms, 3 No spaces.
(c) Junction Details (locations/radii/sightlines)			Under the National Roads Development Guide, a single garage can be counted towards a parking space allocation providing the minimum internal dimensions are equal to or greater than 7.0m x 3.0m
(d) Turning Facilities (circles/hammerheads)			A Traffic Management Plan should be provided by the applicant to confirm how the details of the construction of the plot.
(e) Pedestrian Provision			This service would defer decision on the application until the above information has been provided and approved.
(f) Provision for PU Services			
3. SERVICING & CAR PARKING			
(a) Servicing Arrangements/Driveways			
(b) Car Parking Provision ()			
(C) Layout of Parking Bays/Garages			
4. RECOMMENDATION			
(a) No Objections			
(b) No Objections Subject to Conditions			
(c) Refuse			
(d) Defer Decision	Y		
(e) SOID to advise			

THE APPLICANT MUST BE ADVISED OF THE FOLLOWING: -

(i) Construction Consent (S21)*	Not Required
(ii) Road Bond (S17)*	Not Required
(iii) Road Opening Permit (S56)*	Not Required
(iv) Dropped Kerb (S56)*	Not Required

* Relevant Section of the Roads (Scotland) Act 1984

Signed: _____
Engineering Manager

Date: _____

**SOUTH LANARKSHIRE COUNCIL
ROADS AND TRANSPORTATION SERVICES**

**OBSERVATIONS ON PLANNING APPLICATION
CONTINUATION SHEET**

Planning Application No:---/--/----

Dated:

Contact:

Item Ref	Comments
	<p>Note - A drainage system capable of preventing any water from flowing onto the public road or into the site from the public road or surrounding land to be provided and maintained at the applicant's expense (Condition 07.31)</p> <p>Note - Developer is responsible for any alterations required to statutory undertaker's apparatus. (Standard condition 07.34)</p> <p>Note - The applicant should be made aware that any alteration or connection to the Public Road will be subject to the necessary permissions (Section 56) from the Roads Authority. (N.S.C.)</p> <p>Note - Any detritus material carried from the site on to the public road network to be cleared by the applicant on a daily basis.</p>



Community and Enterprise Resources
Executive Director **Michael McGlynn**
Roads and Transportation Services – Transportation Engineering

Memo

To:	Area Manager Planning and Building Standards (Clydesdale) (f.a.o. Ailsa Shearer)	Our ref:	TEM/39/49/CL
		Your ref:	P/18/0245
cc:	Area Manager – Roads (Clydesdale)	If calling ask for:	David Beaton
		Phone:	01698 453687
From:	David Molloy Flood Risk Management	Date:	16/10/2018

Subject: P/18/0245 – Land 55m NNW of 16 St Patricks Road Lanark

I refer to your planning application consultation and I recommend the applicant complies with appendix No3 of the Council's drainage design guidance.

A flood risk assessment should consider the drainage related possible impact and mitigation measures required in relation to the proposed earthworks, steep gradient of the site and surrounding land, presence of a historic well and the proximity of Scottish Water apparatus which are involved in this project.

1. Flood Risk

In order to ensure the risk of flooding to the application site from any source is at an acceptable level as defined in the Scottish Planning Policy and there is no increase in the future flood risk to adjacent land as a result of the proposed development, a Flood Risk/Drainage Assessment is to be carried out in accordance with the latest industry guidance listed within Section 4.0 of the Council's *SuDS Design Criteria Guidance Note*. Copies of the self-certification contained within Appendix 3 (Refer to the Council's *SuDS Design Criteria Guidance Note*) duly signed by the relevant parties is to be submitted.

2. Professional Indemnity Insurance

The applicant should be made aware at this juncture of the need to have the appropriate appendices (1 to 5 where appropriate) "Signed Off" by the relevant parties with these parties providing a copy of their Professional Indemnity Insurance for our records.

Montrose House, 154 Montrose Crescent, Hamilton ML3 6LB
Email: enterprise.hq@southlanarkshire.gov.uk



**Healthy
Working
Lives**

3. Scottish Environment Protection Agency (SEPA)

It is the Applicant's responsibility to ensure compliance with all aspects of the General Binding Rules of the Water Environment (Controlled Activity Regulations) (Scotland) 2011.

If the Applicant is in any doubt, they should contact:-

SEPA ASB,
Angus Smith Building,
6 Parklands Avenue,
Eurocentral,
Holytown,
North Lanarkshire,
ML1 4WQ

(f.a.o. Brian Fotheringham)

(Tel. 01698 839000)

Note: The Council as Flood Authority deem that by signing appendix No3 of the Council's design criteria, the signatory party will have taken cognizance of the above regulatory requirements.

4. Scottish Water

Should discharge from the sustainable drainage system be to the Scottish Water system, then a copy of the letter from Scottish Water, confirming approval to connect to their system, is required to be submitted to this office for our records.

A copy of the Council's *SuDS Design Criteria Guidance Note* and associated *Design Submission Check List* have been attached to assist the applicant with the above conditions and should be forwarded to the applicant for their information.

I trust this is acceptable to you however should you wish to discuss this matter further, please contact David Beaton on 01698 453687.

16th May 2018

South Lanarkshire Council
Council Offices Almada Street
Hamilton
ML3 0AA



Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps
Glasgow
G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk

Dear Local Planner

ML11 Lanark 16 St Patricks Rd Land To NW Of
PLANNING APPLICATION NUMBER: P/18/0245
OUR REFERENCE: 761085
PROPOSAL: Formation of house plot (planning permission in principle)

Please quote our reference in all future correspondence

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

Water

- There is currently sufficient capacity in the Coulter Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Foul

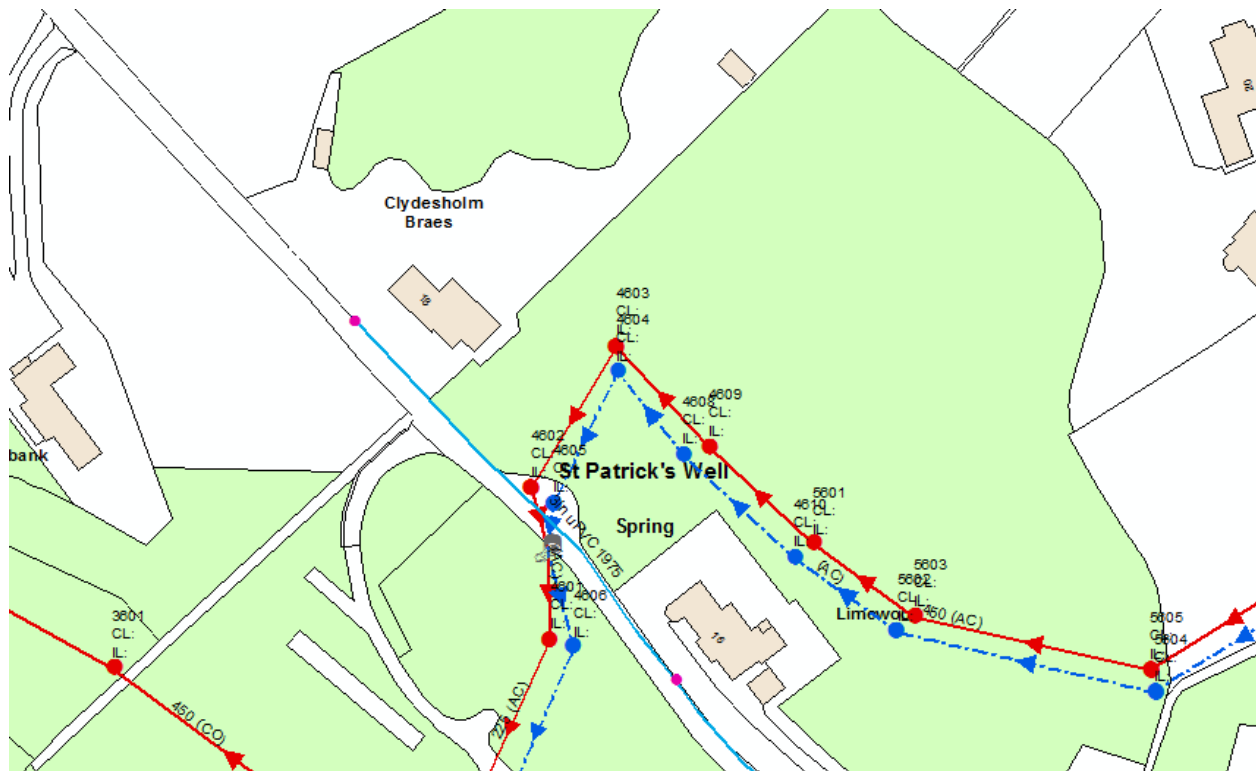
- There is currently sufficient capacity in the Lanark Waste Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.
-

The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Infrastructure within boundary

According to our records, the development proposals impact on existing Scottish Water assets.

There is infrastructure within the development area, please see the below snapshot



I can confirm that I have made our Asset Impact Team aware of this proposed development however the applicant will be required to contact them directly at service.relocation@scottishwater.co.uk.

The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not normally accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

- **Scottish Water asset plans can be obtained from our appointed asset plan providers:**

Site Investigation Services (UK) Ltd

Tel: 0333 123 1223

Email: sw@sisplan.co.uk

www.sisplan.co.uk

- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.
- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- **Please find all of our application forms on our website at the following link <https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>**

Next Steps:

- **Single Property/Less than 10 dwellings**

For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a Pre-Development Enquiry Form to be submitted (for example

rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

- **10 or more domestic dwellings:**

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

- **Non Domestic/Commercial Property:**

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

- **Trade Effluent Discharge from Non Dom Property:**

Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found using the following link <https://www.scottishwater.co.uk/business/our-services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h>

Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.

For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best

management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

If the applicant requires any further assistance or information, please contact our Development Operations Central Support Team on 0800 389 0379 or at planningconsultations@scottishwater.co.uk.

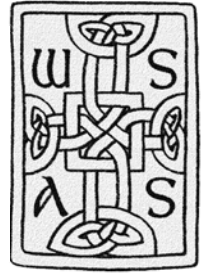
Yours sincerely

Robert Lamont

Development Operations Technical Analyst
Robert.Lamont@scottishwater.co.uk

Our ref: 7/3/11/18/00245
Your ref: P/18/0245
WoSASdoc: 18_00245
Date: 24 May 2018
Contact: Paul Robins
Direct dial: 0141 287 8335

WEST of SCOTLAND ARCHAEOLOGY SERVICE



Planning and Building Control Services
South Lanarkshire Council
Council Offices
South Vennel
Lanark
ML11 7JT

231 George Street, Glasgow G1 1RX
Tel: 0141 287 8330
Fax: 0141 287 9529
enquiries@wosas.glasgow.gov.uk

Dear Sir/Madam,

Archaeological Consultation on Planning Applications: No Archaeological Issue Raised

No substantive archaeological issue is raised by the undernoted planning application sent recently to the West of Scotland Archaeology Service for comment:

P/18/0245 Formation of house plot (planning permission in principle), Land To North-west Of 16 St Patricks Road Lanark ML11 9EH

(This application area avoids the site of the well and the spring is to be maintained and protected within the garden ground. No substantive additional setting issue is raised for New Lanark WHS)

Thank you.

Yours faithfully

West of Scotland Archaeology Service

Appendix 2(c)

3d

Representations

Representation From	Dated
♦ Jean Sanders, by email	02/06/18
♦ Chris Whitehead, by email	03/06/18
♦ Mr and Mrs Laing, Clydesholms Braes, St Patricks Road, Lanark ML11 9EH	04/06/18

Howe, Lorraine

From: Jean Sanders [REDACTED]
Sent: 02 June 2018 15:53
To: Planning
Subject: Application P/18/0245. House plot, St Patricks Road, Lanark, ML11 9EH

I wish to object to Planning Application P/18/0245 on the following grounds:

1) Lanark Settlement Boundary

The site is outside the Lanark settlement boundary in the Adopted Lanark Plan (2015). Council policy is that any development should seek to enhance the environmental quality of the area.

The site at present is a pleasant field overlooking St Patricks Road, a very popular walking area for local people and, as part of the Clyde Walkway, also for walkers from further afield.

A house - particularly if of the style and size of that permitted on the nearby site C/17/0044 - would damage the rural nature of the area and be in stark contrast to the adjoining older houses.

2) New Lanark Buffer Zone

Council policy here is that the area "be protected and enhanced".

The change from attractive countryside to housing site would have the opposite effect.

3) Designed Landscape zone on the south side of St Patricks Road.

The application site is separated from this designated area only by the width of St Patricks Road.

Wildlife freely traverse the road. The landscape of the Clyde Valley should be viewed as a whole. A narrow strip of valley side is inadequate to preserve the landscape quality of the area. Both sides of the road should be protected from building development.

4) Road Safety

St Patricks Road is narrow and well used by walkers. There is no pavement. Additional traffic would be a danger to road users, especially walkers.

5) St Patricks Well

South of Scotland Archaeology Service in a letter to South Lanarkshire Council dated 8 May 2015 concerning CL/15/0159, stated that transporting large volumes of earth past the well would cause ground disturbance in the vicinity of St Patricks Well. The letter stated that this option should be avoided. However, this has already happened. Despite no approval having been given for this action, which was outside the designated curtilage of CL/15/0159, the removal of soil to the area above the well has already taken place. Have the West of Scotland Archaeology Service been consulted.? If the development is allowed to proceed there will doubtless be further disruption to this ground.

St Patricks Well is an historic feature of Lanark, one of the few remaining medieval wells of Lanark. It is a spring which collects water from a wide area most immediately in the field now the subject of this planning application. The water is substantial in flow, runs throughout the year and with very clear water quality. If the development is permitted I request that a method statement be put in place, and its implementation strictly monitored, to ensure the protection of the spring head and the water supply.

I request that these views be taken into consideration when determining this application.

Jean Sanders

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Howe, Lorraine

From: Chris Whitehead [REDACTED]
Sent: 03 June 2018 22:01
To: Planning
Subject: Planning Application P/18/0245 - St Patricks Road, Lanark ML11 9EH

Dear Sir or Madam,

I wish to voice my objections to Planning Application P/18/0245 on the following grounds.

I understand at this stage that the landowner has made an application for outline planning consent for the identified plot. The following items I believe have effect on the decision to grant such permission or to impose strict conditions upon which consent be given.

1 – The drawing submitted and titled “Cross Section aa and bb” indicates a property height which is not consistent with the neighbouring properties. Consent should only be given conditional that the roof height of any subsequent development should be in line with the neighbouring properties thereby dictating that the roof height should be set no higher than halfway between the height of the property neighbouring NW (Clydesdale Braes) and the property neighbouring SE (Limewood). I note the drawings state that the roof height will be no higher than the proposed dwelling on the land between Limewood and Rubislaw however this is an inappropriate reference point given the natural slope of the hillside.

2 – The drawing submitted and titled “Proposed site plan” shows a development footprint where the property would be positioned to the rear of the plot and set well back behind the line of existing properties (and as noted in point 1, at a greater height) which would impact on the privacy of the existing properties. In particular the proposed property would overlook the rear of Limewood with an outlook onto the rear of the property including bedrooms. Such privacy issues would also extend to the living rooms and garden, all of which would be forward of and lower than the proposed building. The outline development footprint should therefore be granted only on condition that the indicated position for development is closer to the front of the plot in line with the properties on either side. One reason for the proposed building location may be the existing waste water and sewerage pipes however this should not override the need for appropriate location and if necessary the said pipes should be relocated to accommodate building at an acceptable location.

3 – There is an existing development plot (CL/17/0044) currently with no development work active which had been left in an unsightly condition following a lengthy build project to establish a new driveway originally indicated to be a 6 to 8 week build project that has to date taken close to nine months. The works do not comply fully with the approved plan drawings and are still incomplete with no confirmed completion date. The excess earth removed from this site has been deposited in the plot under this planning application. This soil is positioned at the site boundary and presents an unsightly drainage, dust/dirt issue to our neighbouring property. Any consent for planning should be given conditional that the site isn't used as a waste storage location and that the deposited earth be removed in order to return the site to its original natural condition - Please note that the deposit of excess soil is contrary to the development conditions granted for the site between Limewood and Rubislaw (CL/15/159) which require that excess soil be removed from the site appropriately.

4 – The planning permission for any building should be consistent with previous consents such as that for C/17/0044 in that the dwelling should be a single story building. I note the example building in the drawings suggest it will be a split 2 story building.

5 – The proposed site entrance is part of an existing layby/passing place. The addition of a driveway entrance at this position will reduce the usable space for stopping/passing and increase the difficulties for passing traffic. Furthermore, St Patricks Road is a narrow lane with no footpaths well used by walkers and cyclists. Additional traffic will be a danger to road users

6 – The proposed site entrance shows an entrance positioned at an acute angle to the traffic approaching the site along St Patricks Road. This will mean a sharp turn on entry to the property but also a restricted sightline for traffic exiting the site. This will increase the likelihood of road traffic accidents with vehicles as well as horse riders and cyclists who often travel at speed down the lane.

7 – Council policy towards the New Lanark Buffer zone is that the area should be protected. The area is currently an attractive wild grass and tree filled area frequented by wildlife. A change of use to a building plot would have the reverse effect to this policy.

8 – The proposed site sits outside the Lanark settlement boundary in the Adopted Lanark Plan (2015). Council policy dictates that development should seek to enhance the environmental quality of the area. The proposed development would be contrary to this statement. There is a designated landscape zone on the south side of the lane. This zone encourages a wide variety of wildlife including deer that traverse St Patricks Road and use the land under this application as an area for grazing and for habitat. The land also serves as access through to the woodland to the rear of this plot and neighbouring plots. Any building work will close off this access, disrupting the wildlife and leaving it vulnerable to accidents from traffic on the lane as well as reducing important habitat. Building work on the site can therefore only be considered detrimental to the environment and contrary to the Lanark Plan.

9 – St Patricks Spring is an historic feature of Lanark which collects water from the surrounding fields and hillside through the plot under this application. The water collected is of high quality and flows substantially year round. Any building on this site will disrupt the natural water flows and potentially cause the spring to cease flowing or damage the water quality. A condition of any building work should be that a clear documented procedure be put in place to ensure the maintenance of this natural feature in its current form. Recent deposits of earth excavated from another plot and deposited on the site have already disrupted the water flow from the spring causing it to overflow into the drains on St Patricks Road – such risks have previously been identified by the West of Scotland Archaeology Service in a letter to the Council on 8th May 2015 in relation to application CL/15/0159 which noted that the transportation of earth in the vicinity of the spring could cause ground disturbance and affect the spring. Given that the indicated risk has already been proven correct it can reasonably be expected that further disruption will be caused by the increased traffic past the spring and across its natural course during an extended building project. It should be noted that the WoSAS recommended that traversing the spring's water course with building plant should be avoided.

Should planning consent be given with conditions I request that monitoring of such conditions be strictly enforced. The landowner to-date has not completed the development under planning consent for the driveway (CL/15/159) as per the submitted drawings and furthermore the disposal of excess soil from the excavation of the site has not been undertaken in line with the stated conditions of the consent. It is therefore imperative that any and all conditions are complied with.

Thank you for your consideration of these points.

Regards,
Chris Whitehead

Limewood, St Patricks Road, Lanark ML11 9EH

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For more information please visit <http://www.symanteccloud.com>

**Clydesholm Braes
St Patrick's Road
Lanark
ML11 9EH**

4 June 2018

Clydesdale Area Planning Office
For the attention of Ailsa Shearer

Your Ref: Planning Application P/18/0245

We wish to register our objections to the proposed housing development west of Limewood, 16 St Patrick's Road, Lanark on the grounds detailed below.

This development will further increase traffic on St Patrick's Road which at this point is part of the Clyde Walkway. It will detract from the rural environment that brings many to the Walkway and Lanark itself. As daily users of this road both as drivers and on foot we can attest that there is barely enough space for cars to pass pedestrians. Each new development granted brings increased traffic and an increased risk to users of the Walkway and other pedestrians.

The site falls within the New Lanark World Heritage Site buffer zone, Lanark has many other areas allocated for housing and urbanisation of areas such as this can only damage the prospects for leisure and tourism in the Lanark / New Lanark area. There is a Settlement Boundary specified within the Buffer Zone - the site of this application is out with that zone.
Ref :

<http://www.newlanark.org/uploads/file/New%20Lanark%20World%20Heritage%20Site-%20Map%20of%20Designations.pdf>

The location of the Scottish Water drains on the applicant's drawings varies significantly from the details shown on Scottish Water's consultation response. Using Scottish Water data, they are at the same location as the proposed house.

There is no justification for placing the house at the same height as the proposed house between no. 14 and no.16. St Patricks Road has a natural gradient, falling as it progresses towards the Clyde (NW). Building an oversized house in the proposed location would make it too high for the setting and the design shown in the applicants drawings would be out of place with its environs and it would dominate and disrupt the landscape rather than fitting in to it. The height of the proposed development is 8m, much taller than surrounding properties (only the tip of one part of the roof of the CL/17/0044 house reaches such a height).

Conclusion

In conclusion, for the reasons documented above, we urge the Planning Committee to refuse this application.

Yours Sincerely,
Steven Laing
Valerie Laing

Appendix 3

3e

Site photographs and location plan

Photo 1



Photo 2



Photo 3



Photo 4



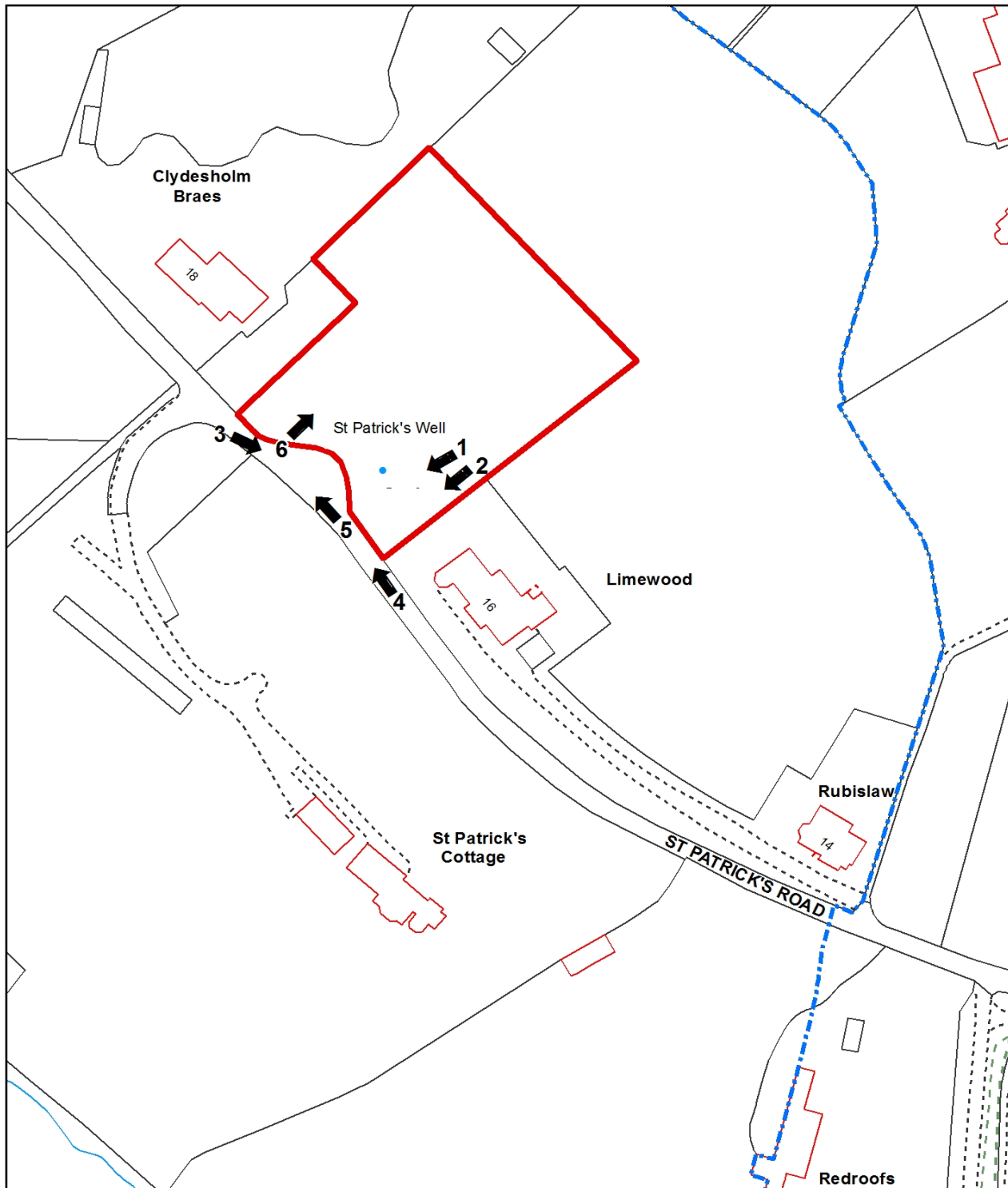
Photo 5



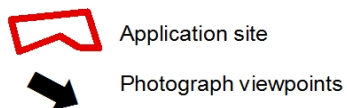
Photo 6



Planning Review PLRB/NOR/CL/18/
St Patrick's Road, Lanark



This map indicates from where photographs were taken



Community and Enterprise Resources
Planning and Economic Development



Scale: 1:1,250

Date:

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O:\Enterprise\Planning\Local Planning\PLRB Notice of Review Maps

Appendix 4

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Planning Decision Notice and Reasons for Refusal



Community and Enterprise Resources
Executive Director **Michael McGlynn**
Planning and Economic Development

Stuart Veitch
929 DESIGN LTD
22 Greenlady Walk
Lanark
ML11 7EP

Our Ref: P/18/0245
Your Ref:
If calling ask for: Ailsa Shearer
Date: 29 October 2018

Dear Sir/Madam

Proposal: Formation of house plot (planning permission in principle)
Site address: Land 55M Nnw Of 16 St Patricks Road, St Patricks Road, Lanark,
South Lanarkshire, ,
Application no: P/18/0245

I would advise you that the above application was refused by the Council and I enclose the decision notice which sets out the reasons for refusal. Please note that the Council does not issue paper plans with the decision notice. The application is refused in accordance with the plans and any other documentation listed in the reasons for refusal imposed on the accompanying decision notice and which can be viewed using the Council's online planning application search at www.southlanarkshire.gov.uk

If you require a hard copy of the refused plans, please contact us quoting the application number at planning@southlanarkshire.gov.uk.

If you consider that you can overcome the reasons for refusal and that it is not the principle of the development that is unacceptable, you may submit an amended application. If you do amend your proposals and re-apply within one year of this refusal, then you will not have to pay a fee, provided the proposal is of the same character or description as the application which has just been refused.

As your application has been refused, you may appeal against the decision within 3 months of the date of the decision notice. The attached notes explain how you may appeal.

Should you have any enquiries relating to the refusal of your application or a potential amended submission, please contact Ailsa Shearer on 01698 455273

The Planning Service is undertaking a Customer Satisfaction Survey in order to obtain feedback about how we can best improve our Service to reflect the needs of our customers. The link to the survey can be found here:

If you were the applicant: <http://tinyurl.com/nrtqmy6>

If you were the agent: <http://tinyurl.com/od26p6g>

We would be grateful if you would take a few minutes to answer the questions in the survey based on your experience of dealing with the Planning Service in the past 12 months. We value

Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB
Email ailsa.shearer@southlanarkshire.gov.uk Phone: 01698 455273



your opinion and your comments will help us to enhance areas where we are performing well, but will also show us where there are areas of the service that need to be improved.

I do hope you can take part in this Customer Survey and look forward to receiving your comments in the near future. If you prefer to complete a paper version of the survey, please contact us by telephone on 0303 123 1015, selecting option 7, quoting the application number. We will send you a copy of the survey and a pre-paid envelope to return it.

Yours faithfully

Head of Planning and Economic Development

Enc:

Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006

To : **Mr Jim Ward**
4 St Patrick's Court,
Lanark, ML11 9ES,

Per : **Stuart Veitch**
22 Greenlady Walk, Lanark,
ML11 7EP,

With reference to your application received on **13.03.2018** for planning permission in principle under the above mentioned Act :

Description of proposed development:

Formation of house plot (planning permission in principle)

Site location:

Land 55M Nnw Of 16 St Patricks Road, St Patricks Road, Lanark, South Lanarkshire, ,

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

REFUSE PLANNING PERMISSION IN PRINCIPLE

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: 29th October 2018

Head of Planning and Economic Development

<p>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.</p>

South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

South Lanarkshire Council

Refuse planning permission in principle

Paper apart - Application number: P/18/0245

Reason(s) for refusal:

01. The proposed development on the site would be contrary to Policy 3: Green Belt and Rural Area of the South Lanarkshire Local Development Plan and the associated Green Belt and Rural Area Supplementary Guidance, as it would be an unacceptable development in the countryside in that it does not involve an identifiable infill or gap site, and would not involve the consolidation of an existing building group.
02. The proposal is contrary to Policy GBRA5 of the South Lanarkshire Local Development Plan in that the application site does not constitute a gap site that would be in keeping with the siting, frontage and curtilage of dwellinghouses in the immediate vicinity. In addition the site's topography and other characteristics would result in a development which would adversely impact on the rural character of the area.
03. The proposal is contrary to Policies 4 and NHE16 of the South Lanarkshire Local Development Plan in that the proposal, if approved, would adversely impact on the landscape character of the area.

Reason(s) for decision

The proposed house plot would not be comparable with those nearby in terms of size and road frontage, and it would be unable to be developed with a dwelling position which reflected adjoining properties, contrary to Policies 3 and GBRA5 of the adopted South Lanarkshire Local Development Plan and its associated supplementary guidance. The proposal is also considered not to comply with Policies 4 and NHE16 in that it would adversely affect the landscape character and rural nature of the area.

Notes to applicant

Application number: P/18/0245

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.

01. This decision relates to drawing numbers:

Reference	Version No:	Plan Status
E-002		Refused
E-001		Refused
P-004		Refused
P-003	rev B	Refused
P-002	rev B	Refused

Appendix 5

3g

Notice of Review (including Statement of Reasons for Requiring the Review) submitted by applicant Mr Jim Ward



Montrose House 154 Montrose Crescent Hamilton ML3 6LB Tel: 0303 123 1015 Email: 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 100150160-001

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.

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:	929 DESIGN LTD		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Stuart	Building Name:	
Last Name: *	Veitch	Building Number:	22
Telephone Number: *		Address 1 (Street): *	Greenlady Walk
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Lanark
Fax Number:		Country: *	South Lanarkshire
		Postcode: *	ML11 7EP
Email Address: *			

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text"/>
First Name: *	<input type="text" value="Jim"/>	Building Number: <input type="text" value="4"/>
Last Name: *	<input type="text" value="Ward"/>	Address 1 (Street): * <input type="text" value="St Patrick's Court"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="Lanark"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="South Lanarkshire"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="ML11 9ES"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text"/>	

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" value="ML11 9EH"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="643688"/>	Easting	<input type="text" value="287475"/>
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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)

refusal of planning permission in principle for a new house plot 55M Nnw of 16 St Patrick's Road, St Patrick's Road, Lanark, South Lanarkshire.

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.

review of the refusal based upon the site not being considered as a gap site and the location of the possible positioning of any single house on the site. Refer to 'supporting documents' for full 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)

review document and appendix 1 to 8.

Application Details

Please provide details of the application and decision.

What is the application reference number? *

P/18/0245

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

13/03/2018

What date was the decision issued by the planning authority? *

29/10/2018

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)

an inspection of the site would allow the review panel to full appreciate the street scape, surrounding properties and the reasons for positioning the proposed house further back in the site away from the build line (existing historic spring and existing Scottish water infrastructure).

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 Stuart Veitch

Declaration Date: 14/01/2019

NOTICE OF REVIEW

FORMATION OF HOUSE PLOT (PLANNING PERMISSION IN PRINCIPLE)

P/18/0245

Planning proposal:	Formation of house plot (planning permission in principle) – ref: P/18/0245
Application Type :	Permission in principle
Applicant :	Mr Jim Ward
Location :	Land 55M Nnw Of 16 St Patricks Road St Patricks Road Lanark South Lanarkshire
Decision:	Application refused

APPENDIX:

Appendix 1 – e-mail from planner Lynda Dickson.

Appendix 2 – e-mail from planner Lynda Dickson.

Appendix 3 – Design Statement.

Appendix 4 - The Supplementary Guidance 2: Green Belt and Rural Area, Chapter 3, Green Belt and approved contemporary house design of the plot between Limewood and Rubislaw.

Appendix 5 - Supplementary Guidance 2: Green Belt and Rural Area, Chapter 5, Rural Housing Development, Development of gap sites, Policy GBRA5 Development of gaps sites.

Appendix 6 – Scottish Water Infrastructure Plan.

Appendix 7 – Street Scape drawing.

Appendix 8 – Submitted Planning drawings.

Introduction: This application for a 'Notice of Review' has been submitted in respect to the Refusal of Planning Permission in Principle issued by South Lanarkshire Council on the 29th October 2018, for a single house plot at the above location.

The applicant now seeks a review of the determination of the refusal by the Planning Local Review Body (RLRB).

Background History: The applicant initially made contact to SLC planning department back in September 2014 through his then agent Planterra to request comments on the possibility of development on the land either side 'Limewood', 16 St. Patricks Road, Lanark to form a single house plot on each.

Response to this enquiry was provided via e-mail from the Planning Team Leader – Lynda Dickson intimating that *'the principle of developing these gap sites may be acceptable but only if suitable access arrangements can be achieved'* - (see appendix 1).

Based upon on the above comments provide from SLC Planning department the applicant appointed 929 DESIGN LTD to act as his agent to progress a planning application submission for one of the gap sites between 'Limewood', 16 St Patrick's Road and

'Rubislaw', 14 St Partrick's Road, Lanark to which SLC Planning granted in October 2015 Planning in Principle for a single house plot incorporating alterations to existing access driveway and ground re-grading works - ref: CL/15/0159.

A further planning application was submitted in respect to formation of the driveway access associated with the above consent to which SLC Planning also granted consent in March 2017 '*Grant Conditional Planning Permission*' for the formation of new access, erection of retaining structures and associated ground regrading - ref: CL/16/0359.

On the basis of the granting of the planning consents for the first gap site the applicant then instructed 929 DESIGN LTD to proceed with consultations in respect to the second gap site between 'Limewood', 16 St Patrick's Road and 'Clydesholm Braes', 18 St Partrick's Road, Lanark.

Initial pre-planning consultation was sought from SLC Planning as to the suitability of this gap site to which the Planning Team Leader – Lynda Dickson provide the following comments *'In terms of St Patrick's Road, I would agree that as a gap site the principle of a dwelling would be acceptable but so long as the existing building line was respected. The suggested siting further up the slope would not be considered favourably given the relationship with existing properties on St Patrick's road coupled with the landscape impact of tree loss and prominence of longer views from the south. The siting of any house on the site would obviously have to take cognisance of the well. Access arrangements would also have to meet the requirements of SLC Roads and Transportation and given the topography of this site and the standard of the access road, arrangements for construction etc would also need to be submitted and approved, as per the Limewood plot.'* - (see appendix 2).

The received comment was a more expanded response to that issued by Lynda Dickson back in 2014 where only the comments in respect to access arrangements that were to be considered.

On the basis of the above response the applicant instructed 929 DESIGN LTD to proceed with a formal submission for Planning in Principle for a new single house on this gap site – application submission date March 2018.

Application Timescale: The following timeline has been listed to illustrate the lengthy timescale taken by SLC Planning to make the formal decision on this application.

- online planning application submitted on the 12th March 2018.
- invalid application letter received on the 4th April 2018.
- additional information submitted to planning on the 8th May 2018.
- letter confirming registration of application received on the 14th May 2018.
- letter requesting advertisement letter received 14th May 2018.
- advertisement cheque posted 23 submitted 21st May 2018.
- letter requesting an extension to time until the 23rd July 2018 to determine the application received 2nd July 2018.
- e-mail confirmation of applicants agreement to the extension of time sent 4th July 2018.
- e-mail to planner on the 22nd August 2018 requesting update on the status of the application as the extension of time had lapsed and it had been 1 month since the date of 23rd July 2018.
- reply e-mail from the planner on the 23rd August 2018, giving apologies for the delay and now requesting further additional information.
- reply to planners e-mail of the 23rd August 2018 on the 23rd August 2018 confirming various points, additional drawings with confirmation that the applicant wishes to proceed with the application.
- e-mail from the planner on the 28th August 2018 requesting amended drawing indicating visibility splays.
- further e-mail from the planner on the 28th August 2018, intimating that any questions in respect to the observations made by Roads and Transport should be directed to Craig Lattimer.
- amended drawings in respect to visibility space requirement requested by Roads and Transportation sent via e-mail to Craig Lattimer on the 29th August 2018 who confirmed on the 11th September 2018 that he had sent his further comment to the planner.
- e-mail to the planner on the 11th September 2018 requesting an update on the progress of the application – no response.
- e-mail to the planner on the 19th September 2018 requesting an update on the progress of the application – no response.
- e-mail to the planner on the 25th September 2018 recording that there has been no response to the previous e-mails of the 11th and 19th September 2018.
- e-mail from the planner on the 25th September 2018 intimating that I must have not received the out of office messages and that the planner has been on holiday from the 30th August 2018 until the 25th September 2018.
- e-mail to the planner on the 10th October 2018 requesting an update on the progress of the application.
- e-mail from the planner on the 11th October 2018 intimating that works will recommence on this application today with requests that Roads and Transportation update their formal consultation in respect to the visibility splay.
- e-mail from the planner on the 29th October 2018 giving formal notification of the refusal of the application.

All e-mail correspondence in respect to the full contents of the e-mails listed above can be submitted if so requested by the Planning Local Review Body.

The timeline above has been provided to give a clear outline of the timescale involved in respect to this application which has taken from date of submission to refusal decision, some 30 weeks or 22 weeks from date of registration. As outlined below this type of application should have been given a decision after a 2 month period (8 weeks) however even with the agreed 2 week extension to the time period until the 23rd July 2018, the application still took approximately two and a half times longer than the statutory guidelines set out in the 'Scottish Planning Series Circular 4 2009: Development Management Procedures'

Scottish Planning Series Circular 4 2009: Development Management

TIME PERIODS FOR DETERMINATION

(Regulation 14 and 26)

4.81 The planning authority has 4 months to determine applications for planning permission for national developments or major developments and **2 months to determine applications for planning permission for local developments**. Applications for approval of matters specified in conditions attached to planning permission in principle are subject to a 2 month time period. These time periods run from the date the last piece of information required by the regulations on content of applications is received, i.e. the validation date.

Appeal:

The applicant is aggrieved by the decision of the planning authority to refuse permission for the erection of a single dwelling house on the afore mentioned gap site and in that respect we requested that the following observations on the reasons for refusal be reviewed by the Planning Local Review Body.

Reason 01 of the planning refusal notice:

'The proposed development on the site would be contrary to Policy 3: Green Belt and Rural Area of the South Lanarkshire Local Development Plan and the associated Green Belt and Rural Area Supplementary Guidance, as it would be an unacceptable development in the countryside in that it does not involve an identifiable infill or gap site, and would not involve the consolidation of an existing building group.'

The following extracts taken from the South Lanarkshire Council Local Development Plan 2, Supplementary Guidance 2 are those we consider to be appropriate to the application and which can be met by the development of a single house on the gap site;

- The Supplementary Guidance 2: Green Belt and Rural Area, Chapter 3, Green Belt, item 3.5 states that *'new housing development in the Green Belt will be supported in the following circumstances, subject to appropriate criteria being met: '.* One of the circumstances is *'limited development within clearly identifiable gap sites.'*

As intimated within the Background History, pre-planning correspondence with the planning department resulted in confirmation that the application site was considered to be a gap site and therefore all measures were taken to meet all criteria associated with gap sites prior to the submission of a formal application. The other gap site as identified in 'appendix 1' between Limewood and Rubislaw was also subject to a formal planning application which was granted planning consent for a single house plot and new access of St Patrick's Road. A further planning application was made by others for a large modern and contemporary split level house on this site which was also granted full consent.

- Chapter 3, Rural Area, item 3.7 states that *'small scale housing development in the right places and of a high environmental and design quality mat also be supported. In addition to the circumstances outlined in paragraph 3.5, in the rural area this can also included:'*.

There are three criteria listed in this section to which we consider appropriate to this development;

- *The limited expansion of an existing settlement where the proposal would be proportionate to the existing scale and built form of the settlement.*
- *Extension to existing clusters and groups.*
- *Proposals for individually designed, contemporary or innovative houses.*

As the application was for Planning in Principle the positioning / location of the proposed new house on the site was only indicative in position / scale and that the house design, position / scale etc would be subject of a fully detailed planning application. The full design of the new house would also be subject to full discussions with the planning department however it would appear that the planners have not recognised this and have made their decision on the indicative position / scale on the application drawings.

We would also consider that the infill of this gap site is in keeping with the existing development of single detached houses along St Patrick's Road and the recently approved new house plot between Limewood and Rubislaw and will be contained within this existing cluster / group of houses.

As the application was for Planning in Principle there were no detailed house designs drawings submitted with the application as this would be provided within a full planning application. The submitted Design Statement (see appendix 3) outlined that:

'the dwelling would be of a contemporary design and would be constructed using the highest levels of craftsmanship in conjunction with modern efficient and sustainable materials to blend in with the surrounding area. The house design would also be designed with an efficient heating system coupled with mechanical and heat recovery systems to aid in the delivery of modern home whilst having a minimal environmental impact.'

The proposed design of the house would be to meet the criteria of *'Proposals for individually designed, contemporary or innovative houses.'* As outlined in Chapter 3, Rural Area, item 3.7. The design of a contemporary house on this gap site would not be out of character with the area or would adversely impact the rural character of the area. This can be justified by the approval of the contemporary house design on the gap site between Limewood and Rubislaw (see appendix 4) for visual images of approved house design.

Reason 02 of the planning refusal notice:

'The proposal is contrary to Policy GBRA5 of the South Lanarkshire Local Development Plan in that the application site does not constitute a gap site that would be in keeping with the siting, frontage and curtilage of dwelling houses in the immediate vicinity. In addition the site's topography and other characteristics would result in a development which would adversely impact on the rural character of the area.'

The Supplementary Guidance 2: Green Belt and Rural Area, Chapter 5, Rural Housing Development, Development of gap sites, Policy GBRA5 Development of gaps sites outlines a number of criteria to which we consider applicable to this application and these can be read with the extract of The Supplementary Guidance 2: Green Belt and Rural Area, Chapter 5 (see appendix 5).

In respect to the statement that the application site does not constitute a gap site, we would refer you back to the previous justification of a gap site provided within the above context of Reason 1 and within appendix 1.

As to the siting, frontage and curtilage of the dwelling house we would state that positioning of the proposed house, back form the existing frontage / build line of the existing properties is as a result of St Partrick's Spring which is a natural and local feature and the applicant wished to maintain this local feature. The house positioning to the rear of the site is also a result of the Scottish Water infrastructure that runs through the site and therefore the indicative position of the house was so positioned to avoid the infrastructure. Both St Partrick's Spring and the Scottish Water infrastructure were instrumental to the positioning of the house and restricted the house from being positioned to the existing frontage / building line of the existing properties – (see appendix 6).

The planners also intimated that the topography and other characteristics would result in a development would adversely impact on the rural area. The topography of the site is of a sloping site to which the neighbouring houses are built into and the proposed house would also require to be designed accordingly, however as no full design drawings form are part of the application i.e. Planning in Principle, therefore the full impact on the rural character of the area can not be fully justified by the planners until full design drawings have been submitted. The submitted Design Statement intimated that the house design would be of a contemporary split level design and that the submitted design drawings were only indicative, indicating that the proposed house would be built into the sloping thus minimising the visual impact.

The indicative location of the proposed house would also meet with the criteria of GBRA5 in respect that it would not compromise the landscape character. The position of the house would be within a natural bowl (land form) and would not affect the natural tree belt to the rear of the site. There are a few small seeded trees to the front of the site between the proposed house and St Patrick's road which have been considered and would be retained were appropriate. As the application was for Planning in Principle there was no landscape plan submitted or requested to allow any adverse impact to be determined and any detailed landscaping proposal would be subject to a full planning application. As an indication of intent only at this time it would be intention to fully landscape the frontage of the site with all necessary tree planting etc which would assist with avoiding any adverse impact on the rural character of the area and allow the new house to blend into the natural environment.

Reason 03 of the planning refusal notice:

'The proposal is contrary to Policies 4 and NHE16 of the South Lanarkshire Local Development Plan in that the proposal, if approved, would adversely impact on the landscape character of the area.'

The application site falls within the Rural Area and the New Lanark World Heritage Site Buffer as indicated on the South Lanarkshire Local Development Plan – Settlement Map.

The refusal notice also makes reference to NHE16 of the South Lanarkshire Local Development Plan in that the proposal would adversely impact on the landscape character of the area. As intimated in the last paragraph of Reason 02 all existing landscape features would be retained i.e. the tree belt to the rear of the site with additional new landscaping to the front of the development site which would maintain and enhance the landscape character of the area.

The Supplementary Guidance 2: Natural and Historic Environment, Chapter 4, Natural Environment, Policy NHE16 Landscape, Special Landscape Areas, states that *'development proposals within the Special Landscape Areas (SLA) identified on the Strategy Map will only be permitted if they satisfy the requirements of LDP Policy 3 Green Belt and Rural Area and can be accommodated without significantly and adversely affecting the landscape character, scenic qualities and features for the area has been designated.'*

Chapter 4 also continues to indicate that under 'Landscape Protection and Enhancement', within the SLA's and the wider landscape of South Lanarkshire, development proposals should maintain and enhance landscape character including the following criteria;

- *the pattern, scale and design of development within the landscape.*
- *the setting of settlements and buildings within the landscape.*
- *the pattern of wood land, fields, trees, hedgerows, waterbodies and other features, particularly where they define / create a positive settlement / urban edge.*
- *the historical qualities of the area and its sensitivity to change.*
- *skyline and hill features, including key views.*

As noted previously the development would not adversely impact the natural landscape of the area with existing tree belts to the rear of the site being maintained with enhanced landscaping proposals to the front of the site.

The access to the site will require the upgrading of an existing vehicle field entrance gate and the modification of the existing hedgerow / low level stone walls either side to form a new vehicle access to meet the requirements of Roads and Transportation, these modifications would be carried out to comply with the above criteria.

The application also takes into consideration the historical qualities of the area in respect to the St Patrick's natural spring with proposals to protect and main this natural feature with open access to the public.

In terms of skyline, it is noted that the proposed house position will be higher on the site than the adjoining properties, however the roof ridge line has so been designed to be no higher than that of the neighbouring properties i.e. the new house proposed on the site between Limewood and Rubislaw and this has been indicated on the streetscape drawing submitted with the planning application – (see appendix 7).

As noted in the planners Delegated Report point 3.6 states the following:

‘Views into the application site are primarily from the Kirkfieldbank area to the west and north-west, while bends in the valley of the Clyde and distance mean that there would be no effect on the New Lanark World Heritage Site’s outstanding universal value. The formation of a plot would therefore be acceptable in the context of Policy 15 - Natural and Historic Environment.’

We consider that the streetscape view from St Patricks Road would not adversely affect the visual aspect of the area with a new house being positioned in the location indicated on the application drawings. We would also intimate that at a full planning submission, computer visual would be submitted to highlight the visual impact on the street view with the surrounding properties and associated landscaping.

Reason(s) for decision:

‘The proposed house plot would not be comparable with those nearby in terms of size and road frontage, and it would be unable to be developed with a dwelling position which reflected adjoining properties, contrary to Policies 3 and GBRA5 of the adopted South Lanarkshire Local Development Plan and its associated supplementary guidance. The proposal is also considered not to comply with Policies 4 and NHE16 in that it would adversely affect the landscape character and rural nature of the area.’

The reason for the decision intimates that the size of house plot would not be comparable with those nearby in terms of size and road frontage, however the road frontage is that of the existing boundaries between that of Limewood, 16 St Partick’s Road and Clydesholm Braes, 18 St Partrick’s Road. In terms of the size of the plot, this extends slightly further back in the site to allow the positioning of the proposed house all to maintain the St Patrick’s natural spring and to avoid the Scottish Water infrastructure that runs through the front of the site. We believe that should a house plot be approved for this site we could full demonstrate that any design would be able to meet with the criteria set out in Policy 3 and GBRA5 of the adopted South Lanarkshire Local Development Plan and its associated supplementary guidance, however this could only be done during the submission of a full planning application.

As noted previously we would also disagree with the considered opinion that the proposals would not be able to comply with Policies 4 and NHE16 in that it would adversely affect the landscape character and rural nature of the area. Again this could only be demonstrated during a full planning application or could have been justified if this had been requested by the planner during the planning determination period.

We would also note that we do not consider the justification that the proposed house would not be in keeping with the dwelling houses in the immediate vicinity. Our justification for this is that no house design was submitted with this application as the application was for Planning Consent in principle only and the full design of the house would be part of a full Planning application, therefore we cannot see why the planners would deem the design to be a consideration at this time.

In terms of any house design on the site being appropriately designed to match the adjoining properties, we would draw your attention to the recently approved planning consent for the single modern contemporary house on the earlier mentioned gap site between Limewood and Rubislaw. As this house design is modern contemporary then again we would consider that any house design on this site could be of a similar design as the precedent has been set for the site between Limewood and Rubislaw – (see appendix 4).

In terms of the not constituting a gap site, we would again disagree with the planners as the application was submitted on the back of pre-planning consultations where the planners confirmed via e-mail that this section of lands could be deemed as a gap site as it fell between two existing properties.

The planners have also stated that in their view any new house on this site would adversely affect the landscape character and rural nature of the area. We would disagree with this statement as any new house on the site would be sympathetically designed to blend in with the character and topography of the site, however until a full application and design has been submitted for the house, we cannot understand how the planners can justify this statement as being part of their refusal. As intimated above the house given approval between Limewood and Rubislaw is of a modern contemporary design as was deemed to meet with the requirements of Policy 4 and NHE16 of the South Lanarkshire Local Development Plan and associated supplementary guidance. As this gap site is no further than 500 yards from the approved gap site between Limewood and Rubislaw we cannot understand why the planners would have a negative view in terms of policy 4 and NHE16 in respect to this application site.

The following are extracts for the planners report for the approved gap site between Limewood and Rubislaw – reference CL/17/0044.

6.2 The adopted South Lanarkshire Local Development Plan identifies the application site as lying in the rural area, close to the Lanark settlement boundary where Policy 3 Green Belt and Rural Area applies. This policy directs that the focus for new developments should be within settlements or at the settlement edge. It also states that scope may exist to allow housing on gap sites and on sites which consolidate existing building groups. With respect to this policy, it is considered that the site meets the definition of a gap site in that it is bounded on both sides (east and west) by properties and is fronted by a road. On this basis the principle of development has previously been established under the earlier consent (CL/15/0159) for the formation of a house plot.

6.3 Both Policy 4 - Development Management and Placemaking and the associated supplementary guidance require the design details of development proposals to be considered to ensure that there are no significant adverse impacts on the local streetscape, landscape character or adjacent buildings. Though mature trees along the existing driveway will be removed the proposal will not dilute the rural character of the area which arises partly due to the narrowness and undulations

of St Patricks Road and the mature landscape in the vicinity of the site. Given the distance that existing properties and the proposed dwelling are set back from the road it is considered that the proposed house reflects the scale, orientation and building-to-garden ratio of the immediately adjacent properties. As a result the proposal would not affect the streetscape or character of the area. The design of the house is single storey but by utilizing the variations in ground levels a double garage is incorporated beneath the living accommodation. Utilising mono-pitched roofs are a more contemporary approach to the building's rectangular form and reduce the visual volume of the house when viewed within its landscape context. In addition the proposals will not adversely affect residential amenity in terms of overshadowing or loss of privacy. In terms of impact on traffic and pedestrian safety, the application includes the formation of a new access entrance with visibility splays which meet the Roads and Transportation Service's requirements. The layout also demonstrates that the requisite parking spaces are fully contained within the application site thereby not blocking the road. The proposal therefore raises no concerns in this regard.

6.4 Policy 15: Natural and Historic Environment is also relevant given the site's location within the New Lanark World Heritage Site buffer zone, as well as being within a Special Landscape Area and being just beyond The Falls of Clyde Historic Garden and Designed Landscape. St Patrick's Road also forms part of the Clyde walkway. The policy states that development should protect, preserve and enhance the character, integrity and quality of the world heritage site and overall quality of the designated landscape area. Development will only be permitted where the integrity of these protected resources would not be significantly undermined. Views of the site are seen in the context to the surrounding landscape and topography, and the site is mostly screened due to the mature trees that exist in the surrounding plots and the wider area. The site is not visible from within the New Lanark World Heritage Site itself. Given this, it is considered that the proposed development of the site would not impact on the merits or value of the World Heritage Site and Special Landscape Area.

Conclusion:

1. We feel that the original application relates to gap site as intimated within the e-mails from the Area Planning Manager Lynda Dickson (see appendix 1 and 2) and that the proposed house meets with all the necessary planning guidelines and policies and that that this site constitutes a gap site bounded on two sides by adjoining properties.
2. As intimated within the first e-mail from Area Planning Manager Lynda Dickson (see appendix 1) it was stated that the access to the gap site would require to be overcome complying with the SLC Roads and Transportation guidelines. Full direct discussions were held with SLC Roads and Transportation and access into the gap site was designed and agreed with SLC Roads and Transportation.
3. The positioning of the proposed house further up the site away from the building line of the existing houses was so considered to retain and protect St Patrick spring which lies to the front of the site and is a local feature to the area. The positioning of the house also was so considered to avoid the Scottish Water infrastructure that runs through the site.

4. Although no full house design was submitted the planners intimated that the design of the house would not match the style of the adjoining properties. We can not understand why this would be a reason for refusal as no house design was submitted, application for Outline Planning only. Any house design for the site would be designed to provide an un intrusive visual appearance to the street scape using natural materials to minimise the impact on its surroundings. It should also noted that full planning consent was approved for a modern contemporary house on the gap site on the other side of 16 St Patrick's Road between Limewood and Rubislaw and therefore we can not see why the planners would intimate that the proposed house should match the design of the adjoining properties.

Based up the above we would be pleased if the Planning Local Review Body (RLRB) could take into the considerations the points raised above as a justification for overturning the planning refusal for a proposed dwelling house on this site.

Signed: Stuart Veitch – 929 DESIGN LTD on behalf of Mr J. Ward (applicant).

[REDACTED]

From: Jim Ward [REDACTED]
Sent: 10 December 2018 17:57
To: Stuart Veitch
Subject: Fwd: Pre App Enquiry

Stuart

Please see below email re Plots at Limewood, from Lynda Dickson

I think you got something similar

Regards

Jim

Begin forwarded message:

From: William Reilly [REDACTED]
Subject: FW: RE: Pre App Enquiry
Date: 24 September 2014 at 18:40:22 BST
To: Jim Ward [REDACTED]

Jim

Looks fairly optimistic - would need to look at access arrangements in more detail

W Reilly
Planterra

Sent from my Sony Xperia Z Ultra on O2

----- Original Message -----

Subject: RE: Pre App Enquiry

Sent: 24 Sep 2014 18:31

From: "Dickson, Lynda" <Lynda.Dickson@southlanarkshire.gcsx.gov.uk>

To: [REDACTED]

Cc:

William – the principle of developing these gap sites may be acceptable but only if suitable access arrangements can be achieved. You will be aware that application no CL/14/246 was recently withdrawn due to difficulties in providing the requisite information to demonstrate satisfactory access provision. I would suggest that this aspect is fully explored before taking the proposal forward.

Lynda Dickson

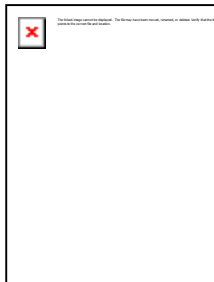
Planning Team Leader

South Lanarkshire Council

South Vennel, Lanark

Tel 01555 673185

Email: lynda.dickson@southlanarkshire.gov.uk



From: [REDACTED]
Sent: 17 September 2014 15:44
To: Dickson, Lynda
Subject: Pre App Enquiry

Limewood

16 St Patricks Road

Lanark

Lynda

Please find attached sketch plan in connection with the above

Basically we are looking at the prospect of 2 new houses, one either side of the existing house called Limewood

We would view this proposal as infilling gap sites and consolidating the grouping in the area but would appreciate your views prior to taking there project further

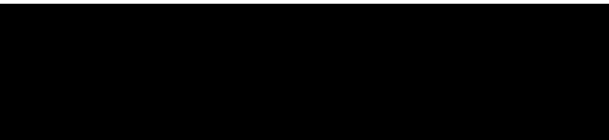
Regards

William

William Reilly
Director

PLANterra
Chartered Building Consultants & Designers

Office 1
16 St Ninians
Lanark
ML11 7HX



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CSE



From: Dickson, Lynda <Lynda.Dickson@southlanarkshire.gcsx.gov.uk>
Sent: 31 October 2017 12:04
To: [REDACTED]
Subject: FW: PRE PLANNING DISCUSSIONS
Attachments: Lockhart Mill, Lanark (46.6 KB)

Stuart

Tony has passed me your enquiry and I would respond as follows.

In terms of the site known as 'The Points', the policy position as advised previously (see attached email) has not altered and we would be unable to support the development of this site for residential purposes.

In terms of St Patrick's Road, I would agree that as a gap site the principle of a dwelling would be acceptable but so long as the existing building line was respected. The suggested siting further up the slope would not be considered favourably given the relationship with existing properties on St Patrick's road coupled with the landscape impact of tree loss and prominence of longer views from the south. The siting of any house on the site would obviously have to take cognisance of the well. Access arrangements would also have to meet the requirements of SLC Roads and Transportation and given the topography of this site and the standard of the access road, arrangements for construction etc would also need to be submitted and approved, as per the Limewood plot.

These comments are offered on an informal basis, the only means of ascertaining the council's formal view being via the submission of an application.

Regards

Lynda Dickson BA (Hons) MRTPI
Lanark Area Planning Team Leader
South Lanarkshire Council
Montrose House, Hamilton

Tel 01698 455108

Email: lynda.dickson@southlanarkshire.gov.uk



From: Stuart [REDACTED]
Sent: 16 October 2017 20:57
To: Finn, Tony
Subject: PRE PLANNING DISCUSSIONS

Hi Tony

I have a couple of clients who are looking at potential new build detached house on each selected site, however these sites have their own particular issues.

I was wondering if it would be possible to arrange a meeting with you to discuss these to ascertain your thoughts prior to advising my clients further.

The sites in question are ones we have spoken about previously, namely 'the points' for Mr Bill Lewis of Lockhart Mill and the gap site to the left hand side of Limewood, St Patrick's Road. Alternatively if your schedule is full then a possible phone call to discuss.

Regards

Stuart Veitch - MCIAT, Director



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DESIGN STATEMENT

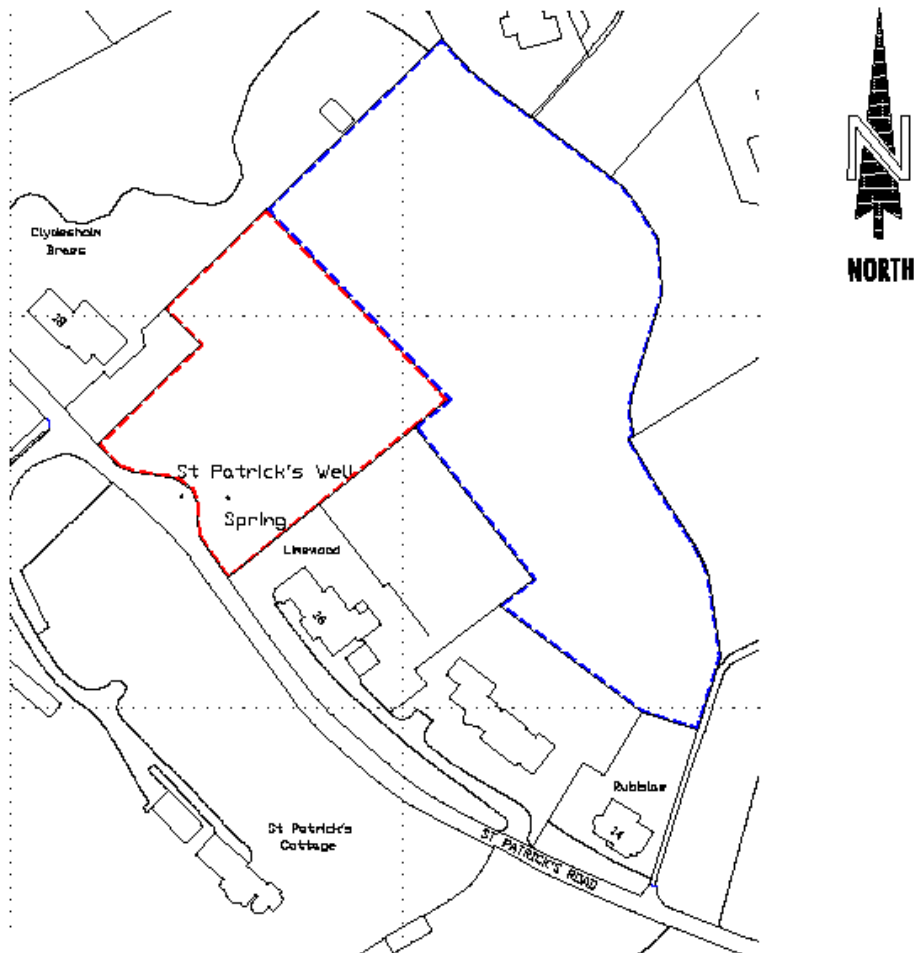
HOUSE PLOT

GAP SITE BETWEEN LIMWOOD 16 ST PATRICK'S ROAD

AND

CLYDESHOLM BRAE – 18 ST PATRICK'S ROAD,

LANARK.



Location Plan

1.0 INTRODUCTION

The application is for Planning in Principle to erect a split level single house together with a detached garage.

The dwelling would be of a contemporary design and would be constructed using the highest levels of craftsmanship in conjunction with modern efficient and sustainable materials to blend in with the surrounding area.

The house design would also be designed with an efficient heating system coupled with mechanical and heat recovery systems to aid in the delivery of modern home whilst having a minimal environmental impact.

1.1 SITE

The site, measuring approximately 3960 sq.m. or thereabout is located in a residential area of Lanark and accessed off St Patrick's Road.

The site slopes 15m down to St Patrick's Road and is bound either side by Limewood – 16 St Patrick's Road and Clydesholm Brae – 18 St Patrick's Road with a field to the rear which is in the ownership of the applicant.

1.2 ACCESS

There is an existing vehicle access gate to the site off St Patrick's Road which has been utilised to maintain the field in the past and present. It is the intention to upgrade this access to form a new residential driveway providing access off St Patrick's Road to a new detached garage servicing the new house.

1.3 LAND OWNERSHIP

The application site is currently in the ownership of the applicant including the land to the rear of the site that is outlined in blue on the application drawings.

1.4 SITE PHOTOGRAPHS



Aerial View of site location.



View of neighbouring property – Limewood, 16 St Patrick's Road, Lanark.



View of neighbouring property – Clydesholm Brae, 18 St Patrick's Road, Lanark.

2.0 SITE LAYOUT AND ACCESS

The proposed layout of the development site would be to have a detached garage accessed off St Patrick's Road which in turn would provide pedestrian access to a split level detached house located future up the slope of the site.

The indicative dwelling house would be constructed into the hillside to minimise the visual impact of the house on the surrounding area while maintaining a high level of the existing mature trees and shrubs.

The positioning of the proposed house would be so located to allow the existing local landmark – St Patrick's Spring / Well to be retained and to avoid the existing main Scottish Water foul and surface drainage lines that run through the site.

2.1 PLANNING POLICIES & GUIDANCE

Our proposals have taken into account the Development Plan for the area, which comprises the South Lanarkshire Local Development Plan and Supplementary Planning Guidance: Residential Design Guide.

3.0 CONCLUSION

We feel that the proposal utilises the existing gap site and we hope that this Design Statement and all other supporting information will see the proposal looked upon favourably by the planning department.

The Green Belt and the Rural Area



3.0 The Green Belt and the Rural Area

3.1 Managing development in the Green Belt and rural area is a key aim of the Council. SPP requires development plans to promote a pattern of development that is appropriate to the character of the particular rural area and the challenges it faces. It considers that rural areas can be categorised as 'pressurised', 'intermediate' and 'remote and fragile' and different policy approaches should be developed for each of these. The Council applied this type of approach in the South Lanarkshire Local Plan but it did not prove successful. Policy 3 in SLLDP, therefore, reverted to a single rural area definition for areas beyond the Green Belt.

Green Belt

3.2 SPP states that the purpose of Green Belt designation in the development plan as part of the settlement strategy for an area is to;

- direct planned growth to the most appropriate locations and support regeneration,
- protect and enhance the quality, character, landscape setting and identity of towns and cities; and
- protect and give access to open space within and around towns and cities.

3.3 Pressure for development within the Green Belt is strong, although this varies from one type of development to the next and also from one part of the Green Belt to the other, across South Lanarkshire. However, recent evidence suggests that pressure is greater on the edges of the established urban centres than the more rural part of the Green Belt.

3.4 Any development proposal in the Green Belt which can be demonstrated to be necessary and required for the furtherance of agriculture, horticulture, forestry, recreation or other appropriate Green Belt uses, or where development forms part of a larger proposal for the rehabilitation or change of use of disused or redundant traditional buildings where this consolidates such groups, will generally be supported subject to appropriate criteria being met. Appendix 2 lists the types of uses that may be acceptable in a Green Belt location, where a specific locational requirement can be demonstrated.

3.5 New housing development in the Green Belt will be supported in the following circumstances, subject to appropriate criteria being met:

- Countryside workers and houses required to support existing or proposed businesses.

The Green Belt and the Rural Area

- Replacement houses.
- The conversion of traditional redundant buildings to residential use. Limited new build in association with conversions may also be acceptable where proposals are considered capable of achieving a net environmental gain and will result in a cohesive grouping.
- The redevelopment of derelict/redundant buildings where proposals of a limited scale are considered capable of achieving a net environmental gain and other Green Belt objectives are not compromised.
- Limited development within clearly identifiable gap sites.

Rural area

3.6 Beyond the Green Belt, the Council seeks to take a positive approach to new development, with the aim of encouraging prosperous and sustainable communities through the promotion of economic activity and diversification.

3.7 Small scale housing development in the right places and of a high environmental and design quality may also be supported. In addition to the circumstances outlined in paragraph 3.5, in the rural area this can also include:

- The formation of new clusters and groups.
- The limited expansion of an existing settlement where the proposal would be proportionate to the existing scale and built form of the settlement.
- Extensions to existing clusters and groups.
- Proposals for individually designed, contemporary or innovative houses.

- Holiday homes and buildings for temporary recreational occupation.
- Housing which is linked to rural businesses or would support the formation of new businesses or the expansion/diversification of new businesses by providing funding.

3.8 Detailed guidance on all of the above forms of development proposed in the Green Belt and rural area is found in sections 4 (Economy/Business related developments) and 5 (Rural Housing Development) and in the associated appendices. All development proposals must also accord with other relevant policies and proposals in the development plan and other appropriate supplementary guidance. Proposals should protect the recreational qualities and interests of the area.

Conversion of farm outbuildings to form tourist accommodation





PROPOSED HOUSE VIEWS
FROM SW NEW DRIVEWAY



PROPOSED HOUSE VIEWS
FROM SE NEW DRIVEWAY



PROPOSED HOUSE
ELEVATION VIEW



PROPOSED HOUSE
ENTRANCE VIEW

SOUTH LANARKSHIRE COUNCIL
Town & Country Planning (Scotland) Acts
APPROVED
IN TERMS OF CONSENT OF
15 Aug 2017
Head of Planning and Building Standards
Services

materials amended	IP	20/01/17	A
REVISION	INITIAL	DATE	SUFFIX
AC Allan Corfield Architects The Self Build Experts			
CLIENT KEITH & SYLVIA VALENTINE			
PROJECT LAND BETWEEN NO 14&16 ST PATRICK'S ROAD, LANARK, ML 11 9EH			
TITLE PROPOSED HOUSE VIEWS STAGE 2			
SCALE @ A1 1:50	DATE 27/10/16	DRAWN IP	CHECKED ACC
No. 195 - PA 06			
REV. A			
LEWIS HOUSE, UNIT 213, EAST WAY HILLEDEN INDUSTRIAL ESTATE, DUNFERMLINE FIFE, KY11 8JF, SCOTLAND t - 01383 737101 e - info@acarchitects.biz w - www.acarchitects.biz			

Rural housing development

Policy GBRA4 Small scale settlement extensions

Proposals for new houses on sites adjoining existing settlements will be required to meet the following criteria:

- The development shall maintain a defensible settlement boundary through the retention of existing features or enhancement through additional structural planting.
- The proposals should respect the specific local character and the existing pattern of development within the settlement and be of an appropriate small scale that is proportionate to the size and scale of the existing settlement.
- Development of the site should have no adverse impact on the amenity of any existing dwellinghouses within the settlement, particularly in terms of overlooking, privacy or overshadowing.
- Proposals should incorporate substantial boundary landscaping proposals, to minimise the developments impact on rural amenity and ensure appropriate landscape fit.
- Proposals should be able to be readily served by all necessary infrastructure including water, sewerage and electricity and be able to comply with all required parking and access standards.
- Proposals should have no adverse impact 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.
- In the case of development affecting a listed building or a property within a designated Conservation Area, proposals shall comply with the guidance and criteria contained in the SG on the Natural and Historic Environment.

Further detailed guidance is contained in Appendix 1.

Development of gap sites

5.9 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. The suitability of a site for this form of development will also depend on the character of the surroundings and the number of such groups in the area in order to avoid cumulative impact.

A rural gap site between a modern and an older property



5.10 The development of gap sites will not normally be acceptable in locations characterised by a scattering of houses or outbuildings/other buildings in the open countryside or where the development would result in the extension of an existing ribbon form of development or contribute to the coalescence with another building group.

Rural housing development

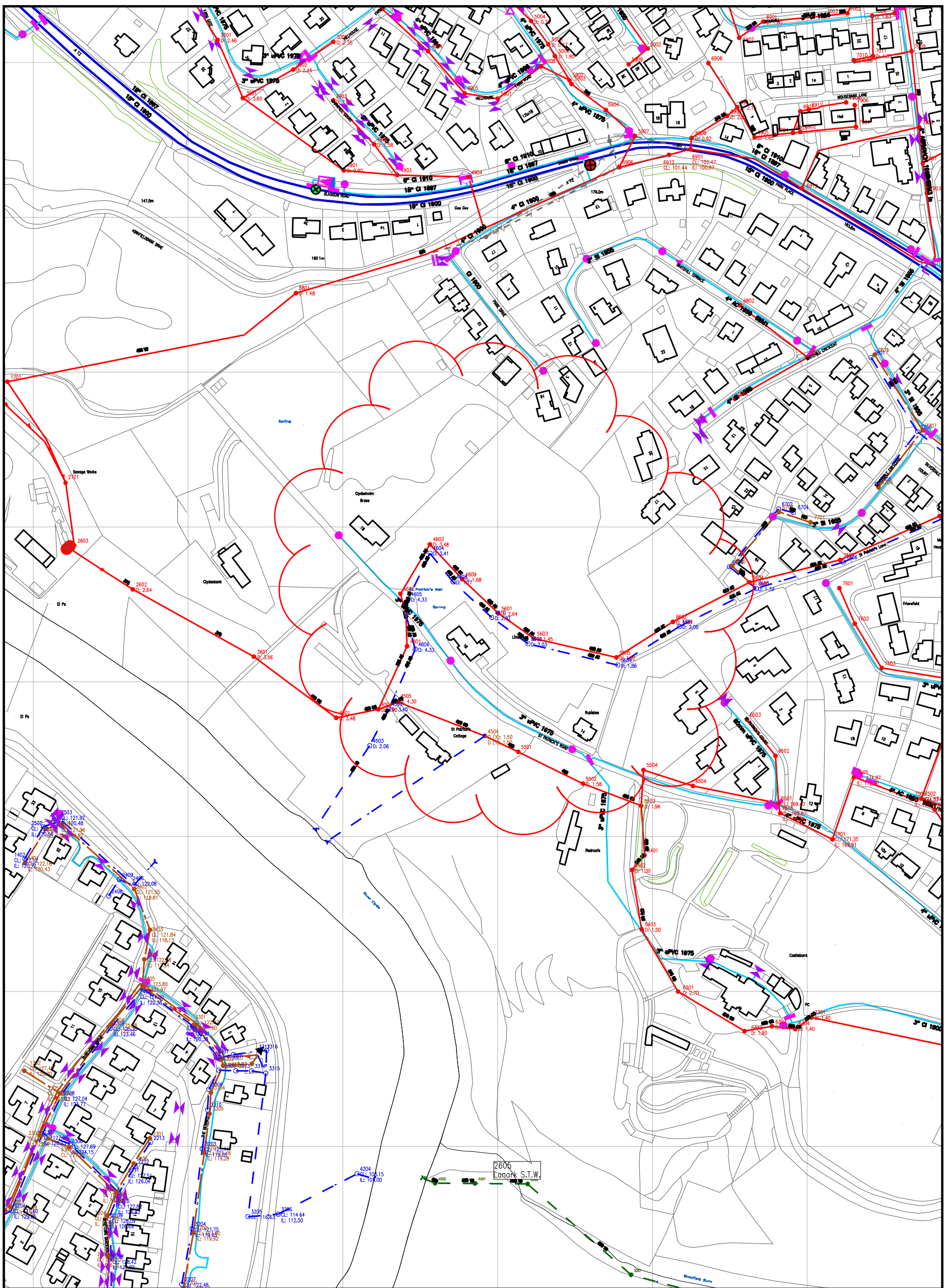
Policy GBRA5 Development of gap sites

To be favourably considered, proposals involving the development of gap sites should satisfy all the following criteria:

- The building group should form a clearly identifiable nucleus with strong visual cohesion. The site should be bounded on at least two sides by habitable houses or other buildings that are either in use or capable of being brought back into use.
- The distance between the buildings should be no more than that needed to allow the formation of a maximum of two plots of a size in keeping with the curtilage and frontage of the existing group. The garden area of an existing property can be included providing sufficient amenity space is retained to serve that property and the size of the resulting plot is in keeping with that of the existing group.
- An extension to a building group will not normally be acceptable where it would result in ribbon development or coalescence with another building group. Exceptionally, the layout of the existing group of houses may allow the infill of a small area up to a natural boundary, for example, an established tree belt or other landscaping feature, a physical feature such as a boundary wall or road, or the land form.
- New housing should be well related in scale and siting to the existing adjoining development, reflect local distinctiveness and respect the existing built form, the landform and the local landscape character. The proposal must have regard to the existing character of the built frontage, for example, a two storey house if the built frontage comprises of two storey houses.

- The location, siting and design of the new houses should meet existing rural design guidelines and advice provided in Appendix 1. Generally, the design, appearance and the materials of the proposed house should be complementary to the character of the existing built frontage.
- Provision must be made for a private amenity space for the house comparable to adjoining properties in the built up frontage.
- The house size to plot ratio and separation distances between houses should be comparable to adjoining properties in the built up frontage.
- The landscape character of the area must not be compromised by the development and proposals should have regard to the landscape backdrop, topographical features and levels. Trees, woodland and boundary features such as hedgerows, particularly beech and hawthorn, and stone dykes should be retained. Proposals should be able to be readily served by all necessary infrastructure, including water, sewerage and electricity and be able to comply with all required parking and access standards.
- Proposals should have no adverse impact 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.

Further detailed guidance is contained in Appendix 1.



0 170 metres

The representation of physical assets and the boundaries of areas in which Scottish Water and others have an interest does not necessarily imply their true positions. For further details contact the appropriate District Office.

Date Plotted: 05/11/2014

OP/RSMTB372

Water and Wastewater

Scale: 1:2500

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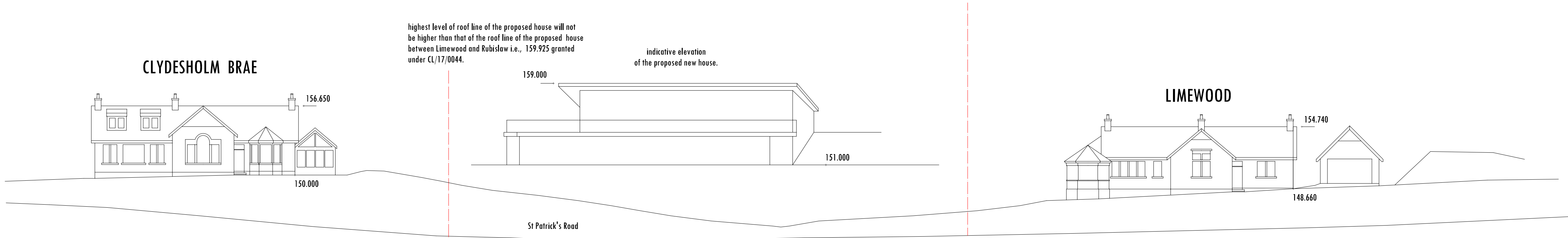
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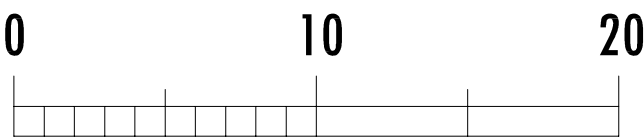
Scottish Water
Always serving Scotland

Castle House,
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Dunfermline,
KY11 8GG

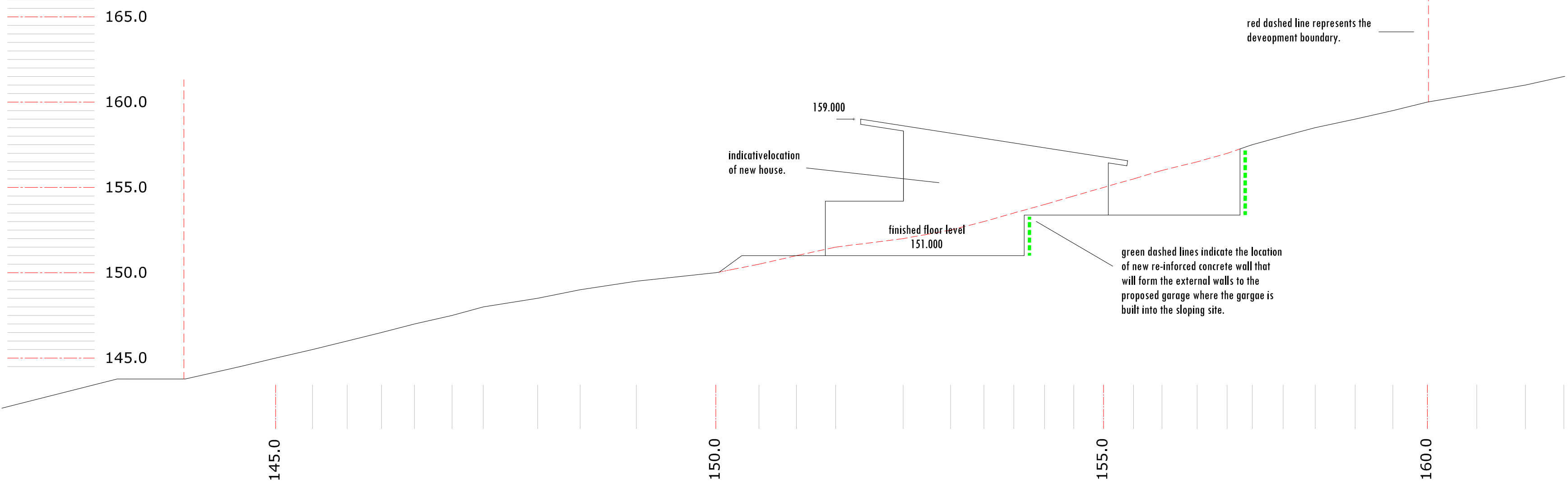
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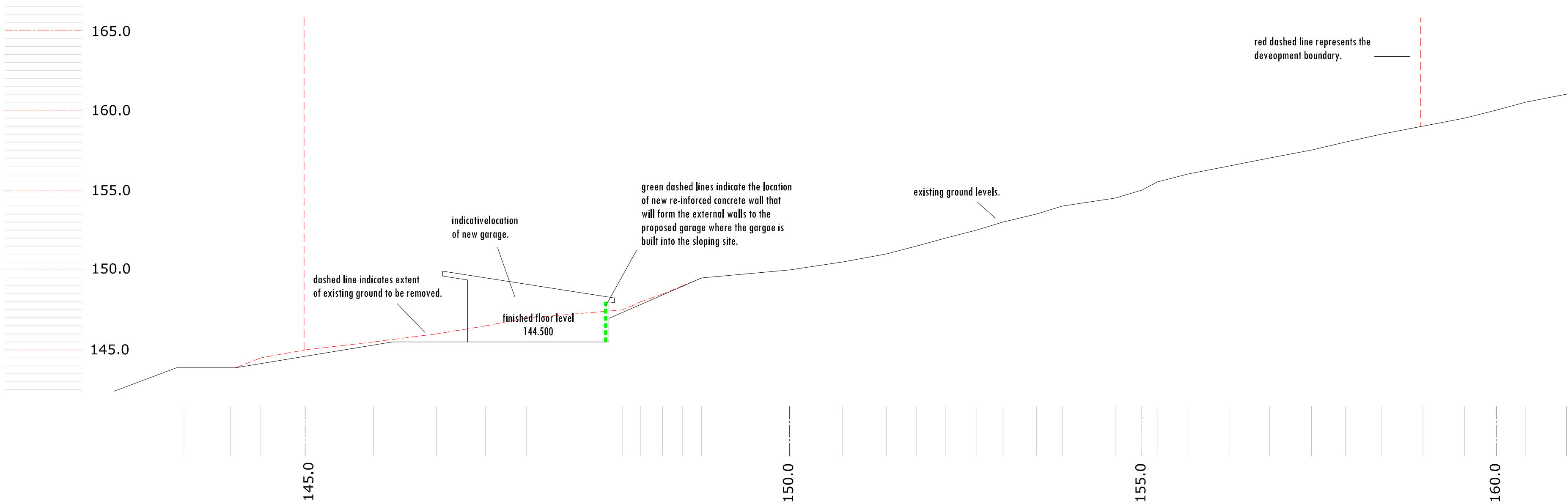
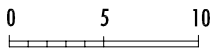


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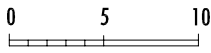
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as proposed - scale 1:200



Cross Section on 'AA'

as proposed - scale 1:200



NOTE:

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RESIDENTIAL HOUSE PLOT
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SOUTH LANARKSHIRE.
FOR
MR & MRS J. WARD

DRAWING TITLE:

SECTIONS / STREET VIEWS
AS PROPOSED.

SCALE:
VARIES

DATE:
MAY. 18.

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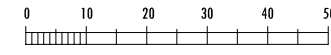
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DRAWING SIZE - A1

Location Plan

scale 1:1250



Cross Section on 'BB'

as existing - scale 1:500

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165.0
160.0
155.0
150.0
145.0

Cross Section on 'AA'

as existing - scale 1:500

175.0
170.0
165.0
160.0
155.0
150.0
145.0

Site Plan

as existing scale 1:500



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FOR
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DRAWING TITLE:

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AS EXISTING.

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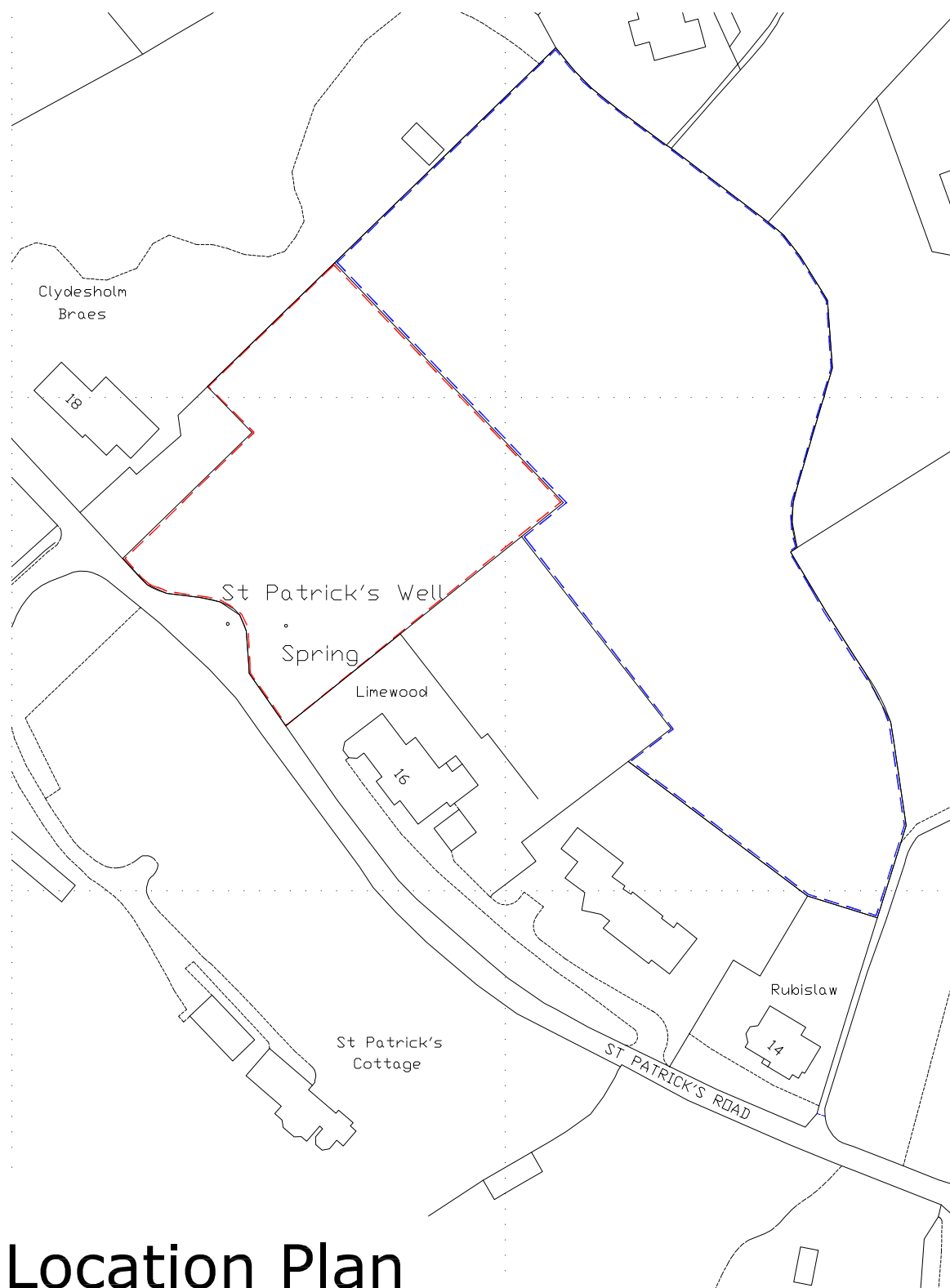
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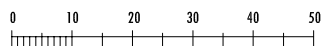
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Location Plan

scale 1:1250



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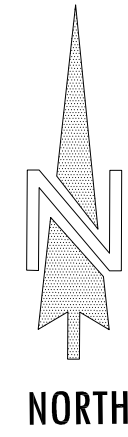
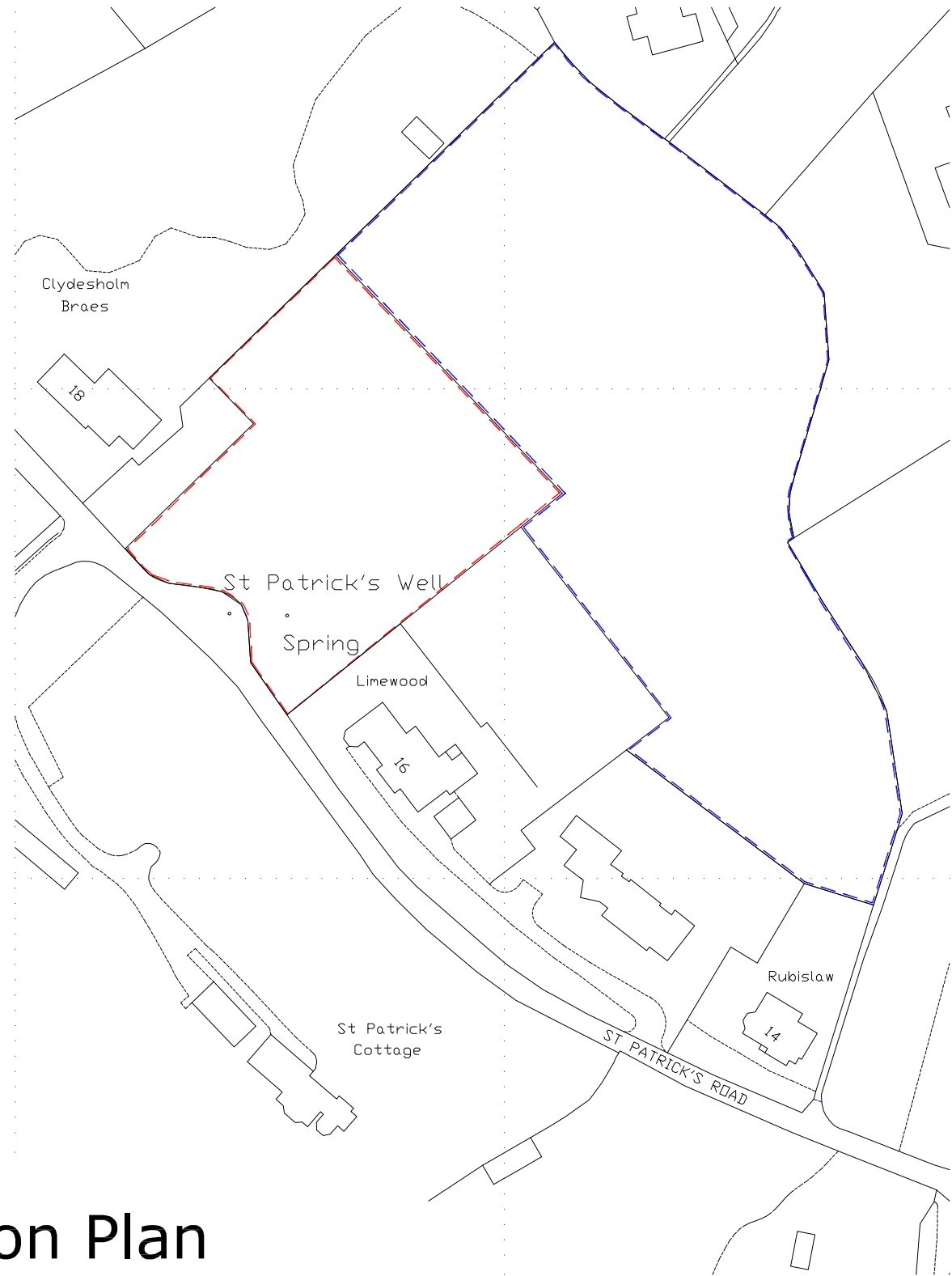
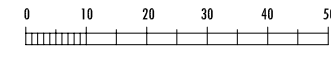
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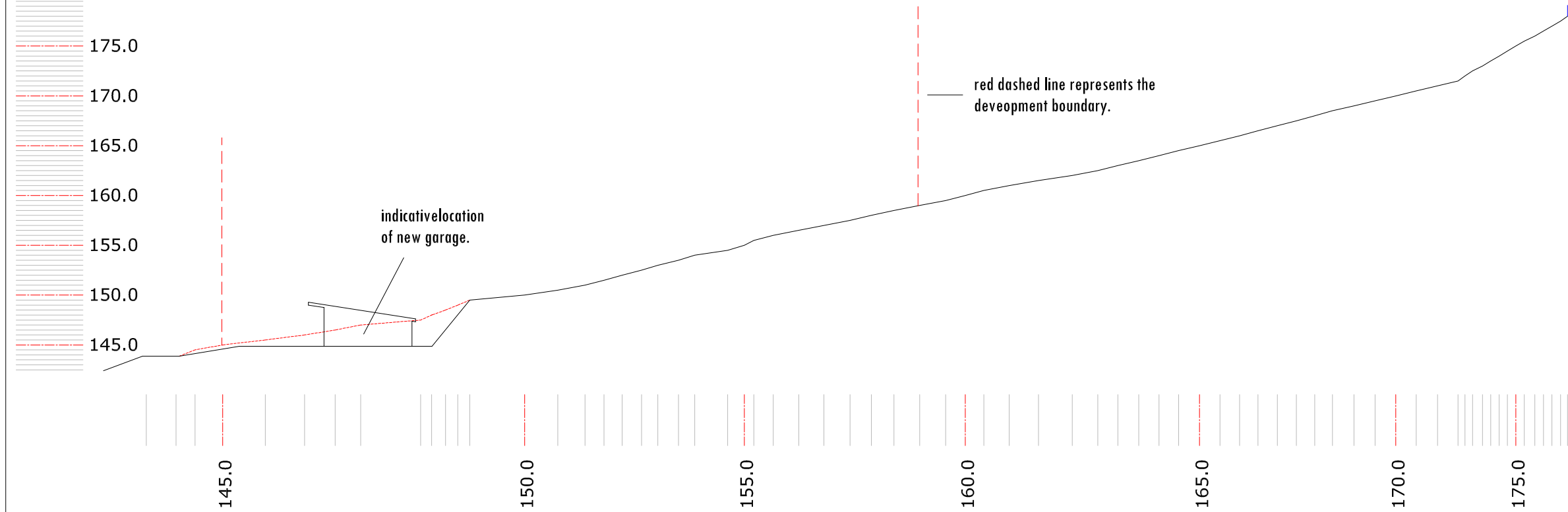
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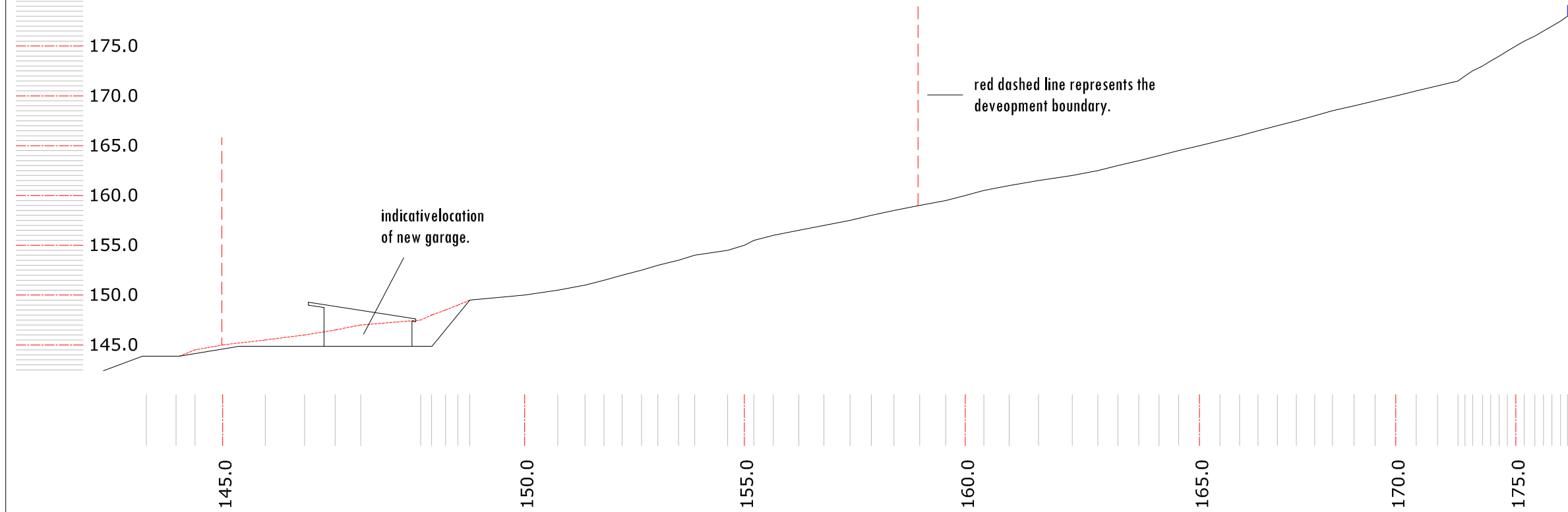
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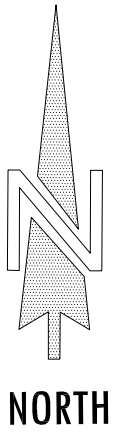
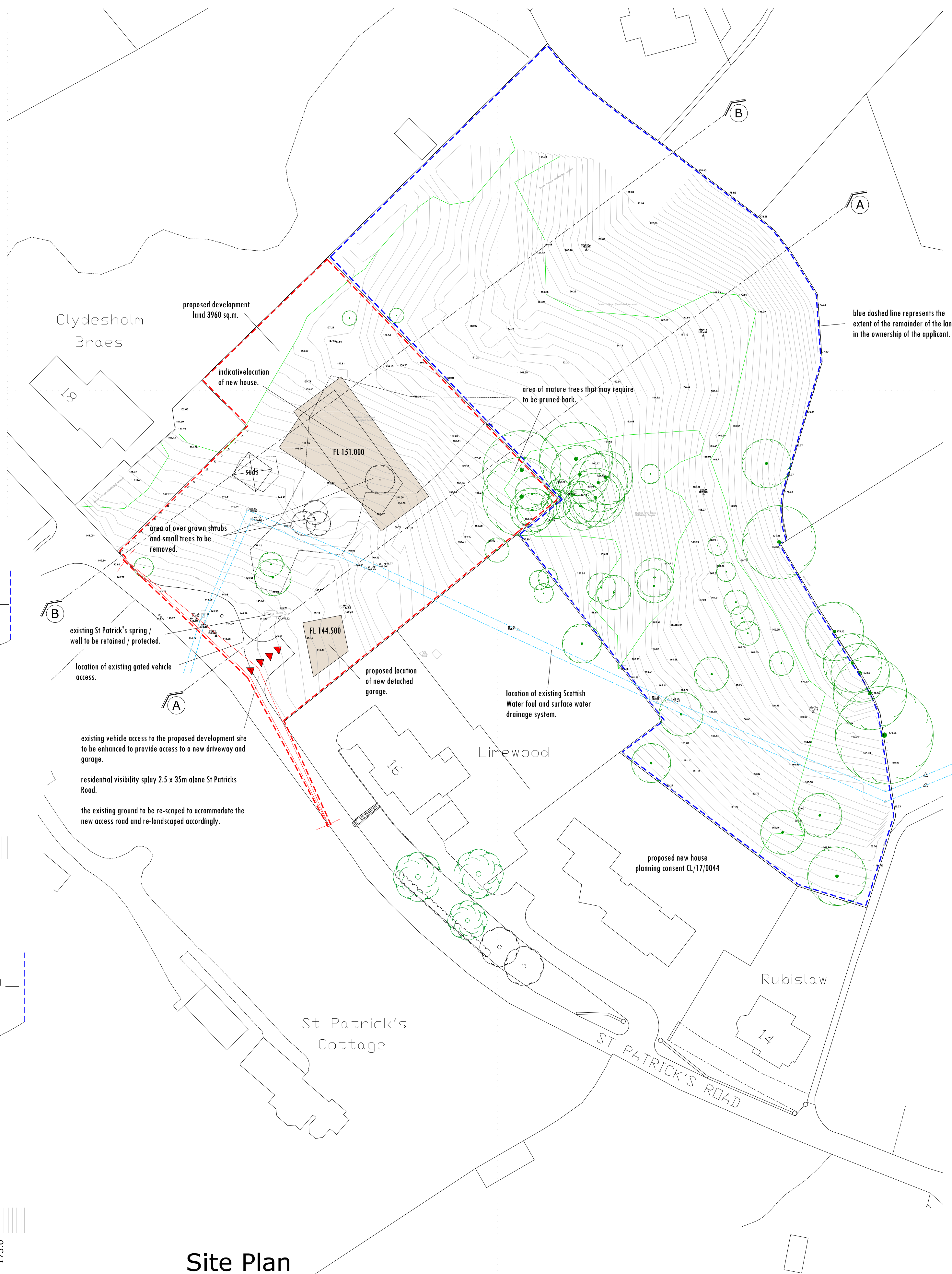
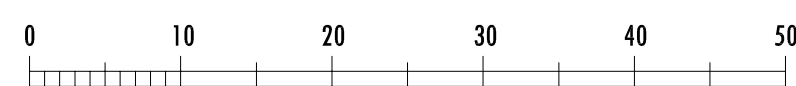
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as proposed - scale 1:500



Site Plan

as proposed scale 1:500



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amendments:

'A' 7th May 2018 - location of new vehicle access to development site amended including visibility splay.

'B' 23rd Aug 2018 - location of site entrance amended.

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FOR
MR & MRS J. WARD

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LOCATION PLAN / SITE PLAN
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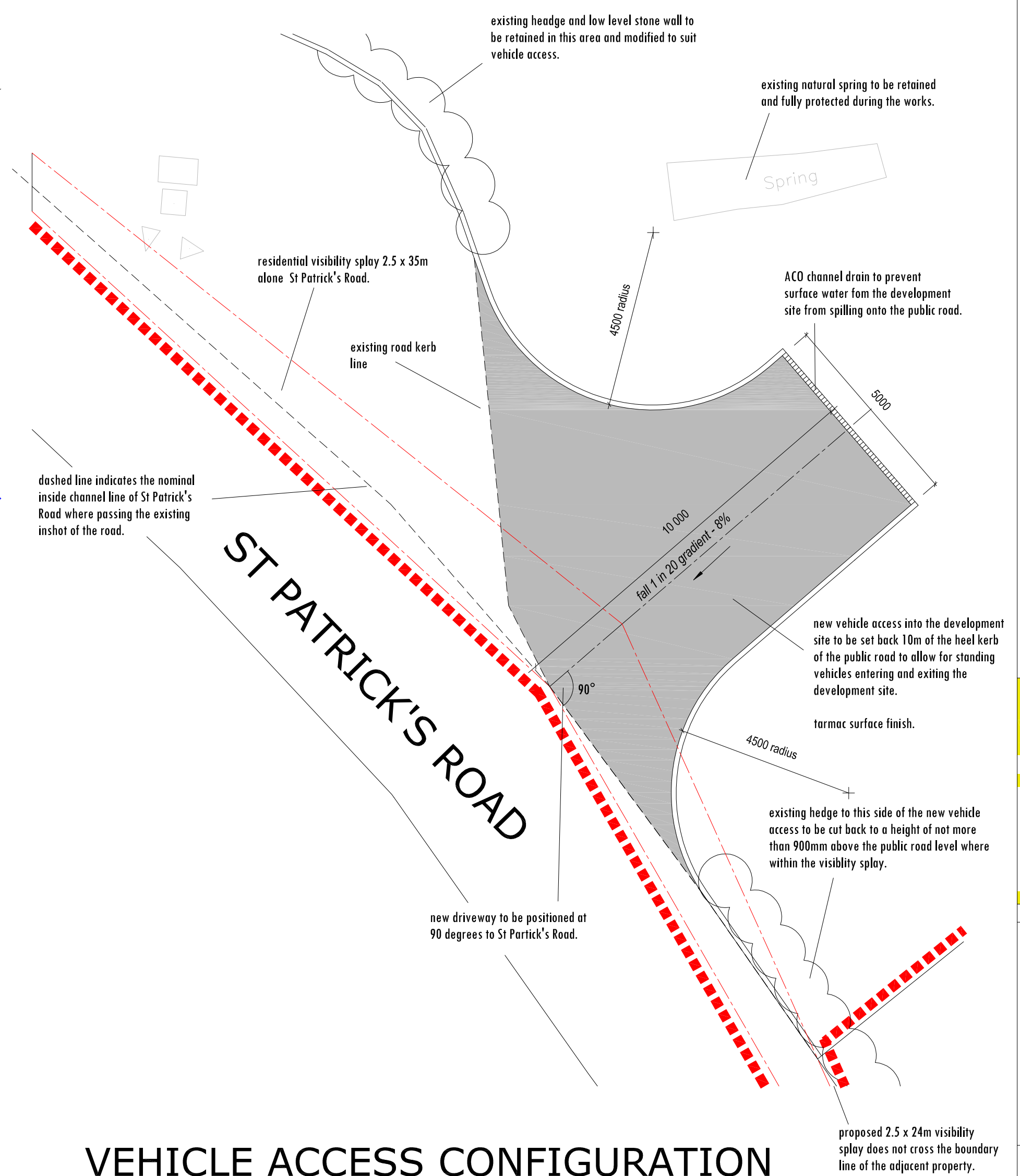
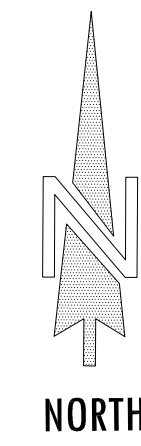
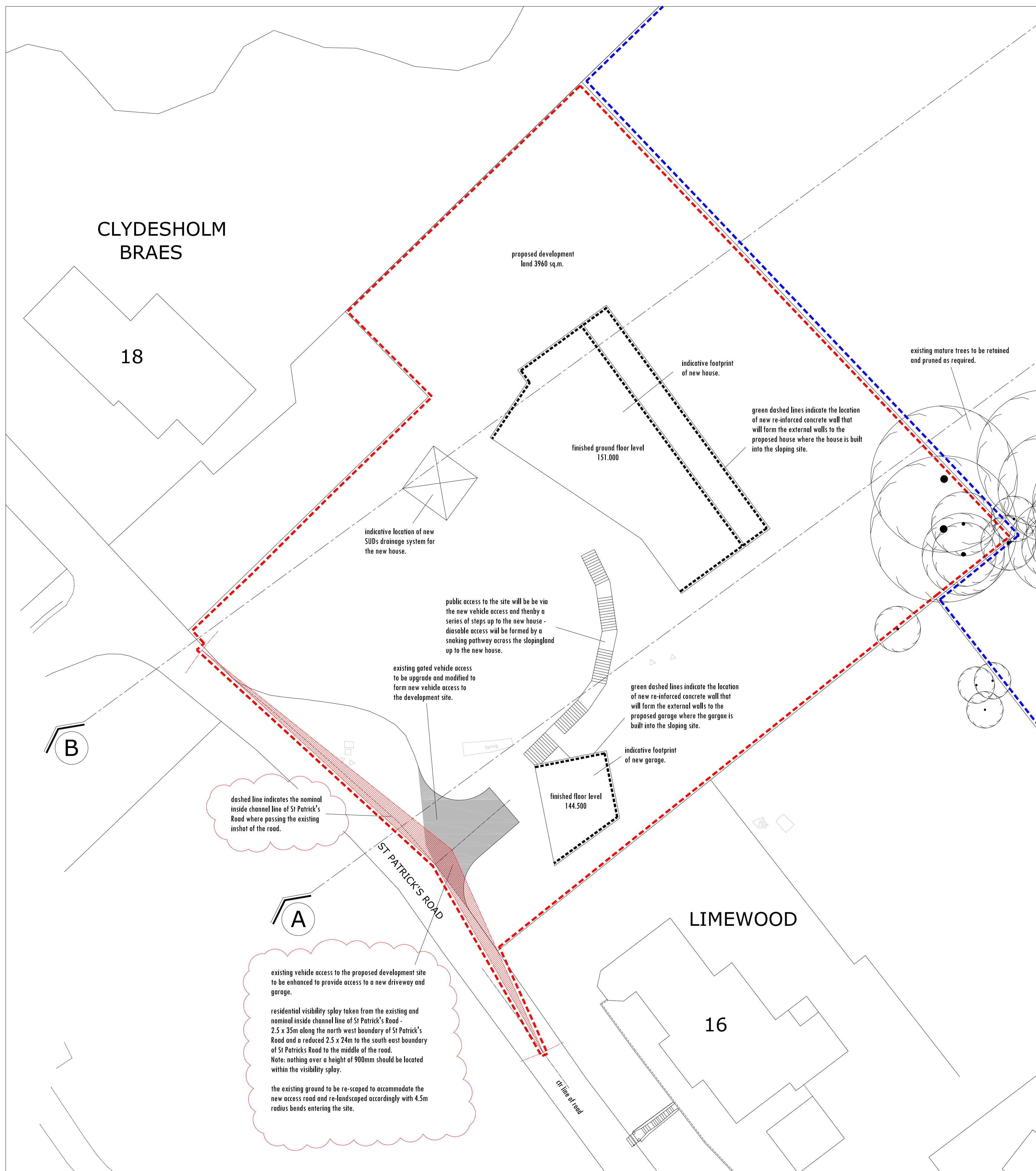
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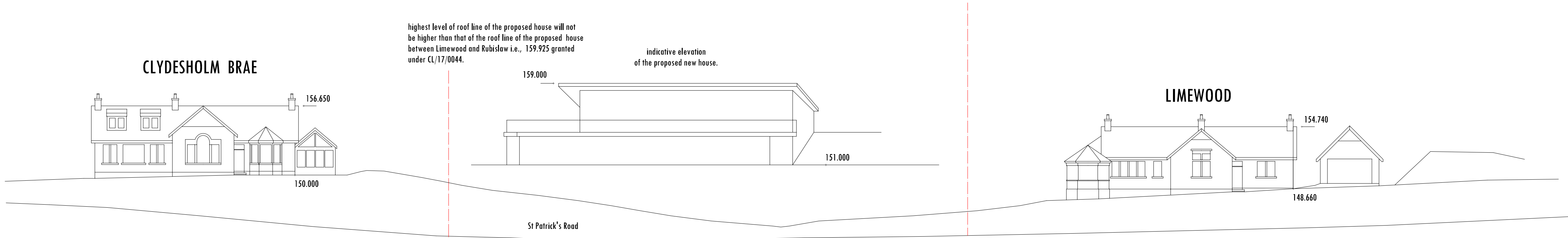
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MAY. 18.

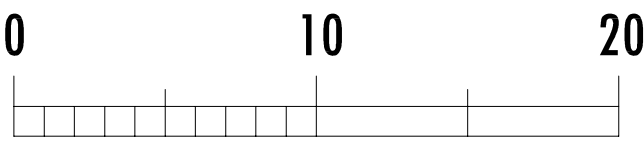
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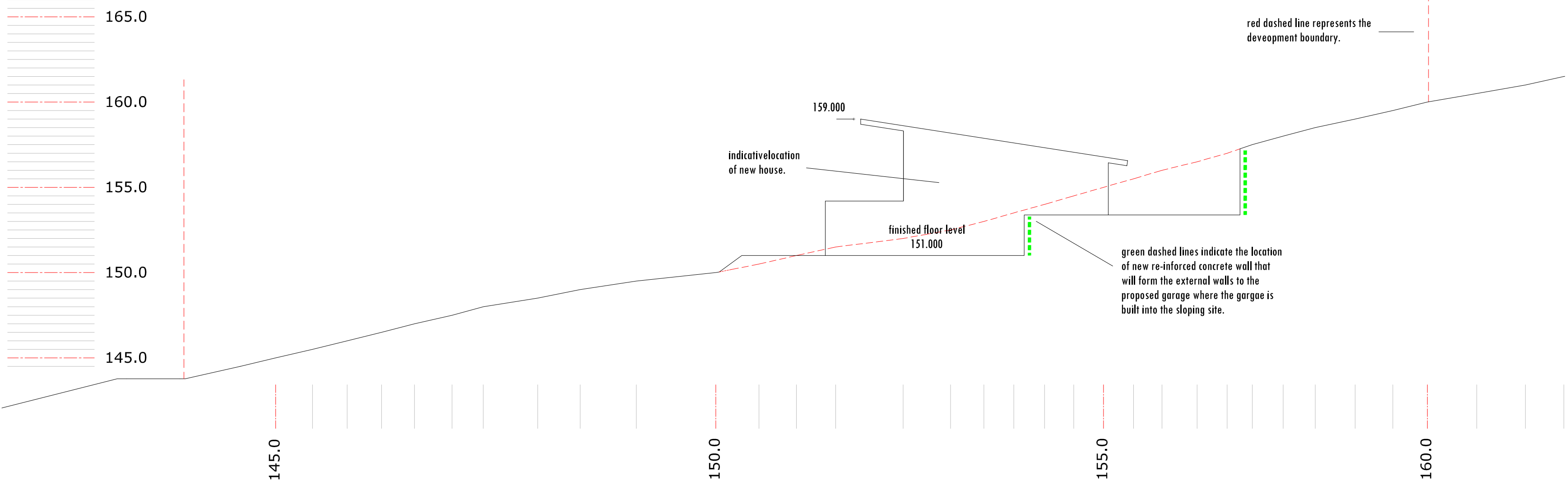
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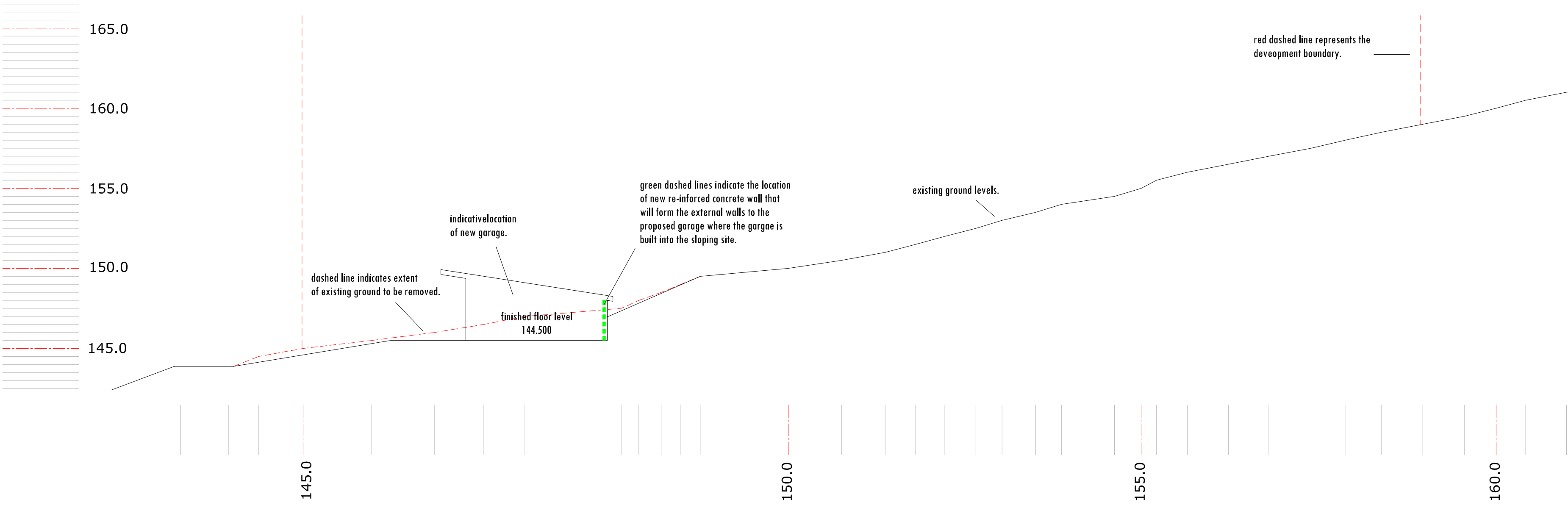
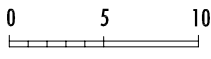


Wider Street View as proposed scale 1:500



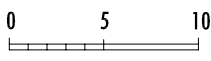
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as proposed - scale 1:200



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as proposed - scale 1:200



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FOR
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VARIES

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Appendix 6

3h

Further Representations

Further Representation From

- ◆ Statement of Observations from Planning Officer on Applicant's Notice of Review
- ◆ Mr C Whitehead, by email
- ◆ Ms J Sanders, by email
- ◆ Mr and Mrs S Laing, by email

STATEMENT OF OBSERVATIONS

Planning Application No: P/18/0245

Formation of House Plot

Land north-west of 16 St Patricks Road, Lanark

1.0 Planning Background

- 1.1** Planning permission was sought for the formation of a house plot to the north-west of number 16 (Limewood), St Patricks Road. The ground which was previously used as grazing land has clumps of naturally regenerated trees and shrubs, particularly on the higher or rear portion of the site. The boundary onto St Patricks Road is defined by hedging on top of a stone dyke. At the time of the site visit, earth spoil from engineering works elsewhere along St Patricks Road had been deposited at the field entrance and up the approximate route of any proposed driveway and path.
- 1.2** Due to the application site's topography and known infrastructure constraints, the applicant submitted a block plan and cross-sections to demonstrate how a house might be positioned within the application site.

2.0 Assessment against the development plan and other relevant policies

- 2.1** Section 25 of the Town and 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 in this instance comprises the adopted South Lanarkshire Local Plan and an assessment of the development proposal against the relevant policies is detailed in the Officer Report, dated 26 October 2018.

3.0 Other Material Considerations

- 3.1** On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and it is now a material consideration in determining planning applications. The proposed development was considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan. The relevant Policies are 4, NHE16, GBRA1, and GBRA8.

4.0 Observations on applicants 'Notice of Review'

- 4.1** The applicant's grounds for the review relate to whether the application site can be construed as a gap site, and the siting of any proposed dwelling within the site. As stated within the officer report (paragraph 3.3) "the application site meets the basic definition of a gap site in that it is bounded on both sides (Limewood to the south-east and Clydesholm Braes to the north-west) by properties, fronted by a road and could accommodate a dwelling of a similar footprint to those in the vicinity." However, the crux of the issue at this application site are the constraints on any development posed by the route, and associated stand-off zones, of the Scottish Water infrastructure as well as the historic St Patricks Well. These would necessitate a build zone in a larger plot extending up the hillside, and at variance to the established development pattern

and street frontage of St Patrick's Road. This was addressed in Section 3 of the Officer report.

- 4.2** Whilst the formation of a house plot does not require details of the design or scale of a dwellinghouse that may be erected on the site, due to this site's topography a possible house position was indicated on the site plans. The applicant's Design Statement stated that "the proposed layout of the development site would be to have a detached garage accessed off St Patricks Road which in turn would provide pedestrian access to a split level detached house located further up the slope." The potential impact of a dwellinghouse positioned on the eastern portion of the application site was considered and addressed in the officer's report (paragraphs 3.5 and 3.7).

5.0 Conclusions

- 5.1** The proposed house plot would not be comparable with those nearby in terms of size and road frontage, and due to the site's characteristics it would be unable to be developed with a dwelling positioned to reflect adjoining properties, contrary to Policies 3 and GBRA5 of the adopted South Lanarkshire Local Development Plan and its associated supplementary guidance. The proposal is also considered not to comply with Policies 4 and NHE16 in that it would adversely affect the landscape character and rural nature of the area.

Dear Ms McRae,

Please see my comments below regarding the appeal against the decision on planning application P/18/0245 Formation of house plot, St Patricks Road, Lanark

Firstly I would like to state that all of my original objections to the planning application as submitted on 3rd June 2018 remain and furthermore are not diminished by the points raised in the applicants appeal.

1) Opinion Prior to Formal Planning Application:

The applicant draws attention to the email from Lynda Dickson and the favourable opinion expressed. It should be noted that the opinion expressed was not part of a formal planning application and therefore not supported by the full planning details necessary for a fully considered and definitive response nor was this opinion free of conditions. A definitive response was given in the Council's decision on the formal planning application and therefore the previously expressed opinion is superseded. In any case the opinion offered is clear that consideration of the plot as a gap site and therefore any subsequent development would only be considered if the existing building line is respected. This is an aspect which the applicant has expressed no proposal to address and by way of mitigation has requested site visits to review the site because of a clear intent not to re-position the property due to the infrastructure implications referenced below.

2) Location of Proposed House:

It is a requirement to ensure that development should maintain the building line of neighbouring properties. The currently proposed position of the property does not respect this requirement and nor does it respect the privacy of Limewood being significantly elevated and set to the rear of the plot looking upon the rear of Limewood. In order to address the positioning, by moving the proposed house location both forward and lower in the plot, then significant groundworks would be required including the movement of existing Scottish Water waste water pipes. Any permission granted should be given only following submission of plans, fully approved by Scottish Water, for the re-location of this infrastructure as without such confirmed plans it is impossible to see how a property could be situated in a compliant location.

3) House Type:

The submitted plan drawings suggest the proposed house would be of contemporary design. This is justified on the grounds that the proposed development between Rubislaw and Limewood (CL/17/0044) is also contemporary. Original objections to that proposed development were not upheld however the addition of a further property of contemporary design would irreversibly alter the overall character of the area in direct contravention to stated policy on gap site development (Policy GBRA5 - development of gap sites - requires conformity with the adjoining properties and landscape).

4) Proposal to Defer Detailed Plans:

The applicant has proposed that the submitted plan drawings are indicative only and would be finalised at detailed planning stage. This represents a clear intent to avoid providing clear information at this stage of planning in the hope that such information will be easier to clear at a later stage when other permissions have already been given. As already mentioned, the

positioning of the property and its style is fundamental to the permission to develop this site. Without making a clear statement, at this stage, of how the applicant would expect to be able to comply with requirements planning consent cannot be given.

In summary, my original objections to the proposal remain and I request that they be given full consideration alongside my comments above. The Council's original decision based on the fundamental issues that this is neither a gap site, nor are the plans in line with development requirements of such a site; and furthermore would adversely impact the rural character and landscape of the area is valid and the applicant provides no proposed remedy to these in the appeal. Indeed the basis for appeal appears to be only through opinion given prior to full planning consideration and restating the limitations of the site topography.

I also would like to draw attention to the applicants poor conformance to planning permission on the site between Rubislaw and Limewood (CL/17/0044) and the driveway construction (CL/15/159), as raised in my previous response. These examples demonstrate a need to ensure a full and detailed submission is made by the applicant and, should consent be given, that the Council and applicant agree a formal regime for monitoring the applicant's (or any subsequent purchaser's) compliance to all conditions made as part of any permission granted.

I hereby request that the Council's decision be maintained and the appeal dismissed.

Regards,
Chris Whitehead

P/18/0245 - appeal on refusal of application P/18/0245 Formation of house plot, St Patricks Road, Lanark

My original objections to the proposal remain and I request that they be given full consideration.

On the specific appeal points I have the following comments:

1) House location.

The email -31/10/2017- from Lynda Dickson to the agent makes clear that for a development here to be favourably considered the existing building line must be respected.

The land along the building line is not suitable for development because of Scottish Water pipes and the historic St Patricks well.

Therefore any development would have to be set back and would not conform with Council policy.

In view of this it is hard to see why the applicant continues to pursue his case given that the Council policy cannot be met.

The agent claims that the positioning /location of the proposed house is only indicative and that the exact location would be determined at the detailed planning stage, However the application is for a specific site and since the only acceptable site - along the existing building line- cannot be achieved the application should be considered as it stands.

2) House type.

The proposed house would be of contemporary design. This is justified on the grounds that the proposed development between Rubislaw and Limewood (CL/17/0044) is also contemporary.

As raised in my objection to CL/17/0044 this house does not conform with the size, materials or character of the adjacent houses and to permit another contemporary house along St Patricks Road makes a bad situation worse.

Policy GBRA5 - development of gap sites- requires conformity with the adjoining properties and landscape.

3) Determination at detailed planning application stage.

The agent claims that all details of landscape , location of house and house design should be determined at detailed planning stage.

However , this would be too late. Once the outline permission has been granted the principle of development would be determined and it would be difficult at this stage to stop or significantly amend the development.

I therefore request that the Council's decision be maintained and the appeal dismissed.

Jean Sanders

Having read the documentation associated with the refusal of planning permission for P/18/0245 we wish to make the following representations

- 1) We wish to re-iterate our objections to the development previously documented in our letter of 4 June 2018 (attached) and in particular to the location of Scottish Water's drainage system and the issues of siting a house in that plot.
- 2) We endorse the assessment in Sections 3 and 4 of SLC's Delegated Report dated 17 October 2018 which makes clear that the lower part of that site is unsuitable for building on and that placing the development in the upper part of the site would violate policies GBRA5 and NHE16.

Yours Sincerely

Steven Laing
Valerie Laing

Appendix 7

3i

**Applicant's Comments on Further Representations
Submitted by Interested Parties in the Course of the
Notice of Review Consultation Process**

Attn. Pauline MacRae
Administration Officer
South Lanarkshire Council
Floor 2,
Council Offices,
Almada Street,
Hamilton,
South Lanarkshire.
ML3 0AA

20th February 2019

Our REF: 929224/WSV/PL-3
Your REF: PLRB/NOR/CL/19/001

Dear Pauline

**929224: PROPOSED RESIDENTIAL HOUSE PLOT AT GAP SITE BETWEEN LIMWOOD-16 ST PATRICK'S ROAD AND
CLYDESHOLM BRAE-18 ST PATRICK'S ROAD, LANARK — REF: P/18/0245 — APPEAL REF: PLRB/NOR/CL/19/001**

I refer to receipt of your letter dated 11th February 2019 enclosing the representations received from interested parties and as entitled I have made my comments on these representations as follows;

Representations from Steven and Valerie Laing.

1. All considerations were given in respect to the location of the Scottish Water infrastructure that passes through the lower section of the site which had a result of the positioning of the proposed dwelling house on the higher / rear section of the proposed development.
2. In respect to the Laing's agreeing with statements made within sections 3 and 4 of SLC's Delegated Report, we would consider that all design considerations have been met in respect to GBRA5 given the constraints to the proposed development site.

It is noted within Delegated Report that any house should be positioned to relate with the existing properties on either site i.e. on the build line.

A common feature of the countryside is small groups of traditional and modern houses built using the road frontage edge of what were previously fields. These are generally well established and consist of no more than two or three houses i.e. St Patricks Road. Linear development becomes a problem when these small groups are extended along the road, with the result that the rural character is lost with development dominating otherwise rural views.

Building a new house on the build line would come to dominate the view, where narrow roads were once bounded by trees, hedgerows and dykes etc therefore the new proposed house is proposed for further up the hill side screen by existing and new landscape features which avoid the new house from dominating the rural view.

Furthermore a continuous linear development leads to suburbanisation and a loss of rural character.

Representations from Jean Sanders.

1. House location: again this first representation refers to the build line and that the new house should be positioned accordingly, however as indicated within the comments to the Laing's representation the new house cannot be located on this build line due to the previously mention site constraints i.e Scottish Water infrastructure and the historic St Patrick's Well.

In respect to locating the house higher on the site due to these constraints we would further comment that modern building techniques mean that houses can be built on almost any site, regardless of its physical landscape.

Building on sloping site makes them unduly prominent and significant under-building further increase the visible mass of the building. This technique results in new builds often sitting up in the skyline and can have a detrimental effect on the surrounding landscape therefore the proposed house is planned to be built into the landscape and not on the landscape minimising any such impact.

The use of split levels as a design feature on sloping sites would avoid the need for any major engineering on the site and minimise any impact on the landscape character of the land.

2. Comments raised in respect to the planning consent granted under CL/17/0044 are relative to this appeal as the council has previously given consent for a modern contemporary, split level house on a gap site which lies less than 500 yards for the application site. This is relevant as the council has already intimated within their Delegated Report for CL/17/004 that this contemporary house meets with the guidelines of GBRA5.

Under planning guidelines it is also important to encourage the best of contemporary designs. There is considerable scope for creative and innovative solutions whilst relating a new home to the established character of the area.

3. Determination at detailed planning application stage:

The basis of the Outline Planning application is to determine the principal of the development from a gap site to a residential site which require a certain amount of information to be provided to allow the application to be assessed and on this occasion, we consider that we provided all relevant drawings etc to allow the planner to consider this application.

A full planning application would entail full detailed design drawings of the proposed house, floor plans sections material finishes, landscape proposals and this application would be independently assessed by the planners.

We would consider that this representation made by Jean Saunders in not relevant or applicable.

Representations from Chris Whitehead.

1. The prior opinion e-mail from Lynda Dickson of the Planning Department was sought by the applicant as a pre-consultation to ascertain if the application site was suitable and considered to be a gap site. The response from Lynda Dickson confirming that this site could be considered as a gap gave the applicant justification in proceeding with an Outline Planning application.

Mr Whitehead further commented that any development would only be considered if the proposed house was built on the build line. As part of the response provided in respect to the comments by Steven and Valerie Laing, item 2 we would again intimate that to build on the build line would be considered as a ribbon development which should be avoided in such rural and narrow road situations.

In respect to the comment about the applicant has not expressing any proposal by way of mitigation to address the build line, we would confirm that the mitigation was addressed during the application process and was clearly outlined with in the application statement for the appeal.

2. Again comments are noted as to the build line which we have responded to in the above. In respect to the privacy issues to Limewood this would be addressed within a full planning application where the full design of the new house would fully address any privacy issues with any views from the proposed new house being fully considered in respect to the neighbouring properties. As an example any modern housing development would have houses that back onto each other, being separated by fences etc but there would still be some degree of overlooking into neighbouring properties.

Mr Whitehead further comments that the house should be moved forward and down the site requiring the relocation of the Scottish Water infrastructure, this would not be considered due to the extent of excessive civil works required to carryout such an operation which would be more harmful to the environment / rural area, therefore the positioning of the house on the rear section of the site

was deemed more acceptable and would cause less disruption to the area during construction. Scottish Water would be full consulted during a full planning application. Furthermore during the outline application Scottish Water had no comments or objection to make at that time.

The applicant also sold 'Limewood' 16 St Patrick's Road, Lanark to the current owner and as part of that sale the applicant full discussed the possible new house build and apposition on the application site and that there were no objections / concerns raised at that time. Furthermore the owners of 'Limewood' were fully consulted by the applicant on the construction of the new driveway and again no concerns / objections at that time.

3. In respect that another modern contemporary house would irreversibly alter the overall character of the area in direct contravention to the stated policy on gap site development under GBRA5, we confirm that under GBRA5 the policy stated the following;

Chapter 3, Rural Area, item 3.7 states that 'small scale housing development in the right places and of a high environmental and design quality may also be supported. In addition to the circumstances outlined in paragraph 3.5, in the rural area this can also included:'.

- the limited expansion of an existing settlement where the proposal would be proportionate to the existing scale and built form of the settlement.
- extension to existing clusters and groups.
- proposals for individually designed, contemporary or innovative houses.

The planning policies also intimate that modern contemporary houses will also be considered where they would be constructed using the highest levels of craftsmanship in conjunction with modern efficient and sustainable materials to blend in with the surrounding area. The house design would also be designed with an efficient heating system coupled with mechanical and heat recovery systems to aid in the delivery of modern home whilst having a minimal environmental impact.

Materials utilised to construct the new house would also meet the rural guidance utilising external material finishes to blend in with the surround area and neighbouring houses.

The issue of full planning consent for a new modern contemporary split level house on the site just less than 500 yards away from this application highlights that the planners were satisfied with the introduction of this style of house into the rural area and confirmed that guidelines of GBRA5 were met. This highlights an inconsistency with the planner refusal decision for this site.

4. We strongly object to the last point raised by Mr Whitehead where it is implied that the applicant and subsequently ourselves are somehow attempting to avoid providing clear information at this stage in an attempt to surpass the system to make it easier to have a full planning application granted at a later stage. All necessary information supplied during the Outline application was sufficient to allow the application to be duly processed.

As a registered Chartered Member of the 'Chartered Institute of Architectural Technologists' we have codes of practice to adhere to and any suggestion that we have acted inappropriately would require us to take the appropriate actions to defend our professional reputation and that of the applicant. Should this point not be withdrawn or indeed an apology offered for such an actuation then we will require to discuss this matter with our lawyers.

Statement of Observations:

We acknowledge the comments provided within the statement of observations provided by the planners which is a brief summary of their Delegated Report and would comment on the Section 5 – Conclusions as follows;

In terms to the house plot not being comparable with those nearby in terms of size and road frontage, we would justify the increased plot size to the rear due to the constraints on the lower section of the site i.e. the historic St Patrick's Well and the Scottish Water infrastructure. In terms of the road frontage, a house on the build line would result in a ribbon development which should be avoided in the rural area and on narrow roads as this would result in dominating the local views along the road side. The points raised within the submitted statement for appeal outlines how we consider that the policies contained within Policy 3 and GBRA5 can be met.

In terms of the comments that the proposal would not comply with Policies 4 and NHE16 in that it would adversely affect the landscape character and rural nature of the area we would comment as follow;

The Supplementary Guidance 2: Natural and Historic Environment, Chapter 4, Natural Environment, Policy NHE16 Landscape, Special Landscape Areas, states that ' development proposals within the Special Landscape Areas (SLA) identified on the Strategy Map will only be permitted if they satisfy the requirements of LDP Policy 3 Green Belt and Rural Area and can be accommodated without significantly and adversely affecting the landscape character, scenic qualities and features for the area has been designated.'

As noted in the planners Delegated Report point 3.6 states the following:

'Views into the application site are primarily from the Kirkfieldbank area to the west and north-west, while bends in the valley of the Clyde and distance mean that there would be no effect on the New Lanark World Heritage Site's outstanding universal value. The formation of a plot would therefore be acceptable in the context of Policy 15 - Natural and Historic Environment.'

This statement appears to contradict that given in the 'Statement of Observations'.

The above comments are a reply to the representations provided by the interested parties and we would like the above to be taken into full consideration by the Local Review Body.

Yours faithfully

Wm. Stuart Veitch

