



Council Offices, Almada Street
Hamilton, ML3 0AA

Friday, 14 April 2023

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, 24 April 2023

Time: 10:30

Venue: Hybrid - Committee Room 1, Council Offices, Almada Street, Hamilton, ML3 0AA

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

Yours sincerely

Cleland Sneddon
Chief Executive

Members

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

Substitutes

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

BUSINESS

1 Declaration of Interests

- 2 Minutes of Previous Meeting** 3 - 4
Minutes of the meeting of the Planning Local Review Body held on 20 February 2023 submitted for approval as a correct record. (Copy attached)

Item(s) for Decision

- 3 Review of Case - Application P/22/0915 for Formation of House Plot (Planning Permission in Principle) at 103-104 Crosswood Terrace, Tarbrax, West Calder** 5 - 8
Report dated 14 April 2023 by the Executive Director (Finance and Corporate Resources). (Copy attached)
- 3a Appendix 1 Planning Application Form** 9 - 18
- 3b Appendix 2(a) Consultation Response** 19 - 22
- 3c Appendix 2(b) Representation** 23 - 26
- 3d Appendix 3 Site Photographs and Location Plan** 27 - 38
- 3e Appendix 4 Notice of Review** 39 - 46
- 3f Appendix 5 Further Representation** 47 - 54

Urgent Business

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

For further information, please contact:-

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

PLANNING LOCAL REVIEW BODY (PLRB)

2

Minutes of meeting held via Confero and in the Council Chamber, Council Offices, Almada Street, Hamilton on 20 February 2023

Chair:

Councillor Richard Nelson

Councillors Present:

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

Attending:

Community and Enterprise Resources

J Weir, Planning Adviser to the Planning Local Review Body

Finance and Corporate Resources

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

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 21 November 2022 were submitted for approval as a correct record.

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

3 Review of Case – Application P/22/0292 for Erection of Garden Building for Use as a Beauty Salon (in Retrospect) at 12 Kylepark Crescent, Uddingston

A report dated 10 February 2023 by the Executive Director (Finance and Corporate Resources) was submitted on a request for a review of the decision taken by officers, in terms of the Scheme of Delegation, to refuse planning permission for planning application P/22/0292 by L Jamieson (formerly L Devers) for the erection of a garden building for use as a beauty salon (in retrospect) at 12 Kylepark Crescent, Uddingston.

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

- ◆ planning application form
- ◆ report of handling by the planning officer under the Scheme of Delegation together with representations and responses from consultees
- ◆ site photographs and location plan
- ◆ decision notice
- ◆ notice of review, including applicant's statement of reasons for requiring the review
- ◆ further submissions from interested parties following notification of the request for the review of the case
- ◆ comments from the applicant on the further submissions received from the interested parties

- ◆ submissions from interested parties on the revised Draft National Planning Framework 4 in relation to the review
- ◆ comments from the applicant on the revised Draft National Planning Framework 4 in relation to the review

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

The PLRB heard the Planning Adviser in relation to the case.

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

In reviewing the case, the PLRB considered:-

- ◆ the information submitted by all parties
- ◆ the relevant policies contained in the adopted South Lanarkshire Local Development Plan 2:-
 - ◆ Policy 2 – Climate Change
 - ◆ Policy 3 – General Urban Areas and Settlements
 - ◆ Policy 5 – Development Management and Placemaking
 - ◆ Policy DM1 – New Development Design
 - ◆ Policy DM12 – Working from Home
 - ◆ Policy NHE6 – Conservation Areas
- ◆ the relevant policies contained in the National Planning Framework 4 which had been adopted on 13 February 2023 and formed part of the statutory development plan:-
 - ◆ Policy 1
 - ◆ Policy 2
 - ◆ Policy 7
 - ◆ Policy 14
 - ◆ Policy 15
 - ◆ Policy 16
 - ◆ Policy 26

Following its review of the information and after discussion, the PLRB concluded that the development was contrary to Policies 3, 5, DM1 and DM12 of the South Lanarkshire Local Development Plan 2.

The PLRB decided:

that the decision taken by officers, in terms of the Scheme of Delegation, to refuse planning permission for planning application P/22/0292 by L Jamieson (formerly L Devers) for the erection of a garden building for use as a beauty salon (in retrospect) at 12 Kylepark Crescent, Uddingston be upheld.

4 Urgent Business

There were no items of urgent business.

Report

3

Report to:	Planning Local Review Body
Date of Meeting:	24 April 2023
Report by:	Executive Director (Finance and Corporate Resources)

Subject:	Review of Case – Application P/22/0915 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 undernoted application on the basis that the application has not been determined (deemed refusal) within the period allowed for determination.

1.2. Summary Application Information

Application Type:	Planning Permission in Principle
Applicant:	M Carroll
Proposal:	Formation of house plot (planning permission in principle)
Location:	103-104 Crosswood Terrace, Tarbrax, West Calder, EH55 8XE
Council Area/Ward:	2 Clydesdale North

1.3. Reason for Requesting Review

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

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

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

3. Background

3.1. The Council operates a Scheme of Delegation that enables Council officers to determine a range of planning applications without the need for them to be referred to Area Committees or the Planning Committee for a decision.

- 3.2. In terms of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act 2006, and the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013, where an application for planning permission relates to a proposal that falls within the category of “local development” and has been or could have been determined under the Scheme of Delegation, the applicant is entitled to request that the determination be reviewed by the Planning Local Review Body.

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

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

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

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

5. Information Available to Allow Review of Application

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

6. Notice of Review Consultation Process

- 6.1. As the review has been requested because of the failure to give a decision on the application (deemed refusal), no report of handling is available for the application. There is a strict statutory timescale of three months for the Planning Local Review Body to conduct a deemed refusal review. Therefore, to facilitate the review and comply with the statutory timescale, the Head of Administration and Legal Services, in consultation with the Chair, asked for observations from Planning Services on the notice of review to be provided in advance of the meeting. This is attached as **Appendix 5.**

- 6.2. There were no other further representations received from interested parties 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.
- 6.3. The applicant had the opportunity to comment on the further representation received. No comments on the further representation were received from the applicant.

Paul Manning
Executive Director (Finance and Corporate Resources)

14 April 2023

Link(s) to Council Values/Priorities/Outcomes

- ◆ We will work towards a sustainable future in sustainable places
- ◆ Good quality, suitable and sustainable places to live
- ◆ Thriving business, fair jobs and vibrant town centres
- ◆ Caring, connected, 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:-

Stuart McLeod, Administration Officer

Ext: 4815 (Tel: 01698 454 815 / 07385 370 117)

E-mail: stuart.mcleod@southlanarkshire.gov.uk

Appendix 1

3a

Planning Application Form

Montrose House 154 Montrose Crescent Hamilton ML3 6LB Tel: 0303 123 1015 Email: planning@southlanarkshire.gov.uk

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 100577481-002

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

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)

The proposal is to split the land which belongs to the property at 103 and 104 Crosswood Terrace Tarbrax. This was approved in a previous application in 2006.

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:	Architectural Services		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	George	Building Name:	
Last Name: *	Young	Building Number:	17
Telephone Number: *		Address 1 (Street): *	17 Blackford Bank
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	United Kingdom
		Postcode: *	EH9 2PR
Email Address: *			
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> 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: *	Martin	Building Number:	103
Last Name: *	Carroll	Address 1 (Street): *	Crosswood Terrace
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Tarbrax
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	EH55 8XE
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

South Lanarkshire Council

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

Address 1:

103-104 CROSSWOOD TERRACE

Address 2:

TARBAX

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

WEST CALDER

Post Code:

EH55 8XE

Please identify/describe the location of the site or sites

Northing

655265

Easting

302651

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)

I was advised to resubmit as enduring a planning consent from 2006 is not feasible.

Title:

Other

Other title:

unknown

First Name:

unknown

Last Name:

unknown

Correspondence Reference
Number:

unknown

Date (dd/mm/yyyy):

09/06/2022

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:

564.00

Please state the measurement type used:

☐

Hectares (ha)

☒

Square Metres (sq.m)

Existing Use

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

Waste ground and car park for one car.

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

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: George Young

On behalf of: Mr Martin Carroll

Date: 20/06/2022

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

- ☒ Site Layout Plan or Block plan.
☐ Elevations.
☐ Floor plans.
☐ Cross sections.
☐ Roof plan.
☐ Master Plan/Framework Plan.
☐ Landscape plan.
☐ Photographs and/or photomontages.
☐ Other.

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

Provide copies of the following documents if applicable:

- | | |
|--|--|
| A copy of an Environmental Statement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input type="checkbox"/> Yes <input checked="" 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 George Young

Declaration Date: 20/06/2022

Payment Details

Online payment: IDOX00010493

Payment date: 20/06/2022 16:12:00

Created: 20/06/2022 16:12

Appendix 2(a)

3b

Consultation Responses

- ♦ Response dated 12 January 2023 from Roads and Transportation Services



3b

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

To:	Planning and Economic Development	Planning Application No:	P/22/0915
From:	Development Management Roads and Transportation Services	Case Officer:	Steven Boertien
		Contact:	Mark Wilkie
		Date:	12 January 2023

Subject: OBSERVATIONS ON PLANNING APPLICATION P/22/0915

Location: 103-104 Crosswood Terrace, Tarbrax, West Calder

I refer to the above application for the formation of house plot (planning permission in principle).

Access would be taken onto Crosswood Terrace via a proposed private access. The required visibility splays onto Crosswood Terrace are 2m x 20m, which are not achievable. This is because the fence height is 1.2m within the visibility splays. It would be preferable if the access location was moved to the existing location.

No car parking spaces are shown on the plan. Two car parking spaces would be required for a 2 or 3-bed house, and three car parking spaces would be required for a house with 4 or more bedrooms. It is considered that there is sufficient space for this provision to be made, with adequate turning space.

This service would wish to defer this application, subject to the above relocation.

Engineering Manager

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



21



Appendix 2(b)

3c

Representations

Representation From

- ♦ Ashleigh Kerr, by email

Dated

12/11/22

From: Ashleigh Kerr
To: [Planning](#)
Subject: Planning permission for next door neighbour Martin Carrol
Date: 12 November 2022 19:02:31

3c

Hi, my name is Ashleigh Kerr, i have just got around to replying to letter for the planning permission from my next door neighbour Martin Carrol. I would like to ask if the case has been determined or not yet? If not I'd like to object to the application. Thanks Ashleigh

Appendix 3

3d

Site photographs and location plan

Photo 1



Photo 2



Photo 3



Photo 4



Photo 5

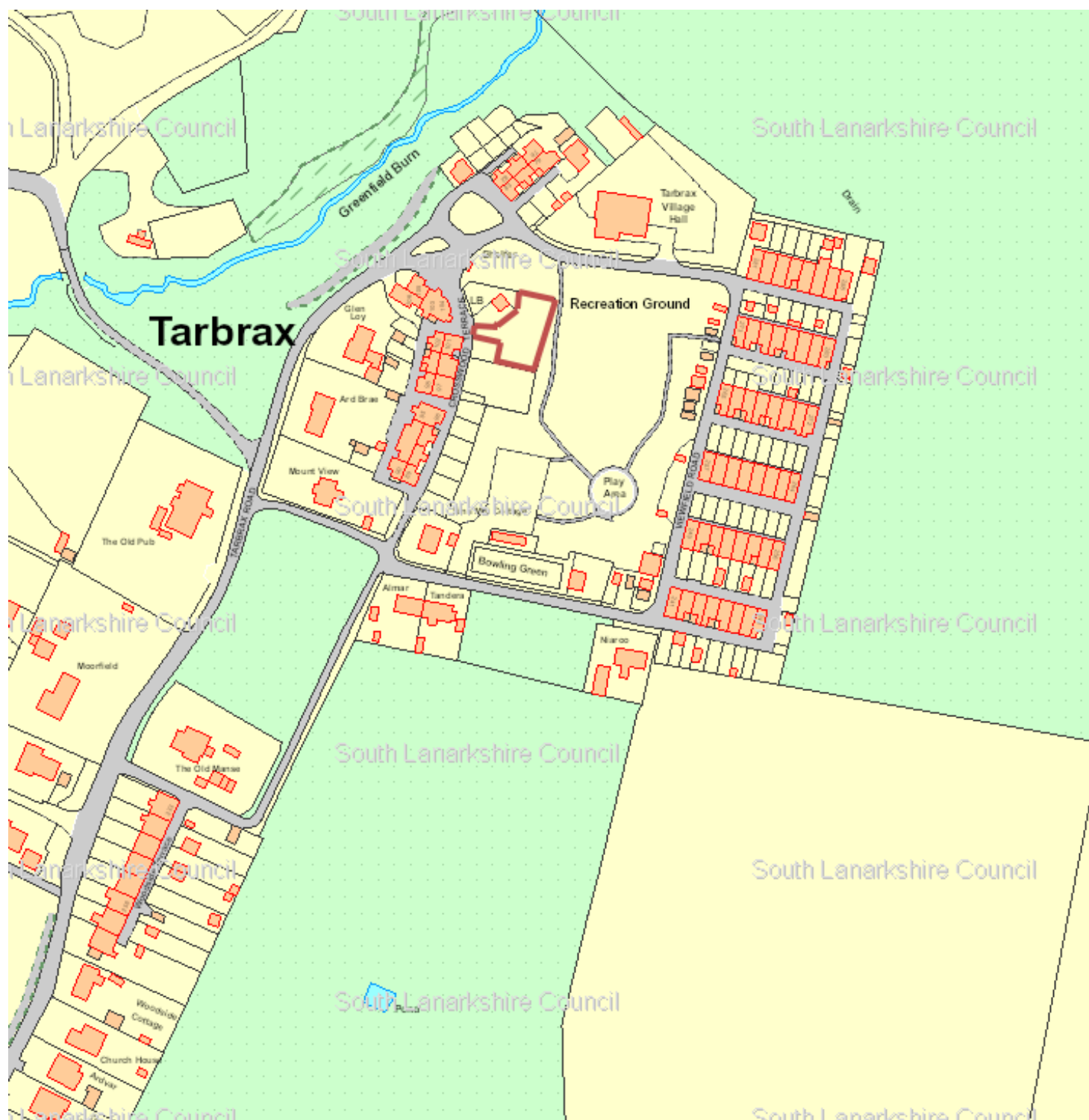


Photo 6



Photo 7



**FOR INFORMATION ONLY**

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Appendix 4

3e

Notice of Review (including Statement of Reasons for Requiring the Review) submitted by applicant M Carroll

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 100577481-005

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Architectural Services"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="George"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Young"/>	Building Number:	<input type="text" value="15"/>
Telephone Number: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="Howdenhall Loan"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
		Postcode: *	<input type="text" value="EH16 6uy"/>
Email Address: *	<input type="text"/>		

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="Martin"/>	Building Number:	<input type="text" value="103"/>
Last Name: *	<input type="text" value="Carroll"/>	Address 1 (Street): *	<input type="text" value="Crosswood Terrace"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Tarbrax"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH55 8XE"/>
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" value="103-104 CROSSWOOD TERRACE"/>
Address 2:	<input type="text" value="TARBRAK"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="WEST CALDER"/>
Post Code:	<input type="text" value="EH55 8XE"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="655265"/>	Easting	<input type="text" value="302651"/>
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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)

Formation of house Plot (PPP) P/22/0915

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.

On the instructions of the client I submitted an application for the formation of a house plot. This was acknowledged by letter dated 6th July 2022. The same application for change of use was approved in the 1990s Despite emails and calls to the planning department no approval or rejection of the application has been received. It is now 8 months it has been with the planning department. We received an email on the 25/01/2023. no action I now look to the review body to make an determination.

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)

Drawing no 22/06/PL/001 Rev A

Application Details

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

P/22/0915

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

20/06/2022

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☒ Yes ☐ No

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

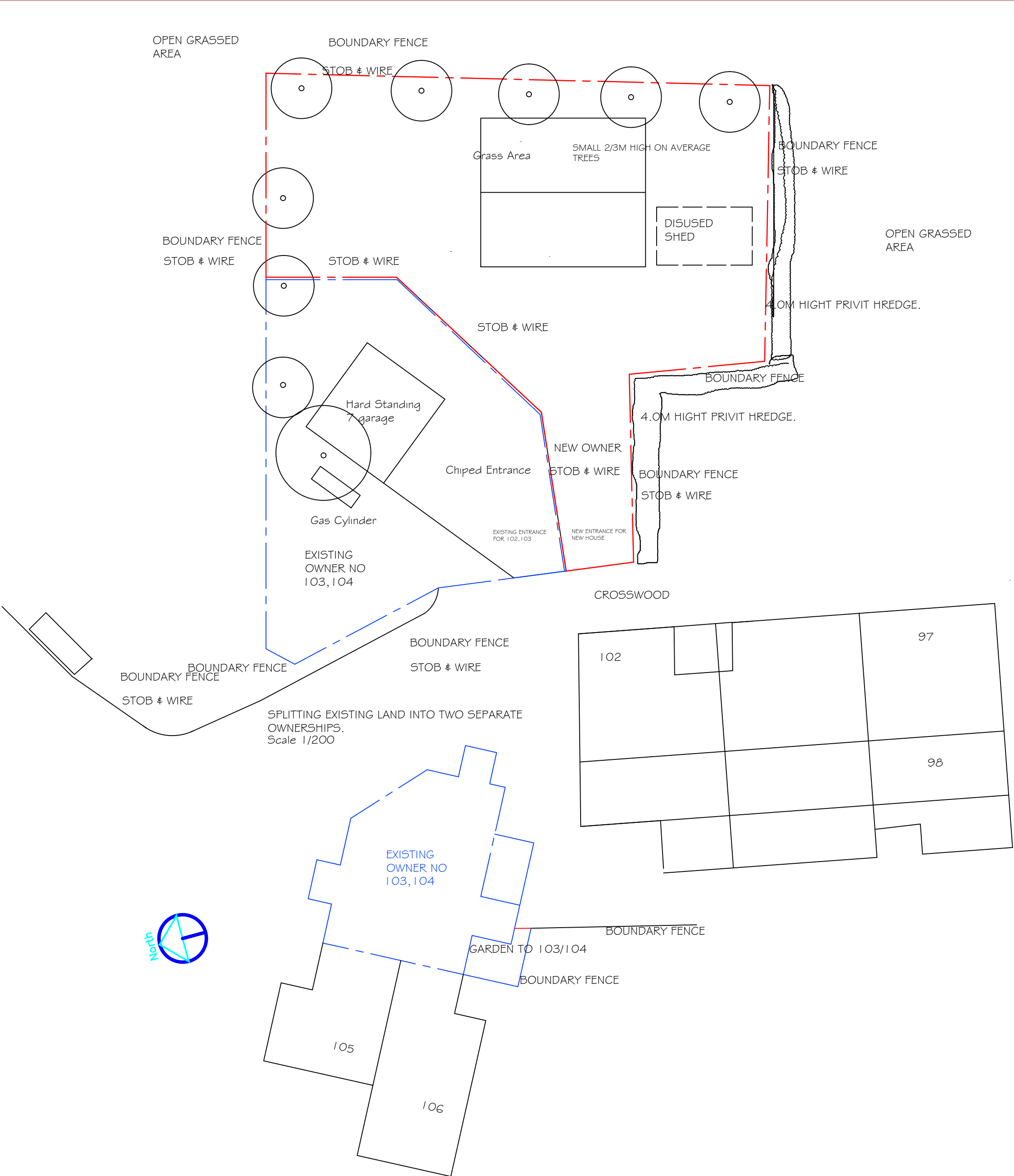
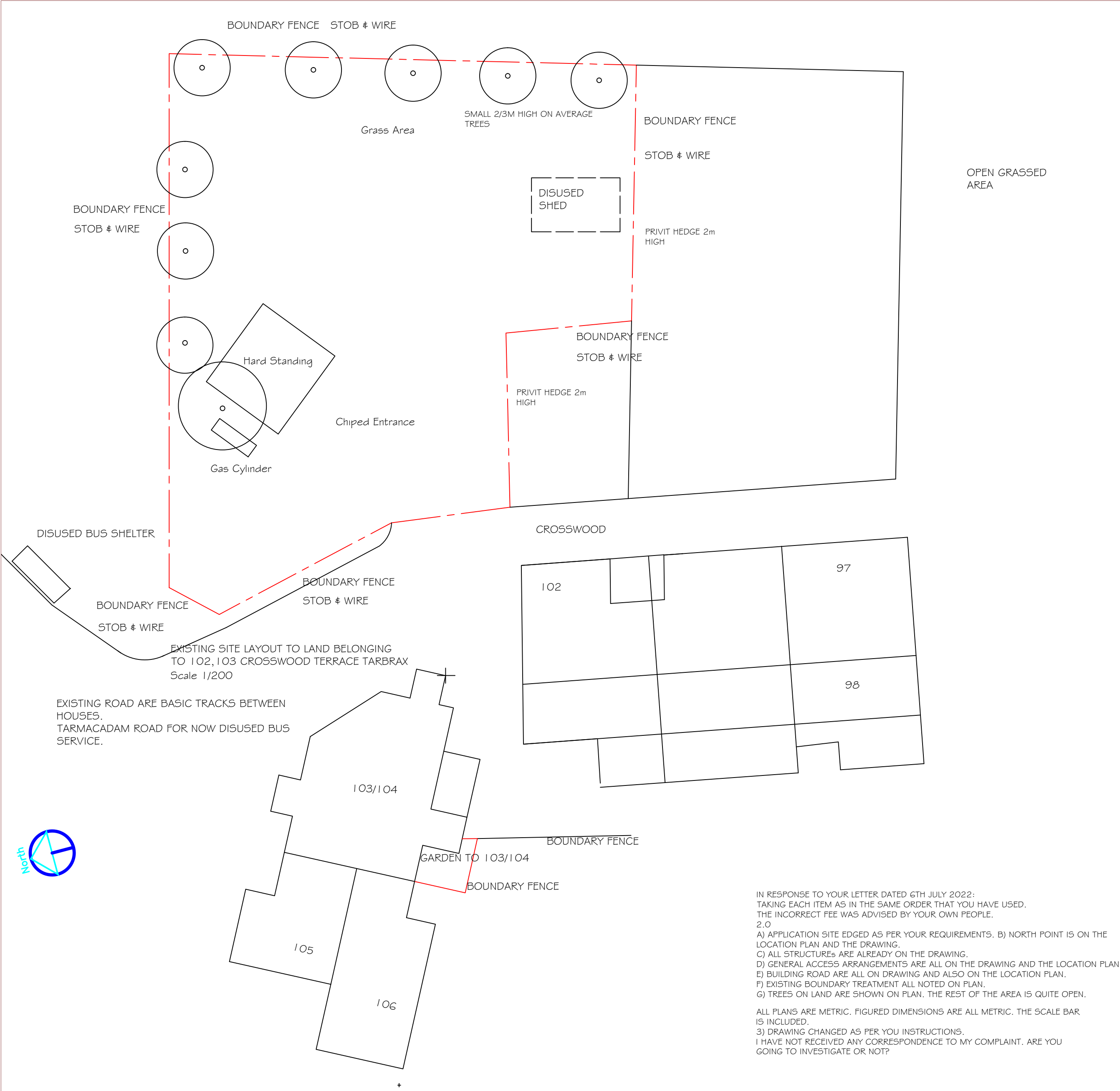
Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, 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 George Young

Declaration Date: 06/02/2023



REV A; DRAWING ALTERED IN RESPONSE TO COUNCILS LETTER OF 6 JULY 2022.		
Client Mr Martin Carroll	Date 22/06/2022	ARCHITECTURAL SERVICES Planning & Property Consultants, 17 Blackford Bank, Edinburgh EH9-2PR Tel: 0131 478 2182 E Mail: info@pmas-edinburgh.co.uk © Copyright of PMA5 Ltd
Project New Dwellinghouse	Scale 1/200 @ A1	
Address 103, 104 Crosswood Terrace Tarbrax EH55 8XE	Dwg No 22/06/PL001	
	Rev A	


Appendix 5

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Further Representation

Further Representation From

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

	Request for review: Non-Determination	Reference no.	P/22/0915
	Application Summary	Date	13 th March 2023

Planning proposal:	Formation of house plot (Planning Permission in Principle)
Location:	103 - 104 Crosswood Terrace Tarbrax West Calder EH55 8XE

Application Type: Permission in principle

Applicant: Mr. Martin Carroll
Location: 103 - 104 Crosswood Terrace
Tarbrax
West Calder
EH55 8XE

Report by: Area Manager (Planning & Building Standards)

Policy

National Planning Framework 4 (Adopted February 2023)

Policy 15 – Local Living and 20 Minute Neighbourhoods

Policy 16 – Quality Homes

South Lanarkshire Local Development Plan 2 (Adopted 2021)

Policy 4 – Green Belt and Rural Area

Policy 5 – Development Management and Placemaking

Policy DM1 - New Development Design

Policy DM3 – Subdivision of Garden Ground

Supplementary Planning Guidance - Residential Design Guide

Consultations

Roads Development Management Team

Environmental Services

Summary of response

Advise that the new vehicle access is not achievable due to visibility splays making it unsafe. Requested that application deferred until site redesigned to utilize existing access point.

No response

Representation(s):

▶	1	Objection letter
▶	0	Support letters
▶	0	Comment letters

Planning Application Analysis and Recommendation

1 Application Summary

- 1.1 The application seeks planning permission in principle for a single residential housing plot on garden ground on the east side of Crosswood Terrace, Tarbrax and is 0.16Ha in area. In addition to landscaping the garden also currently includes a brick garage, a gas cylinder for 103-104 Crosswood Terrace and a disused shed. The garden has existing trees on the north and eastern sides and is bounded by a post and wire fence.
- 1.2 To the north of the site is the retained garden ground of the donor plot and to the south the garden of the neighbouring residential property (102 Crosswood Terrace), which again lies on the west side of the road. To the east is a large area of public open space and a children's play area. This open space, which faces onto the Tarbrax Village Hall on Viewfield Road, forms a focal point of the settlement around which the majority of Tarbrax's buildings are arranged.
- 1.3 The proposed application involves the subdivision of the existing residential garden ground. The northern section with the garage and gas cylinder remains as the residential garden of 103-104 Crosswood Terrace whilst the remainder of the site forms the house plot. To service this new plot, the submitted drawings indicate that a new vehicle access is proposed between the existing access point and the adjacent garden for 102 Crosswood Terrace. As this is a planning permission in principle submission and an indicative building location shown, no details of building design or scale have been submitted.

2 Representation(s)

- 2.1 In response to the carrying out of neighbour notification and the non-notification of neighbour advert, one letter of objection was received on the 12th of November 2022 from the neighbouring resident. Whilst the letter advised that they wished to object to the proposal, no detailed grounds of objection were provided and thus it is not possible to lend significant weight to the objection.

3 Planning History

- 3.1 This garden (albeit with a different plot boundary that utilised the existing access) has previously obtained planning permission in principle in 2006, and detailed permission in 2008.
- CL/06/0132 – Formation of house plot (Outline)
Approved: 9/5/2006
 - CL/07/0868 – Erection of single storey dwellinghouse (Detailed permission)
Approved: 22/2/2008
- 3.2 The above permissions were both approved under long superseded development plans and involved the use of the entire residential garden (leaving none for the donor property) and utilised the existing vehicle access (rather than creating a second access point). It should be noted that, were such a proposal to be submitted under the current development plan, it would be extremely difficult to support due to the lack of garden ground remaining for the donor house.

- 3.3 Upon submission of the current application in June 2022, the application was then declared invalid on the 7th of July 2022. Specifically, there were outstanding fees to be settled and an accurate site plan showing the dimensions of the house plot and the remaining donor garden was requested. Additions were received on the 11th of July however not all of the invalid points were addressed. Following correspondence between the case officer, the agent and Councillor McClymont the application was finally declared valid on the 5th of September (the date that the drawings first requested in July were eventually submitted).
- 3.4 On the 5th of October 2022, the named agent George Young e-mailed the case officer to query the advert fee requested. The agent also complained that the application had now been in for 5 months (albeit at that point it was only 3 and a half months from receipt and had only been valid for 1 month) and to ask for the name and address of the Council's Chief Executive with view to submitting a complaint about the service received.
- 3.5 On the 6th of October 2022, the case officer emailed the agent back to clarify that the neighbour-notification advert fee was required prior to any application being determined but that it was not a validation requirement. At this time, the case officer also advised the applicant that the current proposal was distinct from previous approvals and that it formed a second access to the plot. He also advised that given the changes in the development plan since 2006-2008, the new application would have to be "fully assessed against current legislation and policy".
- 3.6 On the 9th of November 2022, the case officer carried out their site visit and in mid-December they then sat down with their Team Leaders to discuss the access issues with the site and to seek advice on a way forward. At that internal meeting it was agreed that the case officer would reach out to the applicant/agent in the new year to highlight that the required visibility splays required control over the adjacent garden ground to the south (outwith both the application site and the applicant's ownership) and were likely to be unachievable.
- 3.7 Following a tragic accident at his home on the 15th of January the case officer Steve Boertien very sadly passed away on the 17th of January 2023.
- 3.8 On the 25th of January 2023, all of Steve Boertien's applicants were e-mailed advising that due to unforeseen circumstances the application would have to be re-assigned to another case officer and apologising for the delay in processing whilst a new case officer was identified.
- 3.9 On the 6th of February 2023, the applicant submitted a Request for Review on the basis of non-determination of the application.

4 Assessment and Conclusions

- 4.1 Under Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan comprises the South Lanarkshire Local Development Plan 2 (adopted 2021) and National Planning Framework 4 (which was laid before the Scottish Parliament on the 8th of November 2022 and adopted by Scottish Ministers on 13th February 2023). Section 24(3) of the 1997 Act confirms that

if there is an inconsistency between NPF4 policies and a Local Development Plan which was adopted before the 13th February 2023, then the policies in NPF4 prevail.

4.2 Although Tarbrax falls within the rural area, the site itself lies within the settlement boundary of Tarbrax and as such the proposal of residential development is not discouraged by the rural area status. Instead the appropriateness of the site for residential use is determined by Policy 16 of NPF4 and Policy DM3 of the Local Development Plan.

4.3 **Policy 16 – Quality Homes** of NPF4 advises that development proposals for new homes within an existing settlement boundary will be supported where:

- there is an agreed timescale for build-out; and
- the proposal is otherwise consistent with the plan spatial strategy and other relevant policies, including local living and 20 minute neighbourhoods.

In this instance, whilst the applicant has not specified a build period at this stage, the time limited nature of Planning Permission in Principle would ensure that there is only a limited timescale for build-out. In terms of the consistency with the spatial strategy and 20 minute neighbourhoods, Tarbrax does not appear to be a settlement which can demonstrate that it achieves the aims of Local Living and 20 minute neighbourhoods as set out in Policy 15 of NPF4, nor are there any details in the plans spatial strategy which would encourage the development.

4.4 **Policy DM3 – Subdivision of Garden Ground** of SLLDP2 advises that the development of a new house in garden ground will only be considered acceptable where it can be demonstrated that it meets certain criteria. Whilst not all of these are applicable to applications for planning permission in principle, the following criteria are those which a proposed in principle house plot should meet:

- Results in a proposed house plot and remaining area of garden ground and plot that are comparable with those in the nearby area;
- Has a proper road frontage of comparable size and form to surrounding curtilages;
- Has a vehicle access of an adequate standard and which will not have adverse implications for traffic safety, and
- The garden space allocated to both the proposed house and existing house should be sufficient for the recreation and amenity needs of the occupants.

4.5 The proposed house plot does not have a comparable road frontage to other properties and does not form an adequate vehicle access point. The required visibility splays to deliver a safe access and egress cannot be achieved due to the garden to the south (which the applicant does not control). The proposed plot also does not appear to be large enough to provide the required garden ground (Council's Residential Design Guide seeks a minimum depth of 10m for new dwellings). The proposed house plot cannot therefore be considered to accord with the requirements of policy DM3.

5 Recommendation

5.1 In view of the above, especially given the view of the Roads Department that the currently proposed plot boundary will not result in a safe access point, it is considered that the principle of a residential dwelling in this location is neither supported by National Planning Framework 4 or the South Lanarkshire Council Local Development Plan 2021. It is

therefore recommended that Planning Permission in Principle be refused, subject to the following reasons.

6 Recommended Reasons for Refusal

1. The proposed housing plot does not meet the criteria for a new home in land not allocated for housing, as set out in Policy 16 of the National Planning Framework 4 (2023).
2. The proposed housing plot does not meet the requirements for subdivision of garden ground set out in Policy DM3 of the South Lanarkshire Local Development Plan 2021 and houses which do not meet these criteria are considered to have a detrimental effect on the visual appearance of the area and upon the amenity of residents.
3. The proposed vehicular access for the housing plot is positioned in a location where it will not be possible to achieve the required visibility splays resulting in an access which will detrimentally impact upon road safety.

Previous references

- ◆ CL/06/0132
- ◆ CL/07/0868

List of background papers

- ▶ Application Form
- ▶ Application Plans
- ▶ National Planning Framework 4 (Adopted February 2023)
- ▶ South Lanarkshire Local Development Plan 2 (Adopted 2021)
- ▶ Neighbour notification letter dated 05.10.2022
- ▶ Correspondence with applicant 06.10.2022

▶ Consultations

Roads Development Management Team

13.01.2023

Environmental Services

▶ Representations

Ashleigh Kerr, Sent Via E-mail

Dated:

15.11.2022

Contact for further information:

If you would like further information on the above report, please contact:

David Russell, Planning Team Leader (East Team), Floor 6, Council Offices, Almada Street, Hamilton, ML3 0AA.

Phone: 07795453464

Email: david.russell@southlanarkshire.gov.uk