



Council Offices, Almada Street
Hamilton, ML3 0AA

Monday, 12 November 2018

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, 27 August 2018

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), Walter Brogan, Fiona Dryburgh, Mark Horsham, Ann Le Blond, Richard Nelson, Graham Scott, David Shearer, Jim Wardhaugh

Substitutes

Alex Allison, John Bradley, Jackie Burns, Stephanie Callaghan, Margaret Cowie, Maureen Devlin, Martin Lennon, Katy Loudon, Julia Marrs, Kenny McCreary

BUSINESS

1 Declaration of Interests

2 Minutes of Previous Meeting

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Minutes of the meeting of the Planning Local Review Body held on 30 July 2018 submitted for approval as a correct record. (Copy attached)

Item(s) for Decision

3 Review of Case - Application P/18/0099 - Erection of 2 Houses Together with Formation of Vehicular Access and Erection of 5 Metres High Ball Stop Fence at Land at Mauldslie Road, Carluke

7 - 10

Report dated 31 July 2018 by the Executive Director (Finance and Corporate Resources). (Copy attached)

Appendix 1 Planning Application Form

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Appendix 2(a) Consultation Responses

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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 30 July 2018

Chair:

Councillor Alistair Fulton

Councillors Present:

Isobel Dorman, Ann Le Blond, Richard Nelson, Graham Scott

Councillors' Apologies:

Walter Brogan, Fiona Dryburgh, Mark Horsham, Jim Wardhaugh

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 30 April 2018 were submitted for approval as a correct record.

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

3 Review of Case - Application CL/17/0445 - Alterations to Shopfront Including Removal of Existing Timber Shopfront and Replacement of Aluminium and Timber Clad Frontage, Tiled Stallriser and Replacement of Fascia Board at 94 to 96 High Street, Lanark

A report dated 9 July 2018 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 CL/17/0445 by Thomas Auld and Sons Limited for alterations to shopfront, including removal of existing timber shopfront and replacement of aluminium and timber clad frontage, tiled stallriser and replacement of fascia board at 94 to 96 High Street, Lanark.

At its meeting on 30 April 2018, the PLRB considered that it did not have sufficient information to allow it to proceed to determine the review. The PLRB considered that, prior to determining the review, it wished to have further written submissions from the applicant and the Area Manager, Planning and Building Standards Services, on behalf of the appointed person in terms of the Scheme of Delegation, respectively.

The PLRB had requested that the applicant, in their submission:-

- ◆ advise whether the proposal could be amended to make it more compatible with the Conservation Area setting
- ◆ submit amended drawing(s) to show those amendment(s)
- ◆ explain, in the event that it was not possible to amend the proposal, the reasons why this was the case

The PLRB had also requested that the Area Manager, Planning and Building Standards Services, provide further written information in respect of Production 1 of their submission (Type of Shopfronts in Lanark High Street), as follows:-

- ◆ information as to why some shops in Lanark High Street appeared to have been allowed an aluminium frontage while others had not
- ◆ whether any of the aluminium shopfronts cited in Production 1 did not have the benefit of planning consent
- ◆ whether any of the premises cited in Production 1 had been the subject of an application for an aluminium frontage which had been refused

To assist the PLRB in its review, copies of the following information, previously issued for the meeting of the PLRB held on 30 April 2018, had been appended to the report:-

- ◆ planning application form
- ◆ report of handling by the planning officer under the Scheme of Delegation
- ◆ site photographs and location plan
- ◆ decision notice
- ◆ 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

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

The written submissions from the applicant and the Area Manager, Planning and Building Standards Services, had also been appended to the report.

On the basis of the information received in the further written submissions and the information which had been reissued in relation to the review, the PLRB considered that it now 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 15 – natural and historic environment
 - ◆ Policy DM1 – design
 - ◆ Policy NEH7 – conservation areas
- ◆ guidance contained in the Council's Shopfront Design Guide

Councillor Le Blond, seconded by Councillor Nelson, moved that the decision taken by officers, in terms of the Scheme of Delegation, to refuse planning permission for planning application CL/17/0445 by Thomas Auld and Sons Limited for alterations to shopfront, including removal of existing timber shopfront and replacement of aluminium and timber clad frontage, tiled stallriser and replacement of fascia board at 94 to 96 High Street, Lanark be reversed and that the application be granted on the grounds that the design of the proposed shopfront would not detract from the appearance of the building or the surrounding area and that it was not considered feasible to adapt or retain the existing frontage. Councillor Fulton, seconded by Councillor Dorman, moved as an amendment that the decision taken by officers, in terms of the Scheme of Delegation, to refuse planning permission for planning application CL/17/0445 by Thomas Auld and Sons Limited for alterations to shopfront, including removal of existing timber shopfront and replacement of aluminium and timber clad frontage, tiled stallriser and replacement of fascia board at 94 to 96 High Street, Lanark be upheld. On a vote being taken by a show of hands, 3 members voted for the amendment and 2 for the motion. The amendment was declared carried.

The PLRB decided:

that the decision taken by officers, in terms of the Scheme of Delegation, to refuse planning permission for planning application CL/17/0445 by Thomas Auld and Sons Limited for alterations to shopfront, including removal of existing timber shopfront and replacement of aluminium and timber clad frontage, tiled stallriser and replacement of fascia board at 94 to 96 High Street, Lanark be upheld.

[Reference: Minutes of 30 April 2018 (Paragraph 3)]

4 Urgent Business

There were no items of urgent business.

Report

3

Report to:	Planning Local Review Body
Date of Meeting:	27 August 2018
Report by:	Executive Director (Finance and Corporate Resources)

Subject:	Review of Case – Application P/18/0090 – Erection of 2 Houses Together with Formation of Vehicular Access and Erection of 5 Metres High Ball Stop Fence
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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:	Detailed Planning Application
Applicant:	P Doyle
Proposal:	Erection of 2 Houses Together with Formation of Vehicular Access and Erection of 5 Metres High Ball Stop Fence
Location:	Mauldslie Road, Carluke, ML8 5HG
Council Area/Ward:	01 Clydesdale West

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 case 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 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 checked="" 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 any review should, therefore, be on the material which was before the officer who was dealing 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)**
 - ◆ Copies of submissions from statutory consultees **(Appendix 2(a))**
 - ◆ Copies of representations **(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 within Administration Services prior to the meeting and will be available for reference at the meeting.

6. Further Information

- 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, together with further representations from interested parties, is attached as **Appendix 5**.

- 6.2 The applicant had the opportunity to comment on the observations and on the further representations. Comments from the applicant's agent are contained in the submission attached as **Appendix 6**

Paul Manning
Executive Director (Finance and Corporate Resources)

31 July 2018

Link(s) to Council Objectives//Values/Ambitions

- ◆ 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

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 100085802-001

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)

Sub-Division of Site at Mauldslee Road to form 2 Dwelling Plots

Is this a temporary permission? *

☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?

☐ Yes ☒ No

(Answer 'No' if there is no change of use.) *

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:	ICDP ARCHITECTS		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	ELISABETTA	Building Name:	Moorpark House
Last Name: *	FRAGALA	Building Number:	11
Telephone Number: *	0141 445 3974	Address 1 (Street): *	11 Orton Pl, Glasgow G51 2HF
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Glasgow
Fax Number:		Country: *	SCOTLAND
		Postcode: *	G51 2HF
Email Address: *	EFragala@ICDPArchitects.com		
Is the applicant an individual or an organisation/corporate entity? *			
<input type="checkbox"/> Individual <input checked="" 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:	29 Burnside place
First Name: *	Paul	Building Number:	29
Last Name: *	Doyle	Address 1 (Street): *	29 Burnside place
Company/Organisation	-	Address 2:	29
Telephone Number: *		Town/City: *	Larkhall, South Lanarkshire
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	ML9 2EQ
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

South Lanarkshire Council

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

Address 1:

2 GOLF COURSE VIEWS

Address 2:

27 MAULDSLIE ROAD

Address 3:

CARLUKE

Address 4:

Address 5:

Town/City/Settlement:

CARLUKE

Post Code:

ML8 5HG

Please identify/describe the location of the site or sites

Northing

650748

Easting

283043

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Site Area

Please state the site area:

1750.00

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)

CURRENTLY THE SITE IS VACANT.

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? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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.	
How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?	<div style="border: 1px solid black; padding: 2px 10px;">0</div>
How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *	<div style="border: 1px solid black; padding: 2px 10px;">4</div>
Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).	
<h2 style="margin: 0;">Water Supply and Drainage Arrangements</h2>	
Will your proposal require new or altered water supply or drainage arrangements? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *	
<input type="checkbox"/> Yes – connecting to public drainage network <input checked="" type="checkbox"/> No – proposing to make private drainage arrangements <input type="checkbox"/> Not Applicable – only arrangements for water supply required	
As you have indicated that you are proposing to make private drainage arrangements, please provide further details. What private arrangements are you proposing? *	
<input checked="" type="checkbox"/> New/Altered septic tank. <input type="checkbox"/> Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed). <input type="checkbox"/> Other private drainage arrangement (such as chemical toilets or composting toilets).	
What private arrangements are you proposing for the New/Altered septic tank? *	
<input checked="" type="checkbox"/> Discharge to land via soakaway. <input type="checkbox"/> Discharge to watercourse(s) (including partial soakaway). <input type="checkbox"/> Discharge to coastal waters.	
Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: *	
<div style="border: 1px solid black; padding: 5px;"> THE NEW DWELLINGS ARE CONNECTED TO A SHARED OFF SITE SEPTIC TANK. </div>	
Do your proposals make provision for sustainable drainage of surface water?? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (e.g. SUDS arrangements) *	
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.	

<p>Are you proposing to connect to the public water supply network? *</p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No, using a private water supply</p> <p><input type="checkbox"/> No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>
<h2 style="margin: 0;">Assessment of Flood Risk</h2> <p>Is the site within an area of known risk of flooding? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p> <p>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.</p> <p>Do you think your proposal may increase the flood risk elsewhere? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p>
<h2 style="margin: 0;">Trees</h2> <p>Are there any trees on or adjacent to the application site? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>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.</p>
<h2 style="margin: 0;">Waste Storage and Collection</h2> <p>Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes or No, please provide further details: * (Max 500 characters)</p> <div style="border: 1px solid black; padding: 5px; min-height: 40px;"> <p>EXTERNAL AREA PROVIDED FOR THE DOCKING OF VARIOUS WHEEL BINS, TO ENSURE EASE OF ORGANISATION FOR RECYCLING WASTE</p> </div>
<h2 style="margin: 0;">Residential Units Including Conversion</h2> <p>Does your proposal include new or additional houses and/or flats? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>How many units do you propose in total? * 2</p> <p>Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.</p>
<h2 style="margin: 0;">All Types of Non Housing Development – Proposed New Floorspace</h2> <p>Does your proposal alter or create non-residential floorspace? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<h2 style="margin: 0;">Schedule 3 Development</h2> <p>Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p> <p>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.</p> <p>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.</p>

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: ELISABETTA FRAGALA

On behalf of: -

Date: 27/02/2018

☒ 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)

drawings for planning

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. *

☒ Yes ☐ N/A

A Flood Risk Assessment. *

☐ Yes ☒ N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

☐ Yes ☒ N/A

Drainage/SUDS layout. *

☒ Yes ☐ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. *

☐ Yes ☒ N/A

Habitat Survey. *

☐ Yes ☒ N/A

A Processing Agreement. *

☐ Yes ☒ 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: Miss ELISABETTA FRAGALA

Declaration Date: 27/02/2018

Payment Details

Cheque: 00000000000000000000000000000000, 00000000000000000000

Created: 27/02/2018 15:46

Appendix 2(a)

Consultation Responses

- ♦ Response dated 20 April 2018 by Roads Development Management Team
- ♦ Response dated 24 April 2018 by Environmental Services
- ♦ Response dated 10 May 2018 by Roads and Transportation Services (Flood Risk Management Section)
- ♦ Response dated 23 May 2018 by the Golf Recreation Officer, South Lanarkshire Leisure and Culture

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

Planning Application No: P/18/0099	Dated: 16/04/18	Received: 20/04/18
Applicant: Mr Paul Doyle		Contact: Craig Lattimer
Proposed : Erection of 2 dwellinghouses together with formation of vehicular access and erection of 5m high ball stop fence		Ext: 5288
Location: Land At Mauldslie Road Carluke ML8 5HG ML8 5HG		Planner: Ailsa Shearer
Type of Consent: Full	No of drg(s) submitted:	

Proposals Acceptable?	Y or N	Item ref	Comments
1. EXISTING ROADS		1	This application proposes to take access from the public road Mauldslie Road which is a 5.5m wide lit road with a 40mph speed restriction.
(a) General Impact of Development	Y	1(b)	Access would require to be by a 6.0m wide dropped kerb vehicular crossing and to be hard surfaced for the first 4.0 metres behind the edge of the public road.
(b) Type of Connection(s) (road junction/footway crossing)	Y	1(d)	Visibility splays of 2.4m x 60m 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. Visibility splays are achievable at this location.
(c) Location(s) of Connection(s)	Y	1(e)	A 2 metre wide footway to be provided along the frontage of the plot
(d) Sightlines (2.4m x 60m)	Y		There is a street lighting column, R4C1001, along the frontage of the application site. This would require to be relocated to the rear of the 2m footway to be installed. This relocation will be at the applicant's expense.
(e) Pedestrian Provision	Y		Driveways to be a minimum of 12m length, this can be reduced to 6m if a garage is provided. Driveways to be hard surfaced for the first 2m from the edge of the public road.
2. NEW ROADS			Driveway access gradients to the site should not exceed 8%
(a) Width(s) ()			Parking to be provided as per National Roads Development Guide; 3 or less bedrooms – 2 spaces 4 or more bedrooms – 3 spaces
(b) Layout (horizontal/vertical alignment)			
(c) Junction Details (locations/radii/sightlines)			
(d) Turning Facilities (circles/hammerheads)			
(e) Pedestrian Provision			
(f) Provision for PU Services			
3. SERVICING & CAR PARKING			
(a) Servicing Arrangements/Driveways			
(b) Car Parking Provision (2 x 3 spaces)	Y		
(C) Layout of Parking Bays/Garages			
4. RECOMMENDATION			
(a) No Objections			
(b) No Objections Subject to Conditions	Y		
(c) Refuse			
(d) Defer Decision			
(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)*	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>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.</p> <p>There is adequate space within the site for the provision of 3 car parking spaces per dwelling.</p> <p>The applicant must ensure that during construction, no vehicles park on Mauldslie Road.</p> <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 & Enterprise Resources
Executive Director Colin McDowell
Fleet and Environmental Services**

To:	Planning & Building Standards Services	Our Ref.	AMS/371549
		Your Ref.	P/18/0099
CC:		If Calling Ask for	Andrew Smith
From:	Andrew Smith	Phone	
		Date.	24 April 2018

Subject:	Application Ref:	P/18/0099
	Address:	Land At Mauldslie Road Carluke ML8 5HG
	Proposed Development:	Erection of 2 dwellinghouses together with formation of vehicular access and erection of 5m high ball stop fence

I have no objections to the proposal subject to the following;

ADV NOTE 3. Noise: Construction and Demolition (BS 5228)

The applicant is advised that all works carried out on site must be carried out in accordance with the current BS5228, 'Noise control on construction and open sites'.

The applicant is further advised that audible construction activities should be limited to, Monday to Friday 8.00am to 7.00pm, Saturday 8.00am to 1.00pm and Sunday – No audible activity. The applicant is advised that Environmental Services may consider formally imposing these hours of operation by way of statutory notice should complaints be received relating to audible construction activity outwith these recommended hours and should such complaints may be justified by Officers from this Service.

Further details of this may be obtained from South Lanarkshire Council, Environmental Services, Montrose House 154 Montrose Crescent, Hamilton ML3 6LB.

ADV NOTE 5. Formal action may be taken if nuisance occurs.

None of the above conditions will preclude formal action being taken by the Executive Director of Community Resources against the person responsible for any nuisance which may arise due to the operation of the proposed development.

ADV NOTE ES11: Contamination - Caution

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

Should you require any further information, please contact Andy Smith .

Andrew Smith
Environmental Health Officer

Montrose House, 154 Montrose Crescent, Hamilton ML3 6LB Phone: 08457 406080
Minicom: 01698 454039 Email: <officename>@southlanarkshire.gcsx.gov.uk





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/18/0099
cc: Area Manager – Roads (Clydesdale)	If calling ask for: Scott MacDonald Phone: 01698 455206
From: David Molloy Flood Risk Management	Date: 10 May 2018

Subject: P/18/0099 Erection of 2 dwellinghouses together with formation of vehicular access and erection of 5m high ball stop fence at Land At Mauldslie Road Carluke

I refer to your Planning Application Consultation dated 18 April 2018. I confirm I have no objection to the proposed development subject to the following conditions:-

1. Sustainable Drainage Design

A Sustainable Drainage System serving the Application Site, designed in accordance with the Council's current *SuDS Design Criteria Guidance Note* (see attached version 3.0 dated July 2012) is to be provided.

We will expect the surface water runoff to be collected, treated, attenuated, and discharged using sustainable drainage techniques in accordance with the latest industry guidance listed within Section 3.0 of the Council's *SuDS Design Criteria Guidance Note*.

****It should be noted that the SUDS Manual has now been updated (CIRA C753) and should now be used in conjunction with Sewers for Scotland 3rd Edition.****

Copies of the self-certification contained within Appendix 1 (Refer to the Council's *SuDS Design Criteria Guidance Note*) duly signed by the relevant parties are 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 4 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



3. Future Maintenance Responsibilities of SuDS Apparatus

In order to ensure a robust future maintenance regime is in place, a copy of the self-certification contained within Appendix 5 (Refer to the Council's *SuDS Design Criteria Guidance Note*) duly signed by the appropriate party together with a digital copy of the construction drawings showing the SuDS apparatus (OS referenced) with highlighted maintenance responsibilities and associated contact details of the maintenance organisations should be supplied to the Flood Risk Management team.

4. 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 Appendices (1 to 4 inclusive or 3 and 4 where appropriate) of the Council's design criteria, these signatory parties will have taken cognizance of the above regulatory requirements.

5. 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 Scott MacDonald on 01698 455206.

Law, Aileen

From: Shearer, Ailsa
Sent: 12 June 2018 11:43
To: Planning
Subject: FW: Mauldslie Road, Carluke - 2 proposed houses

P/18/0099

From: Girvan, Colin
Sent: 23 May 2018 15:25
To: Shearer, Ailsa
Subject: RE: Mauldslie Road, Carluke - 2 proposed houses

Hi Ailsa,

I visited Carluke Golf Club on Monday and assessed the area in question.

From a golf perspective, I have considerable concerns over the proposed location of the houses. The houses would be located in the region of 200 – 220 yards from the 18th tee which for most golfers will be the desired landing area relevant to playing the 18th hole. For the longer hitters however, there is the temptation to drive the ball around the corner/over the trees which looking at the plans is only 20 yards away from the garden areas of the house. A stray shot could easily land in the area of those properties so I would consider it a risk to both property damage and personal injury.

I don't think fencing will help as it would need to be extremely high for golf balls not to be struck over it at that distance away from the tee. The tree planting and re-positioning of the 18th tee will have been advantageous I would imagine for the new houses given the angle and closer proximity of the houses to the tee. The issues is these houses sit further away as mentioned above approximately 200 yards so there is sufficient distance for stray shots to curve towards the properties. I don't see any realistic options for the golf club to move the tee again and plant any more trees which would make a significant deterrent.

Hope this helps, if you need me to clarify anything more please let me know.

Regards

Colin Girvan
Recreation Officer
Torrance House Golf Course
Calderglen Country Park
Strathaven Road
East Kilbride
G75 0QZ

01355 233451
www.slleisureandculture.co.uk

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South Lanarkshire Leisure and Culture Ltd is a recognised Scottish Charity, No. SC032549

ML3 6LB

Appendix 2(b)

Representations

Representation From	Dated
♦ Mr David Baird, by email	26/04/18
♦ Mr John Kieran Campbell, by email	26/04/18
♦ Mr Stephen Frew, by email	26/04/18
♦ Mr Walter Johnstone, by email	26/04/18
♦ Mr Tom Robley, by email	26/04/18
♦ Ms Morag Barnstaple, Captain, Carluke Golf Club, Mauldslie Road, Carluke ML8 5HG	27/04/18
♦ Mr Frank Gallagher, by email	27/04/18
♦ Mr Robert Jarvis, by email	27/04/18
♦ Mr Brian McCoo, by email	29/04/18
♦ Mr Ross Perrett, by email	01/05/18
♦ Mr G White, 11 Barmore Avenue, Carluke ML8 4PE	01/05/18
♦ Mr Phillip Farren, by email	04/05/18
♦ Mr Ian Gray, by email	09/05/18
♦ Mr Alex Merry, by email (2 separate emails)	09/05/18
♦ Ms Ann Young, by email	09/05/18
♦ Mr Alex Aikman, by email	10/05/18
♦ Ms Karen Berry, by email	10/05/18
♦ Mr Scott Berry, by email	10/05/18
♦ Mr John McNeil, by email	10/05/18
♦ Mr Brian Rintoul, by email	12/05/18

From: David Baird [REDACTED]
Sent: 26 April 2018 19:15
To: Planning
Subject: Reference Planning Application P/18/0099

Dear sir,

I refer to the subject reference above and would like to register my objection to planning permission being granted to the above application on the following grounds

1. Access/Egress

I feel that access to and from the planned houses would be extremely dangerous due to the amount of vehicular traffic which pass the location on a daily basis. The council have recently imposed a 40 mile per hour speed restriction at the location which is basically ignored by the majority of traffic passing here which regularly travel well in excess of this limit and I feel that giving permission to build houses here would be foolhardy and dangerous. There have been numerous recorded accidents at this location and even more unrecorded, due to the camber and route of the roadway where vehicles have been travelling at excessive speed and misjudged the bend in the road whereby they have left the carriageway and crashed into the proposed building area.

2. Services

I feel that the proposed construction would also impinge on the current services such as drainage water pressure, sewerage etc.

During the construction of previous houses near this location, there have been several problems with drainage and the disposal of waste water and I feel that the necessary services are already at their capacity and would be unable to cope with further additions.

3. Safety/Security

I would also object to construction of dwelling houses at this location as it borders onto the local golf course, which has been there for over 100 years, which I have no doubt would cause major safety problems from stray shots causing damage to these houses and injury to the prospective occupants particularly during the summer months when they would be in the garden and be highly likely to be struck and seriously injured by stray shots.

This could also lead to possible damage to boundary fences from golfers attempting to retrieve their stray golf balls which ultimately would lead to complaints from any occupant.

This could ultimately lead to the golf club having to alter its layout at extra expense to their members which I feel would be unjust on the membership.

Yours faithfully

David Baird

David Baird
1 Weir Place,
Law,
ML85HP
[REDACTED]

Law, Aileen

From: John Kieran Campbell [REDACTED]
Sent: 26 April 2018 22:40
To: Planning
Subject: Carluke Golf Course Road

Dear Sirs,

I would like to object against the proposal to erect 2 houses close to Carluke Golf Course.

Planning permission granted to build homes closer to golf course could have quite a substantial monetary effect on the 18th green and fairway as-to its proximity to the land in question also any other necessary work required could cause even more financial pressures on the club.

Yours

John K Campbell
golf club member
Sent from my iPad

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

Law, Aileen

From: [REDACTED]
Sent: 26 April 2018 18:28
To: Planning
Subject: P/18/0099

Dear Sir / Madam

I wish to lodge my objection in the strongest possible terms regarding this application to build two new houses on Mauldslie Road.

I believe this part of the road is already extremely dangerous and completely unsafe to join the road on. I also feel that aesthetically this blocks stunning views of Tinto and the local countryside.

Regards
Stephen Frew

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Law, Aileen

From: Walter Johnstone [REDACTED]
Sent: 26 April 2018 11:16
To: Planning
Subject: Ref P/18/0099

Dear Sir or Madam,

I would like to object to the above application for the erection of two dwelling houses on Mauldslie Road, Carluke, on the grounds of location with regards to the busy road and the bend on the road adjacent to the proposed building plots.

Also the plots would further extend urban development into green belt.

Yours Faithfully

Walter Johnstone

1 Nursery Court

Carluke

ML8 5PR

--

Walter Johnstone [REDACTED]

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

Law, Aileen

From: [REDACTED]
Sent: 26 April 2018 21:15
To: Planning
Subject: Planning application adjacent to Carluke Golf Club

Please register my objection to the application for planning permission to construct a house adjacent to the golf club.

Regards
Tom Robley

Sent from my iPad

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

CARLUKE GOLF CLUB

Mauldslie Road
Hallcraig
Carluke ML8 5HG
Tel: (01555) 770574



27 April 2018

Head of Planning and Building Control
South Lanarkshire Council
Montrose House
154 Montrose Crescent
Hamilton
ML3 6LB

COMMUNITY ENVIRONMENT RESOURCES	
RECEIVED	
03 MAY 2018	
Allocated to:	
File Ref:	

Dear Sir

Application P/18/0099: Erection of 2 houses, Mauldslie Road, Carluke

I refer to the above application which was registered by SLC on 16 April 2018. Carluke Golf Club objects to the proposal for the reasons set out in this letter. We note that the applicant states that a Design Statement has been submitted with the planning application. However, we are not able to view this document as it is not listed as a supporting document on the Council's planning portal.

1. Proposal is contrary to South Lanarkshire Local Development Plan (SLLDP)

The application site is located in the Green Belt outside the Carluke settlement boundary as shown on the SLLDP. Plan Policy 3: Green Belt and rural area makes it clear that isolated and sporadic development will not be supported. Although the site has had some form of development in the distant past, there are no obvious signs of previous buildings and the site is not obviously derelict. It does not detract from the visual amenity of the local area. The Scottish Government PAN 73: Planning for Rural Development states that redevelopment of brownfield sites in rural areas should only be permitted when land has been significantly degraded. The application site is overgrown but it certainly cannot be described as 'significantly degraded'.

The site is immediately adjacent to the boundary of a Special Landscape Area (SLA) as shown on the map attached to the SLLDP. The SLA covers much of the Clyde

Valley which is sensitive to inappropriate new development. The proposed development would be very visible from public rights of ways which cross the golf course. Two further modern houses on a prominent site on the upper edges of the Valley would not be consistent with the landscape objectives of the SLA. .

Therefore, the proposal is clearly contrary to planning advice and policy set out in Scottish Government policy and the statutory Local Development Plan. There are no sound reasons why the council should depart from its own policies and so planning permission should be refused.

2. Proposal constitutes inappropriate ribbon development in the Green Belt

Development of the site would extend an existing ribbon of houses along one of the main road routes linking Carluke to the north and west including the M74, A71 and A72. This would be to the detriment of the local character and rural appearance of an important 'gateway' to Carluke. It would extend a 'straggle' of inappropriate development out from the established Carluke settlement boundary with no significant mitigating benefits for the local area or community.

Development of the site would be contrary to SLLDP Supplementary Guidance 2 policies relating to housing development in the rural area and, specifically, policies GBRA4, GBRA5 and GBRA8. Firstly, GBRA4 notes in general terms (para 5.10) that development of gap sites will not generally be acceptable where development would extend an existing ribbon of development. This is exactly the situation at Mauldslie Road.

Policy GBRA5 sets out a useful definition of a gap site. It states that a building group should have an identifiable nucleus with strong visual cohesion. The existing ribbon of houses along Mauldslie Road cannot be described as a nucleus. The existing bungalows and houses have no identifiable building form or common architectural style. Importantly, policy GBRA5 also states that a gap site capable of development should be bounded on at least 2 sides by habitable houses or other viable structures. The application site is bounded by built development on only one side. The golf course bounds the site on the other two sides. So, it is clear that the application site completely fails to match the GBRA5 definition.

Policy GBRA8 does not relate to the type of development proposed. This policy relates to the creation of new clusters of development in specific types of locations such as former walled gardens, woodland settings or where the proposed house design is exceptional or innovative. None of these descriptions apply to the proposal. It is an open, overgrown site with little tree cover or screening and the proposed houses are of fairly standard modern design.

The applicant's previous design statement showed the use of traditional materials and features none of which could be described as innovative. The suggested links to the local clay and brick making industry are simply spurious efforts to justify the

development and, in any case, local brickworks produced common brick rather than facing brick proposed for the houses.

Therefore, the provisions of policy GBRA8 do not support the proposed development of two houses in this location on Mauldslie Road. Instead, they support refusal of planning permission.

3. Proposed development would prejudice road safety

The proposed access arrangements would create an additional vehicular access onto a busy, narrow stretch of Mauldslie Road close to two corners where there is history of accidents largely caused by excessive speed or vehicles cutting two corners where forward visibility is limited. The applicant has changed the vehicle access position from his previous plans and now proposes reduced visibility splays of 2.5 metres x 60 metres. But, these are wholly inadequate for this type of road and in this location where there are both 40mph and 60 mph speed limits in the immediate vicinity of the application site. Visibility splays of 4.5 metres x 120 metres would be much more appropriate. However, the development could not achieve these necessary visibility splays because of the vertical and horizontal alignment of the existing road. In addition there are high hedges along the road edge to the north that prevent clear visibility from the site access towards traffic coming from the north-west (ie from the direction of Garrion Bridge). Slow moving vehicles exiting the application site and turning right towards Carluke would have restricted visibility of fast moving vehicles coming round the corner from the north-west. It is even doubtful if the applicant's proposed sub standard visibility splays of 2.5 x 60 metres could be achieved in light of the road alignment and hedge boundaries.

The proposed vehicular access would be located too close to an existing golf course access road which is used on a daily basis by tractors and other maintenance vehicles. This access road is also a public right of way across the golf course and is used regularly by walkers and cyclists. The addition of the small length of footway proposed by the applicant would do very little to improve pedestrian access along Mauldslie Road which does not have a continuous footway from the application site into the main footway network on the western side of Carluke. Pedestrians regularly walk along the carriageway edge. The addition of another individual site access and further pedestrian movement from the proposed houses would prejudice pedestrian and road safety which would not be mitigated by the provision of a very small section of isolated footway at the application site.

The applicant's plans show a new section of footway to the west of the boundary of the application site. It appears that part of this area is owned by the Golf Club. The applicant does not have control of this land and so this part of the proposal is not capable of being implemented.

On the basis of all of the above, the application should be refused on road safety grounds.

4. Proposed development would prejudice the operation of the golf course

If built, the position of the proposed houses would require a significant re-design of the golf course. The 18th hole on the course runs immediately to the south of the application site and approximately parallel to Mauldslee Road. The existing tee and green would need to be relocated to avoid any possibility that stray golf balls would enter the application site and strike the proposed houses or garden areas. Major changes would have to be made to other holes to facilitate the changes at the 18th hole. We note that the applicant proposes the erection of a 5 metre high protective wire fence to address this issue. We believe a 5 metre fence is inadequate and would not prevent stray golf balls from entering the application site. The applicant seems to accept this possibility and his plans show parts of the proposed garden areas as 'a screening zone for golf ball containment'. However this provision is entirely impractical and unenforceable (in planning terms). It would be impossible to require future occupiers to limit the use of their gardens in this way.

Quite simply, if the development were to proceed the Golf Club would be forced to carry out major layout changes that would cost between £60,000 and £80,000 to implement. The golf club finances could not bear such costs. The golf course and club facilities are a significant recreational asset enjoyed by significant numbers of the local community. The proposed development would require the Golf Club to carry out expensive layout changes that it can ill afford and it would prejudice the Club's long term financial security contrary to the Council's wider leisure and community objectives.

5. Drainage

The Golf Club has not agreed for any overflows from septic tanks, reed beds or other private waste systems proposed for the site to be discharged on or over the golf course. We trust that you will consult with SEPA to assess the feasibility of the applicant's drainage proposals in light of the Golf Club's position. The application site does not have any established rights to drain into the golf course.

The applicant proposes to drain surface water from paving and driveways to two soakaways within the application site. The ground in this area is underlain by extensive and shallow clay deposits. As a result, we consider that at times of heavy rain the soakaways may not be able to cope and surface water would flow over the golf course to the detriment of its condition.

Committee Hearing

Carlisle Golf Club formally requests that the appropriate Council Committee holds a Hearing to consider all representations to this application.

I would be obliged if you would acknowledge this letter of objection.

Yours sincerely,



Morag Barnstaple
Captain
Carluke Golf Club

From: Planning
Sent: 27 April 2018 17:12
To: Planning
Subject: Comments for Planning Application P/18/0099


Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 5:11 PM on 27 Apr 2018 from Mr Frank Gallagher.

Application Summary

Address: Land At Mauldslie Road Carluke ML8 5HG ML8 5HG
Proposal: Erection of 2 dwellinghouses together with formation of vehicular access and erection of 5m high ball stop fence
Case Officer: Ailsa Shearer
[Click for further information](#)

Customer Details

Name: Mr Frank Gallagher
Email: 
Address: 10 Marquis Gate, Uddingston, Glasgow, South Lanarkshire G71 7HY

Comments Details

Commenter Type: Member of public
Stance: Customer objects to the Planning Application
Reasons for comment:
Comments: I object in the strongest possible terms to the granting of planning permission for this development.

1. Without a shadow of a doubt, within a short time there would be a law case arising out of injury and/or damage caused by stray golf balls hit from Carluke Golf Club.
2. The average tee shot height from the 18th tee on the course would be anywhere from 15 to 25 metres above the ground, and these properties and anyone in the gardens of them would be in the landing distance area of the balls. There is not a fence that could avoid this happening, and the proposed land site already provides some of the members with a reasonable supply of stray balls when they take the time to search there. Probably 20 to 50 balls a week are struck into the proposed site or possibly more.
3. Building a property on one side next to flying golf balls, and on the other side an accident blackspot would be criminal if it were to go ahead. Sometimes it just has to be accepted that certain land was never meant to be

used for housing. It would be like putting a house in the middle of a large roundabout.

4. Carluke golf club, is a fine amenity to members and visitors alike, and has been for over 100 years. The course as it is, only just meets the length requirements to make it a serious challenge and a course that attracts visitors, without whom the club would not be able to function. Reducing the length of the course to satisfy the needs of a greedy developer, so as to avoid the danger of balls landing in the housing area would destroy the club.

5. Without the club, the membership for young people and the tuition courses which are run on a very regular basis would cease, and yet another amenity to get kids involved in sport would be kicked into touch. A few more street corners being occupied by bored teenagers!

For Info -

Daily Express sports headline May 4, 2016: "Fore! Golfer left with brain injuries after ball hit him on head loses bid to sue."

I mention this so anyone involved in making a decision on this application who doesn't think a small white ball could cause much damage are put in the picture.

Law, Aileen

From: Planning
Sent: 27 April 2018 14:55
To: Planning
Subject: Comments for Planning Application P/18/0099


Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 2:54 PM on 27 Apr 2018 from Mr Robert Jarvis.

Application Summary

Address: Land At Mauldslie Road Carluke ML8 5HG ML8 5HG
Proposal: Erection of 2 dwellinghouses together with formation of vehicular access and erection of 5m high ball stop fence
Case Officer: Ailsa Shearer
[Click for further information](#)

Customer Details

Name: Mr Robert Jarvis
Email: 
Address: 34 Allan Avenue, Carluke, South Lanarkshire ML8 5UA

Comments Details

Commenter Type: Member of public
Stance: Customer objects to the Planning Application
Reasons for comment:
Comments: The granting of this planning application will present significant health and safety issues due to the proximity to our golf club. Apart from the obvious threat to the house owners from stray golf balls on at least 3 occasions this winter vehicles have ended up on this area of land due to vehicles losing control while trying to make the bend. Like most golf clubs in Scotland we are struggling to keep afloat, This season we have had over 70 playing members resign, resulting in a drop in fee income of £45,000. This has been partially offset by attracting 16 new members adding £4,000 to our fee structure but this trend is very worrying.

If permission is granted with no conditions placed upon the developer to address the health and safety issues, a 3 metre high fence would not protect the houses from a wayward tee shot, our Club would be forced to change the layout of the course which we simply cannot afford to do.

How can we expect to retain our current members and attract new members if we only have 17 holes

Howe, Lorraine

From: Brian McCoo [REDACTED]
Sent: 29 April 2018 10:14
To: Planning
Subject: P/18/0099

Dear Sir / Madam,

I refer to the above planning application to build two dwelling houses on Mauldslie Road, Carluke, ML8 5HG.

I object to the application on the following grounds;

Road Safety:-

The planned development is very close to bends on the road where there have been numerous accidents. Despite the introduction of a 40 mile per hour speed limit, this has not deterred the traffic to pass through this area at excessive speeds. The vehicle access is far too close to the blind bend and would not give traffic enough time to stop as vehicles enter and exit from the proposed development. Also with the planned development, there should be consideration for a pavement from the Golf Club all the way up to the roundabout heading towards Carluke. Would the council consider straightening this stretch from the top of Mauldslie Road and making an inshot road for access to all houses and golf club? This would certainly minimise the risk of accidents on this stretch of road.

Design, Appearance, Materials / Overlooking / Loss of Privacy:-

The Ball Stop Fence (unsure whether proposed at 3m or 5m high as documents differ?) - this will be unsightly and will obscure the views overlooking the golf course and beyond.

Regards,

Brian McCoo

Sent from my iPad

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

Law, Aileen

From: Ross Perrett [REDACTED]
Sent: 01 May 2018 20:08
To: Planning
Subject: P/18/0099

Dear Sir / Madam

P/18/0099 - Erection of 2 dwelling houses together with formation of vehicular access and erection of 5m high ball stop fence, Mauldslie Road Carluke ML8 5HG

I object to the planning application on the following grounds

Road Safety

- The road has a speed limit of 40mph, this is regularly ignored with vehicles travelling at much greater speeds.
- I have witnessed several accidents on this stretch of road especially at the bend next to the location of the planning application.
- Entering and exiting the planned driveway does not give clear visibility in both directions, especially at the speed of traffic previously noted.

Design, Appearance, Materials

- Ball stop fence at 5m high would not stop balls entering the grounds/causing damage.
- Fence would look out of place, unsightly from both the golf course and the property, blotting the landscape.

Regards

Ross Perrett
25 Mauldslie Road
Carluke
ML8 5HG

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11 Barmore Avenue

Carluke

ML8 4PE

Dear Sir

COMMUNITY DEVELOPMENT & RESIDENTIAL	
McRose House	
RECEIVED	
01 MAY 2018	
Allocated to:	
File Ref:	

I wish to register my objection to the planning application made for the land in Maudslie Road adjacent to Carluke Golf Club reference P/18/0099.

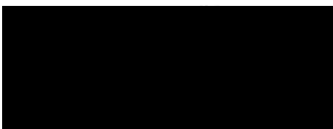
I do so, principally, on the grounds of Health and Safety as the plot of land has seen a number of road traffic accidents in the past few years as it is situated on a bad bend in a busy road and one which seems to be becoming ever more busy.

In addition, there are issues connected to the proposed siting of the houses in terms of their proximity to the golf course. It is my view that only if appropriate safety mitigation measures be put in place that this application should even be considered and I am not convinced that the reference to a 3m high ball stop fence represents adequate safety measures. Work has already been done on the adjacent golf hole when the most recent properties were built, but there is no further realignment possible in this area of ground.

For these reasons, therefore, I wish to object to the application in its current state.

Yours sincerely

G. White. (Mr.)



From: [REDACTED]
To: [Planning](#)
Subject: P/18/0099P
Date: 04 May 2018 20:13:52

I would like to object to plans for the following ref p/18/0099p

It would be a danger to public safety to allow building on this ground
Sent from my iPad


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From: [Ian Gray](#)
To: [Planning](#)
Subject: P/18/0099, Erection of Two Houses, Mauldslie Road, Carluke
Date: 09 May 2018 22:28:25

I object to the above application on the following grounds:

- The application is contrary to the adopted Local Plan.
- Were it to be granted it would simply add to a ribbon development which again is against policy.
- If granted it would allow housing on land that is not zoned for that use and never has had that use. Until fairly recently it was agricultural in use until the chicken sheds were demolished.
- There is no locational need for housing on this site and with the large number of grants in existence and in the Local Plan, there is and will be sufficient supply for years to come.
- The proposed development is at an existing accident blackspot. Sight lines are inappropriate and the addition of a fronting pavement in this new application will add to the risk, giving a likely parking place for visitors to the houses. In effect the pavement is a pavement from nowhere to nowhere. It is cosmetic rather than functional. Any monitoring of the road will record vehicles at this point on the wrong side of the road and breaking the speed limit.
- Likewise the proposal for a fence and buffer zone is cosmetic rather than practical. It also raises all sorts of questions down the line as to maintenance. This is a material issue that should not be passed off by saying that would be a civil matter between the owners and the Golf Club.
- If granted the proposal will have the effect of turning the Golf club into 'Bad Neighbours' - a situation from which there is no easy escape for the Golf Club. The likely financial implications of this would be a threat to the existence of the Club. This again would be against the policies of South Lanarkshire in its attempts to develop communities.

I ask that my objection be recorded and that the application goes before a committee of councillors for determination.

IAN GRAY
5 BARMORE AVENUE
CARLUKE ML8 4PE


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From: [Alex Merry](#)
To: [Planning](#)
Subject: Ref P/18/0099 Mauldsie road
Date: 09 May 2018 17:29:42

Dear Sir,

I am writing to express my objection to the planning application mentioned above for the construction of two dwelling houses in Mauldsie Road, Carluke.

My main objection centres on the road safety aspect of this application.

It is well documented that the section of Mauldsie Road which would front the houses has been the scene of many serious road accidents which I am sure the Planning Department is well aware of.

The introduction of even more exits/entrances to properties in this area will only exacerbate the existing accident potential.

The Council had previously hoped to straighten this part of the roadway due to the number and seriousness of accidents but unfortunately where unable to do so.

This alone should make the present application non - viable.

My second objection relates to the very real injury potential from golf balls due to the proximity of the property to the 18th fairway on Carluke Golf Club.

The area of the proposed application is one of frequent high golf ball impact with a very real potential for severe injury to the occupying personnel.

It should also be noted that there is also the potential for drainage from the property onto the Golf Course - as in the case of the two previous dwelling houses. It is highly unlikely this this would be permitted.

As there are serious safety aspects associated with this application I would urge that this application be rejected by the Planning Officer.

Regards

Alexander Merry

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From: [Shearer, Ailsa](#)
To: [Planning](#)
Subject: FW: Acknowledgement of representation for P/18/0099
Date: 14 May 2018 11:46:05

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

From: Alex Merry [REDACTED]
Sent: 11 May 2018 16:56
To: Shearer, Ailsa
Subject: Re: Acknowledgement of representation for P/18/0099

Ailsa,

Further to my submission objecting to the above planning application I wish to note that the inclusion of a 5 metre high ball stop fence is totally inadequate and will in no way prevent golf balls entering the proposed development.

It cannot be stressed enough that this area is subject to many stray golf shots and will definitely result in damage to property or even worse personal injury.

Any resultant damage/injury should this application be approved must be the responsibility of the Planning Committee, the builders and prospective owners.

On the safety aspect alone this application should be rejected.

Yours sincerely

Alexander Merry

> On 11 May 2018, at 10:41, <ailsa.shearer@southlanarkshire.gov.uk>
> <ailsa.shearer@southlanarkshire.gov.uk> wrote:
>
> <ufm11.pdf>

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From: [ann_young](#)
To: [Planning](#)
Subject: Objection
Date: 09 May 2018 13:19:07

Dear Sir,

I wish to lodge objection to the proposed house planned adjacent to Carluke Golf Club. Planning ref P/18/0099.

Not only is the site unsuitable for a house due to the bend in the road and the proximity to the golf course, house building in Carluke is not supported by finance being allocated to upgrade the shops and the schools are bursting at the seams.

I firmly object.

Yours Sincerely

Ann Young

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From: Planning
Sent: 10 May 2018 12:20
To: Planning
Subject: Comments for Planning Application P/18/0099

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 12:20 PM on 10 May 2018 from Mr Alex Aikman.

Application Summary

Address: Land At Mauldslie Road Carluke ML8 5HG ML8 5HG
Proposal: Erection of 2 dwellinghouses together with formation of vehicular access and erection of 5m high ball stop fence
Case Officer: Ailsa Shearer
[Click for further information](#)

Customer Details

Name: Mr Alex Aikman
Email: [REDACTED]
Address: 20 Gillbank Avenue, Carluke, South Lanarkshire ML8 5UW

Comments Details

Commenter Type: Member of public
Stance: Customer objects to the Planning Application
Reasons for comment:
Comments: I would like to register my objection to the noted planning application P/18/0099 on the following grounds
a) From a safety point of view, an additional housing development will only increase the risk of road traffic accidents which are already high on this stretch of road which includes a dangerous bend. Vehicles accessing and egressing this development will present an added risk.
b) There are safety issues related to the adjacent golf course and the erection of a 5m high safety fence, while recognising potential problems, does not go anywhere near eliminating it.
c) aesthetically the development will only further impinge on green belt land and diminish the outlook of the area.

Law, Aileen

From: Planning
Sent: 10 May 2018 13:59
To: Planning
Subject: Comments for Planning Application P/18/0099

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 1:59 PM on 10 May 2018 from Mrs KAREN BERRY.

Application Summary

Address: Land At Mauldslie Road Carluke ML8 5HG ML8 5HG
Proposal: Erection of 2 dwellinghouses together with formation of vehicular access and erection of 5m high ball stop fence
Case Officer: Ailsa Shearer
[Click for further information](#)

Customer Details

Name: Mrs KAREN BERRY
Email: [REDACTED]
Address: 5 Buchanan Drive, Carluke, South Lanarkshire ML8 4RN

Comments Details

Commenter Type: Member of public
Stance: Customer objects to the Planning Application
Reasons for comment:
Comments: These dwellings would encroach on the 18th hole at The Golf Club.
There would be significant risk to property damage and or personal injury to residents in these homes not to mention the limitations which it places on the golf club which has been present for several decades.

From: [berrysctt](#)
To: [Planning](#)
Subject: P/18/0099
Date: 10 May 2018 13:44:14

Re above

I understand that an application has been lodged to build two houses on Mauldslie Road, Carluke near to Carluke Golf Club.

As a local resident and member of the club I wish to object on the following grounds -

Road Safety

There have been numerous road accidents at this location over the years. Accidents continue to occur, despite the council investing heavily in road improvements. The proposed site for these houses is actually the escape 'run off' for vehicles which have taken the bad bend at this location too quickly. There is also the added danger from vehicles stopping at or emerging from the site both during construction and after completion.

Public Safety

Residents and visitors to these houses will be at risk of being struck by stray golf balls. A 3 metre fence as detailed in the application is totally inadequate for the purpose of stopping/deflecting such balls.

Loss of Amenity

Carluke Golf Club has been in existence for over one hundred years. The club is enjoyed by many hundreds of members, guests and visitors. The proposed site is adjacent to the 18th hole of the course. This hole was previously realigned when the last development was permitted on Mauldslie Road. There is just nowhere else for the 18th hole to go now. It is clear that there is a risk that stray golf balls will go onto the properties. I have no doubt that as in the previous development, these houses will be sold as benefitting from magnificent views across Carluke Golf Club and the Clyde Valley beyond. It would be perverse if we were then to endure complaints regarding stray golf balls.

If approved, the development should come with some element of caveat emptor, or buyer beware. After all, one would not buy a house next to a sewage works, then complain about the smell.

Yours sincerely

Scott Berry
33 Cooper Avenue
Carluke
South Lanarkshire
ML8 5US



Sent from Samsung tablet

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Law, Aileen

From: Planning
Sent: 10 May 2018 14:13
To: Planning
Subject: Comments for Planning Application P/18/0099

Follow Up Flag: Follow up
Flag Status: Flagged

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 2:13 PM on 10 May 2018 from Mr John McNeil.

Application Summary

Address: Land At Mauldslie Road Carluke ML8 5HG ML8 5HG
Proposal: Erection of 2 dwellinghouses together with formation of vehicular access and erection of 5m high ball stop fence
Case Officer: Ailsa Shearer

[Click for further information](#)

Customer Details

Name: Mr John McNeil
Email: [REDACTED]
Address: 25 Armadale Road, Lanark, South Lanarkshire ML11 7BG

Comments Details

Commenter Type: Member of public
Stance: Customer objects to the Planning Application
Reasons for comment:
Comments: The building of two dwelling houses so close to the finishing hole of Carluke Golf Club in my opinion is a major health and safety risk to any future residents of the property. Given the proposed development I would wish to record my objection to the application.

Law, Aileen

From: Planning
Sent: 12 May 2018 12:25
To: Planning
Subject: Comments for Planning Application P/18/0099

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 12:24 PM on 12 May 2018 from Mr Brian Rintoul.

Application Summary

Address: Land At Mauldslie Road Carluke ML8 5HG ML8 5HG
Proposal: Erection of 2 dwellinghouses together with formation of vehicular access and erection of 5m high ball stop fence
Case Officer: Ailsa Shearer
[Click for further information](#)

Customer Details

Name: Mr Brian Rintoul
Email: [REDACTED]
Address: 51 Pillans Avenue, Carluke, South Lanarkshire ML8 5WD

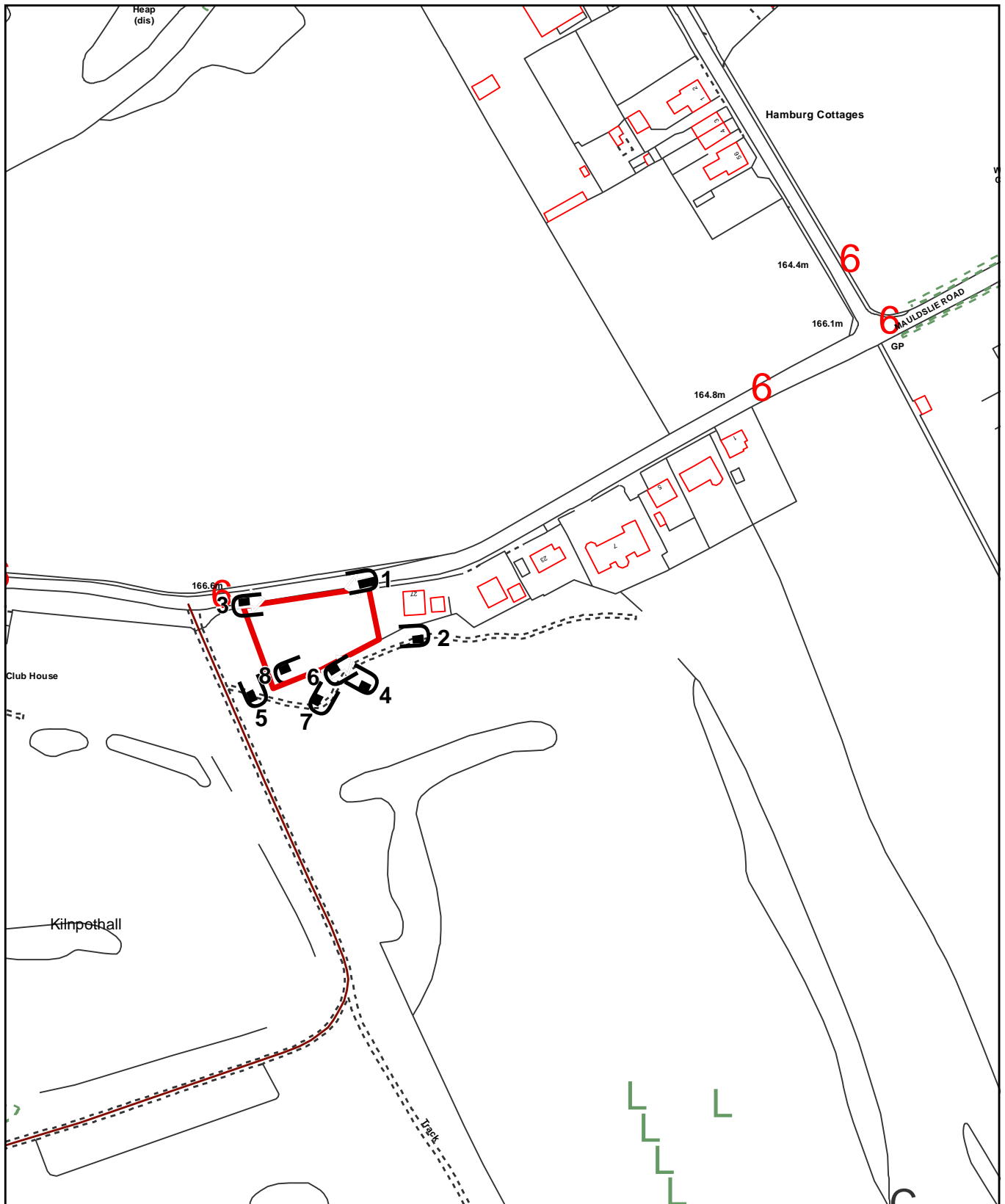
Comments Details

Commenter Type: Member of public
Stance: Customer objects to the Planning Application
Reasons for comment:
Comments: This application should be declined due to the additional dangers two further entrances/exits from the two new houses will pose. This is already a badly laid out corner. Entry & exit to these homes will involve very slow traffic as already displayed by the current new homes. Visibility to this area is poor as it is. Unless significant reworking of the road area before and after entry to this area is carried out PRIOR to development works i believe there would be significant risk to life.

Appendix 3

Site photographs and location plan

Planning Review PLRB/NOR/CL/18/0099
Mauldslie Road, Carluke



This map indicates from where photographs were taken



Application site



Photograph viewpoints

**Community and Enterprise Resources
Planning and Economic Development**



Scale: 1:2,500

Date:



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Appendix 4

Notice of Review (including Statement of Reasons for Requiring the Review) submitted by applicant Mr Paul Doyle



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 100125007-001

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:	ICDP ARCHITECTS		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	ELISABETTA	Building Name:	Moorpark House
Last Name: *	FRAGALA	Building Number:	11
Telephone Number: *		Address 1 (Street): *	11 Orton Pl, Glasgow G51 2HF
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Glasgow
Fax Number:		Country: *	SCOTLAND
		Postcode: *	G51 2HF
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="Paul"/>	Building Number:	<input type="text" value="29"/>
Last Name: *	<input type="text" value="Doyle"/>	Address 1 (Street): *	<input type="text" value="Burnside Place"/>
Company/Organisation	<input type="text" value="-"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Larkhall"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="South Lanarkshire"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="ML0 2EQ"/>
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"/>

Please identify/describe the location of the site or sites

<input type="text" value="ML8 5HG"/>			
Northing	<input type="text" value="650748"/>	Easting	<input type="text" value="283043"/>

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)

P/18/0099 ERECTION OF 2 DWELLINGHOUSES TOGETHER WITH FORMATION OF VEHICULAR ACCESS AND ERECTION OF 5m HIGH BALL STOP FENCE

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.

This application was submitted on 27 Feb 18, validated on 16 Apr 18, and ought to have been determined by 11 June 18. A full previous application was lodge on the 8 Sep 17 and full consultation and discussion with the planning officer was carried out over 5 month period and was withdrawn on her advice on the 6th Feb 18. There has been no agreement to extend the statutory time limit for determination. No satisfactory reason has been advanced for any delay in 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)

GW577 1001 LOCATION PLAN A4 1:1250 GW577 1002 EXISTING SITE SECTION & LEVELS A2 1:200 GW577 1003 BLOCK PLAN SHOWING VISIBILITY SPLAYS A2 1:500 GW577 1004 BLOCK PLAN A2 1:500 GW577 1005 GROUND FLOOR PLAN A1 1:100 GW577 1006 FIRST FLOOR PLAN A1 1:100 GW577 1007 ROOF PLAN A1 1:100 GW577 1008 PROPOSED ELEVATIONS & SECTION A1 1:100 GW577 1009 3D VIEW A3 DESIGN & ACCESS STATEMENT TDC Letter for Maudslie Road 061117 Traffic survey Maudslie Road week

Application Details

Please provide details of the application and decision.

What is the application reference number? *

P/18/0099

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

27/02/2018

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 *

Holding one or more hearing sessions on specific matters

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)

This application has been submitted with objections from the golf club. The LRB will wish to hear why the authority has not determined it. For that, a hearing is necessary. A Hearing will also give the application a chance to respond to anything the authority may say. Such a hearing should not take longer than two hours.

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: Miss ELISABETTA FRAGALA

Declaration Date: 14/06/2018

Appendix 5

Further Representations

Further Representation From

- ◆ Statement of Observations from Planning Officer on Applicant's Notice of Review
- ◆ Mr Scott Berry, by email
- ◆ Mr Alex Merry, by email

Application No: P/18/0099
Land at Mauldslie Road, Carluke

Statement of Observations

1.0 Planning Background

- 1.1 Mr Paul Doyle submitted a planning application (planning reference CL/17/0403) on 11 September 2017 for the erection of two dwellinghouses and the formation of an access to the west of number 27 Mauldslie Road, Carluke. The application was withdrawn on 7 March 2018 as the position of the proposed access was sub-standard in terms of forward visibility for vehicles travelling along Mauldslie Road. Following discussions with Roads and Transportation Services a revised position for the access was proposed and thereafter a fresh application (planning reference P/18/0099) was submitted.
- 1.2 After due consideration of the application in terms of the Development Plan, (primarily the adopted South Lanarkshire Local Development Plan) and all other material planning considerations, the Planning Service was minded to refuse planning application P/18/0099 under the Council's approved Scheme of Delegation. Whilst a report was in preparation no formal decision was issued prior to receipt of the Notice of Review submitted by Mr Doyle against the non-determination of the application.
- 1.3 In terms of the planning history of the site, it is noted that the current site previously formed part of a larger site for which Mr Doyle sought outline planning permission for the erection of two dwellinghouses (planning reference CL/02/0461) on what was previously developed land. Within that application it was indicated that the ground now the subject of this application P/18/0099 would be retained as garden ground. The 2002 application was refused on planning policy and access grounds. The applicant Mr Doyle appealed to the Scottish Executive but the appeal was dismissed in May 2003 (DPA reference P/PPA/380/211). However the issue of the access points was satisfactorily addressed in a subsequent application CL/03/0596, with further applications (CL/06/0055, CL/07/0013, CL/09/0124) dealing with design alterations to the house style and renewal of permission. The two dwellings have been erected and are now occupied.

2.0 Assessment against the Development Plan and other relevant policies.

- 2.1 Section 25 of the Town & 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 consists of the Clydeplan Strategic Development Plan (SDP) as approved July 2017 and the adopted South Lanarkshire Local Development Plan (SLLDP) (adopted 29 June 2015). The SDP sets out the strategic policy context against which developments proposals within the Glasgow and Clyde Valley area. The proposal raises no issues with regard to the SDP. The adopted SLLDP and its associated supplementary guidance on Green Belt and Rural Areas set out a detailed planning policy framework to promote and guide development within South Lanarkshire Council. On 29th 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. The new plan builds on the

policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications the proposed South Lanarkshire Local Development Plan 2 is now a material consideration.

2.2 The following policies of the SLLDP and its supporting guidance are relevant to the assessment of application P/18/0099 which is the subject of this review:

2.2.1 **Policy 3 - Green Belt and Rural Area** states that “The Green Belt and the rural area functions primarily for agriculture, forestry, recreation and other uses appropriate to the countryside. Development which does not require to locate in the countryside will be expected to be accommodated within the settlements identified on the proposals map, other than in a number of circumstances -

- i) Where it is demonstrated that there is a specific locational requirement and established need for a proposal;
- ii) The proposal involves the redevelopment of derelict or redundant land and buildings where significant environmental improvement can be shown;
- iii) The proposal is for conversion of traditional buildings;
- iv) The proposal is for limited development within clearly identifiable infill, gap sites and existing building groups;
- v) The proposal is for extension of existing premises or uses.”

2.2.2 Criteria i), iii) and v) are not relevant to the consideration of this proposal and in relation to criteria ii) it is noted that while the application site consists of unmaintained grass, it is not a derelict site which is environmentally damaging to the locality. Indeed in previous planning applications on the land adjoining to the east, the ground now the subject of this application was described as a grazing field and this is verified by historical Ordnance Survey mapping. Criteria iv) refers to infill, gap sites and existing building groups. The SLLDP defines a gap site as being bounded on two sides by built development, fronted by a road and being capable of accommodating one house but a maximum of two subject to design. However it is considered that the separation distance of approximately 140 metres to the Carluke Golf clubhouse is such that the application site can't be considered as a gap site, nor is it an infill site but rather if developed would further extend the ribbon development along the roadside.

2.2.3 **Policy 4 - Development Management and Placemaking** seeks to ensure that development proposals take account of and integrate with the local context and built form. In terms of the detailed design of the proposed houses it is considered that no issues are raised with regard to the requirements of this policy. Policy 4 also advises that development proposals must also accord with other relevant policies and proposals in the development plan and other appropriate supplementary guidance.

2.3 Supplementary Guidance 2: Green Belt and Rural Area states that new housing development proposals will be resisted if they would result in suburbanisation due to the design and layout of the proposal, where it would result in the extension of an existing ribbon form of development or contribute to the coalescence with another building group. The Supplementary Guidance (SG) adds clarification to the definition of a gap site and its suitability for development. The emphasis is on protecting the character of the surroundings, for example by considering the number of other such sites in an area in order to avoid cumulative impact.

2.3.1 **Policy GBRA5: Development of Gap Sites** advises that to be favourably considered, proposals should satisfy all of the following criteria:

- i) The building group should form a clearly identifiable nucleus with strong visual cohesion. The site should be bounded on at least two sides
- ii) 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.
- iii) 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.
- iv) The location, siting and design of the new houses should meet existing rural design guidelines and generally should be complimentary to the character of the existing built frontage.
- v) Provision must be made for private amenity space for the house comparable to adjoining properties in the built up frontage.
- vi) 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 should be retained.
- vii) Proposals should have no adverse impact in terms of road safety.
- viii) Proposals should have no adverse impact on biodiversity, or features which make a significant contribution to the cultural and historic landscape value of the area.

2.3.2 As noted above the application site is not considered to be a gap site as it does not adjoin development on two sides – this is illustrated in the submitted block plan drawing number DR-A-1004 revision P2 which shows the separation distance to the golf club house. In addition the application site in relation to the dwellings on the east would result in a development which would exacerbate the ribbon development on Mauldslie Road. It is noted that the proposed house style and scale would be similar to the two houses consented under CL/06/0055, and that a similar proportion of private amenity ground could be provided. However, to enable the private amenity space to be fully utilised it is anticipated that a number of mitigation measures would be required along the southern boundary of the application site, with the primary function of stopping mis-hit golf balls from the 18th tee of Carluke Golf Course. Within the submitted Design Statement the applicant has proposed a 5 metre high weld-mesh fence along the common boundary behind which would be a landscaping strip varying in width of 5 to 8 metres, of trees and shrubs. All would be separated off from the individual gardens by a close boarded timber fence of an indeterminate height. The opinion of the Council's Golf Development Officer advice was sought in relation to the concerns raised about stray golf balls, and he has advised that any fencing would have to be extremely high to stop any golf balls that may be struck in that direction either inadvertently or with the intention of over sailing the existing trees. He does not consider that 5 metres is high enough to ensure the safety of residents within the proposed dwellings. It is further considered that this mitigation of a weld-mesh fence would have an adverse impact on the landscape character of the area and would appear as an incongruous feature at the rear of the two proposed houses. The proposal therefore can not meet all of the criteria of Policy GBRA5.

2.4 On the basis of the above assessment it is considered that the proposal does not accord with Policy 3 of the South Lanarkshire Local Development Plan or policy GBRA 5 (Supplementary Guidance on Green Belt).

3 Other material considerations

- 3.1 The Council's Residential Design Guide notes with regard to garden ground, residents should be provided with a pleasant, safe living environment that offers reasonable privacy, daylight and a secure, private outdoor living space. The Council will assess not only the size of garden being provided, but its usability to ensure that it is a space that residents will want to use. For dwellings of the size proposed, the minimum rear garden size should be 70 square metres with a minimum depth of 10 metres to allow for a drying area along with play/amenity space. The submitted plans show that the depth of the rear gardens, as measured from the rear elevation to the timber boarded fence at the edge of the landscape strip, would be between 5 and 6 metres. The proposed houses would also incorporate timber decking wrapping round the side and rear elevations. It is considered that the eastern most house would be the most likely to be affected by golf ball strikes due to its orientation, the fenestration on its east gable and the position of the decking. It is therefore considered that the proposal does not comply with the Residential Design Guide as the safety and amenity of residents could be adversely affected by the adjacent and long established land use.
- 3.2 For the purposes of determining planning applications the proposed South Lanarkshire Local Development Plan 2 (SLLDP2) is now also a material consideration. In this instance Policies 4: Green Belt and Rural Area, GBRA 1: Rural Design and Development, and GBRA 8: Development of Gap Sites are relevant.
- 3.3 **Policy 4 Green Belt and Rural Area** advises that development which does not require to be located in the countryside will be expected to be accommodated within the settlements identified on the proposals map. Isolated and sporadic development will not be supported. There are no proposals to extend the Carluke settlement boundary westward to incorporate the existing dwellings on Mauldslie Road. The application to erect two dwellinghouses is therefore contrary to Policy 4 of the SLLDP2.
- 3.4 **Policy GBRA 1 Rural Design and Development** contains detailed guidance on the design and siting of potential developments, including specific criteria on garden ground and boundary treatment.
- Proposals relating to residential development, including extensions and alterations, shall conform to the requirements of the Council's Residential Design Guide, and in particular shall ensure the provision of appropriate private amenity space to all existing and proposed residential properties
 - Development proposals shall incorporate suitable boundary treatment and landscaping proposals, to minimise the visual impact of the development on the surrounding landscape. Existing trees, woodland and boundary features such as beech and hawthorn hedgerows and stone dykes shall be retained on site. A landscape framework shall be provided, where appropriate, to demonstrate how the development would fit into the landscape and improve the overall appearance of the site.
- As noted above, the Golf Development Officer advises that there is a potential for golf balls to hit the proposed houses and/or land in their garden ground, thus affecting the usability of the private amenity space. Any mitigation on the boundary in the form of a weld-mesh fence, by virtue of its height, would adversely affect the visual amenity and rural character of the area.
- 3.4 **Policy GBRA8: Development of Gap Sites** advises that the development of gap sites will not normally be acceptable in locations characterised by a scattering of houses or other buildings in the open countryside, where the development would result in the extension of an existing ribbon form of development or contribute to coalescence with another building group. As noted above, development of this site would further extend the built footprint along Mauldslie Road, contrary to policy.

4 Observations on applicant's 'Notice of Review'

- 4.1 The applicant's stated reason for a review is that "application P/18/0099 was submitted on 27 February 2018, validated on 16 April 2018, and ought to have been determined by 11 June 2018. A full previous application was lodged on the 8 September 2017 and full consultation and discussion with the planning officer was carried out over a 5 month period, and was withdrawn on her advice on the 6 February 2018. There has been no agreement to extend the statutory time limit for determination. No satisfactory reason has been advanced for any delay in determination."
- 4.2 It is confirmed that the determination of the application was delayed due to the need for a detailed assessment, including consideration of road safety and issues related to play on the adjacent Carluke Golf Course.
- 4.3 Roads and Transportation Services were consulted on this, and the previous withdrawn application (CL/17/0403) due to the proposed formation of a new access onto the C1, Mauldslie Road. The speed survey submitted by the applicant in November 2017 formed an important part of the assessment process and assisted in agreeing the optimal location for the access point as reflected in the current application. However, the issue of forward visibility still required technical consideration before a formal recommendation could be made by Roads and Transportation Services. Their response was received on 14 June 2018, advising that they had no objections subject to the inclusion of a number of conditions relating to visibility splays, footways and parking.
- 4.4 Given the level of representations that had raised safety concerns about the proposal and its physical relationship with the golf course's 18th tee and fairway, the view of the Council's Golf Development Officer was sought. The response was received on 23 May 2018 and highlighted that the two proposed houses would be approximately 220 yards from the 18th tee which would be the desired landing distance for most golfers, with the possibility of stray shots curving into the application site. In the opinion of the Officer longer hitters, and considering the lie of the 18th green relative to the 18th tee, there could be an inclination to "cut" the corner formed by the mature trees within the golf course with the potential again, for errant shots landing in the application site and possibly causing damage to property or personal injury. Whilst mitigation in the form of a 5 metre high weld-mesh fence has been included in the development proposal, this would be insufficient to stop any golf balls. As part of earlier efforts by Carluke Golf Course to minimise such issues for the two houses already constructed under planning consent CL/06/0055, the 18th tee has already been repositioned and having visited the golf course, the Golf Development Officer does not see any realistic options for a further repositioning. In communication with the applicant's agent (9 May 2018) the issue of stray golf balls was raised as being of concern and the Council enquired what advice, such as from a golf course architect, the applicant had received on possible safety issues arising from the siting of the houses, and what additional mitigation measures could be explored. No additional clarification or supporting information on this matter has been received from the applicant.
- 4.5 As stated above (paragraph 1.2), a report recommending the refusal of the application, was being prepared by Planning Services under the Council's approved Scheme of Delegation. However, the appeal, by Mr Doyle, against the non-determination of the application, was received prior to a formal decision being issued.

5 Conclusions

5.1 Taking account of the above it is considered that the proposed development does not accord with the provisions of the adopted South Lanarkshire Local Development Plan (2015) and its supplementary guidance as:-

- i) The proposal would constitute new residential development in the Greenbelt without appropriate justification and would be contrary to Policy 3 - Green Belt and Rural Area of the South Lanarkshire Local Development Plan (adopted 2015).
- ii) The application site does not constitute a gap site as defined within the adopted South Lanarkshire Local Development Plan, and as such the proposal would be contrary to Policy GBRA 5 – Development of Gap Sites
- iii) The landscape character of the area would be compromised by mitigation measures required along the southern boundary of the application site, as well as impacting on the residential amenity of the proposed houses. The proposal is therefore unable to meet the criteria of Policy GBRA 5 – Development of Gap Sites.

5.2 It is also considered that if approved, the proposal would set an undesirable precedent which could encourage further similar applications for development prejudicial to the Greenbelt designation.

5.3 In addition to the adopted development plan there are other material considerations, which are pertinent to the consideration of the proposal. These are the Council's Residential Design Guide, the proposed South Lanarkshire Local Development Plan 2 and the advice received from the Golf Development Officer. The proposal is considered :-

- i) To be new residential development in the Greenbelt which does not comply with the criteria set out in Policy 4: Greenbelt and Rural Area, or in Policy GBRA 8: Development of Gap Sites of the South Lanarkshire Local Development Plan 2.
- ii) To have private amenity space and southern boundaries that would be compromised by dint of mitigation measures necessary to minimise risk from golf balls. There would also be an adverse impact on the landscape character of the area and as such the proposal does not meet all of the criteria set out in Policy GBRA 1: Rural Design and Development.
- iii) To have a residential amenity that could be adversely affected by a land use outwith the applicant's or future home-owners control. The line of play on the established and adjacent golf course without substantial mitigation measures, has the potential for personal injury or damage to property.

5.4 Given the above, the Planning Service requests that the Planning Local Review Body refuse the application for planning permission for the following reasons –

- 1) The proposal would constitute new residential development in the Greenbelt without appropriate justification, and the site does not constitute a clearly identifiable infill gap site. The proposal would therefore be contrary to Policies 3 - Green Belt and Rural Area and GBRA 5 – Development of Gap Sites of the South Lanarkshire Local Development Plan (adopted 2015).
- 2) Without mitigation measures to stop errant golf balls from the adjacent golf course, the safety and residential amenity of the proposed dwellings is likely to be compromised and any structures erected to ensure the safety of the residents

would require to be of such a scale so as to both adversely affect the landscape character of the area and have an over-bearing impact on the occupants of the dwellings.

From: scott berry [REDACTED]
Sent: 27 June 2018 12:52
To: McLeod, Karen
Subject: Re: Planning Local Review Body - Mauldslie Road, Carluke ML8 5HG

Re. Above

I note that the application has now been amended with the proposal that a five metre fence rather than a three metre fence be erected. I still consider that the height of the proposed fence is still totally insufficient to protect the properties and occupants from stray golf balls.

Yours sincerely

Scott Berry
33 Cooper Avenue
Carluke

From: [REDACTED]
To: [McLeod, Karen](#)
Subject: Re: Planning Local Review Body - Mauldslee Road, Carlisle ML8 5HG
Date: 02 July 2018 22:57:34

Karen,

I understand that my previous objections will be taken into account along with those many others who have also raised objections.

I would like to take this opportunity to reinforce the safety aspects of this application. This area is constantly the focus of stray golf balls and the inclusion of a 5 m fence will in no way alleviate this. Should this application be approved by either the Planning Committee or by appeal to the Scottish Government without doubt there will be damage to property and a very real danger of serious personal injury.

I would be obliged if these fears could be conveyed to all concerned.

Many thanks
Regards
Alexander Merry

Sent from my iPhone

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Appendix 6

Comments from the Applicant's Agent on Submission/Representations received from Interested Parties in the Course of the Notice of Review Consultation

Response to Statement of Observations

1.0 Introduction

- 1.1 The purpose of this document is to provide a response to the Statement of Observations produced by South Lanarkshire Council's Planning department following submission, to the Local Review Body, of an appeal against non-determination of planning application P/18/0099.
- 1.2 In their Statement of Observations (hereafter referred to as the Statement), the planning officer has provided an assessment against the Development Plan and other relevant policies, other material considerations and identified two reasons for refusal.
- 1.3 This document seeks to respond to the conclusions drawn by the planning officer in their assessment and to counter the proposed reasons for refusal, in order that planning permission may be granted for the proposed development.

2.0 Assessment against the Development Plan and other relevant policies

- 2.1 The application site is located within the Green Belt and the Statement correctly states that Policy 3 of the adopted South Lanarkshire Local Development Plan (SLLDP) applies. The policy is set out in the Statement and provides a series of circumstances where development in the Green Belt would be acceptable. Importantly the proposals need only to satisfy one of these criteria to be deemed acceptable and whilst we accept the planning officer's position that Criteria (i), (iii) & (v) are not relevant, we disagree with the assessment of the proposals against Criteria (ii) and (iv).
- 2.2 Criteria (ii) confirms support for proposals that *"involve the redevelopment of derelict or redundant land and buildings where significant environmental improvement can be shown"*. There are two issues to consider here therefore; whether the land is derelict or redundant (more commonly referred to as brownfield land) and whether the proposals would deliver significant environmental improvement. The Statement argues that the site consists of "unmaintained grass" and that it is not a "derelict site which is environmentally damaging to the locality". However, the test of this policy is not whether the site is derelict and environmentally damaging, but rather whether it is derelict or redundant and separately whether significant environmental improvement can be delivered through its redevelopment.

- 2.3 It is the appellant's contention that the site is redundant, brownfield land, having formed part of the former agricultural use of the site. The site has been treated as such by the Council for a significant period of time as demonstrated by the site's planning history. By introducing this as a reason for refusal at this stage, when the principle of development on this site has been established for a significant period, the Council have acted unreasonably and without regard to their own historic assessment of the site.
- 2.4 As identified in the Statement, the site forms part of a wider site for which there is a planning history dating back to 2002 when the appellant first applied for planning permission for the erection of residential development on the site (ref. CL/02/0461). Although the application was refused and a subsequent appeal against that decision (P/PPA/380/211) was dismissed, a subsequent application for outline planning permission proposing similar development on the site (CL/03/0596) was granted in December 2003, following resolution of the access issues that had led to the previous refusal. The location of the site in the Green Belt had not changed in the intervening period and it must be assumed therefore that the proposals were found to be in accordance with adopted policy at that stage.
- 2.5 In the Statement, the Officer has stated that it was indicated, as part of CL/03/0596 that the current application site would be retained as garden ground, however this is not apparent from the application or approved plans and there are no conditions attached to the permission restricting development or requiring the retention of this land for garden ground.
- 2.6 This permission established the principle of development on the site, which the Council have referenced in subsequent applications and which they still considered to be acceptable as recently as 04 April 2014, when detailed planning permission (CL/12/0124) was granted for the erection of two dwellinghouses on the site.
- 2.7 Whilst this application was seeking to amend the previously approved development, in reality this was a fresh planning application and if the Council no longer deemed that the site satisfied the then adopted policy then the application could have been refused. That it wasn't, confirms that, as recently as 2014 the site was considered brownfield and that its redevelopment was acceptable in policy terms.
- 2.8 The Officer's delegated report (31/03/2014) for CL/12/0124 identified Policies STRAT3 and CRE1 (South Lanarkshire Local Plan 2009) as relevant to the assessment of proposed development. Policy STRAT3: The Green Belt and Urban Settlements in the Green Belt directed development to within settlement boundaries and provided a presumption against all development unless it was necessary for the furtherance of uses

considered by the Council to be appropriate to the Green Belt, or where development forms part of a larger proposal for the rehabilitation or change of use of disused or redundant traditional buildings where it consolidates such groups. If strictly applied the proposals it would not have met the criteria for Green Belt development set out in Policy STRAT3, despite this however the application was granted, further supporting the argument that the site comprises brownfield land and would not involve the loss of any greenfield land.

2.9 Policy CRE1: Housing in the Countryside set out a series of criteria which new housing in the countryside had to satisfy as follows:

- a) The development of the proposed site will not extend, expand or intensify the grouping to the detriment of the local amenity and/or traffic safety.*
- b) The design and location of the proposed development does not adversely affect the character and amenity of its surroundings, particularly landscape, countryside amenity and nature conservation and built heritage interests.*
- c) The proposal for development of any particular site shows a satisfactory standard of integration with the adjoining development.*
- d) The proposed development complements the scale and character of the existing adjoining properties.*
- e) The proposed development meets access and parking standards and can be readily provided with services such as water, drainage and sewerage.*
- f) The proposal complies with the Council's policy on siting and design as contained in ENV 34 'Development in the Countryside Policy'.*
- g) The Council will require all new houses to incorporate on-site renewable energy equipment to reduce predicted carbon dioxide emissions by at least 10%.*

2.10 Again, by virtue of being granted planning permission, it is fair to assume that the proposals contained within CL/12/0124 were deemed to satisfy the criteria contained in Policy CRE 1, of which Criteria b) and c) are of most relevance to the application subject to this Review.

2.11 Importantly, at the time of determination of CL12/0124 the Proposed version of the SLLDP had been approved by the Council's Planning Committee (14 April 2013) and would have been considered a material consideration in the determination of the application. In fact, the Officer's report identifies this to be the case and lists Policy 3 as a relevant policy. There have been no substantial changes to Policy 3 between the Proposed and Adopted Plan, so it must be assumed that the proposals at that time were considered to be in accordance with Policy 3. The characteristics of the current application site are no different to those of the CL/12/1024

application site and should therefore be considered to accord with Policy 3 in the same manner.

- 2.12 Having established that the site is redundant and has been considered so by the Council for a significant period of time, the question remains as to whether the proposals demonstrate a significant environmental improvement. Again, this issue must have been considered by the Council when approving CL/12/0124; the current proposals are for the same use on land of similar environmental quality and therefore should, in the same manner, be found to comply with Policy 3.
- 2.13 The application site is redundant and comprises unmaintained grass and vegetation. In the absence of redevelopment, the site will become overgrown, to the detriment of the surrounding area. The proposals therefore offer the opportunity to facilitate environmental improvement (in line with Scottish Planning Policy) through the creation of formal residential garden areas with managed and maintained planting areas. In addition, the mitigation measures proposed as part of the development, include the provision of a 5 to 8 metre wide landscape strip along the southern, golf course boundary of the site which will offer additional environmental improvement to the site and surrounding area.
- 2.14 Notwithstanding the fact that we have demonstrated that the proposals satisfy Criteria (ii) and therefore should be deemed appropriate in the line with the requirements of Policy 3, it is also relevant to consider Criteria (iii), which confirms that proposals for *“limited development within clearly identifiable infill, gap sites and existing building groups”*.
- 2.15 The Statement states that the site is not considered to meet the SLLDP definition of a gap site because it is not bounded by built development on two sides. The term ‘built development’ is not defined in the SLLDP, however the built environment is typically considered to refer to the human-made surroundings that provide a setting for human activity, which can range in scale from buildings to parks. By this definition the golf course itself would form part of the built environment being a human-made environment.
- 2.16 The application site, therefore, is surrounded on three sides by built development in the form of the previously consented and now constructed residential properties to the east and the golf course to the south and west, which all create physical barriers that define the boundaries of the site. The site is also fronted by Mauldslee Road and is capable of accommodating no more than the 2 residential properties proposed. The appeal site therefore meets the definition of a gap site, as provided by the SLLDP and is in accordance with Policy 3 (iii).

- 2.17 This conclusion is supported by the fact the Statement goes on to assess the proposals against Policy GBRA5: Development of Gap Sites. If the Council truly believed that the site was not a gap site this policy would not be relevant and would not be identified in the Statement.
- 2.18 Whilst we have already stated that the application complies with Policy 3 (ii), it is also considered to comply with Criteria (iii). As a consequence, and because GBRA5 is stated in the proposed reasons for refusal it is necessary to provide our own assessment of the proposals against GBRA5.
- 2.19 Policy GBRA5 advises that to be favourably considered, proposals should satisfy all of the following criteria:
- I. *The building group should form a clearly identifiable nucleus with strong visual cohesion. The site should be bounded on at least two sides.*
 - II. *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.*
 - III. *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.*
 - IV. *The location, siting and design of the new houses should meet existing rural design guidelines and generally should be complimentary to the character of the existing built frontage.*
 - V. *Provision must be made for private amenity space for the house comparable to the adjoining properties in the built frontage.*
 - VI. *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 should be retained.*
 - VII. *Proposals should have no adverse impact in terms of road safety.*
 - VIII. *Proposals should have no adverse impact on biodiversity, or features which make a significant contribution to the cultural and historic landscape value of the area.*
- 2.20 The Council's Statement accepts that the *"the proposed house style and scale would be similar to the two houses consented under CL/06/0055, and that a similar proportion of amenity ground could be provided."*, addressing Criteria II, IV and V above. It is also assumed, given that no highways objections have been raised in the Statement that Criteria VII is not relevant. Likewise Criteria VIII is not relevant, due to the redundant nature of the site which is of little biodiversity value, with no cultural or historic features that could be impacted upon. This leaves only Criteria I, III and VI as outstanding matters for consideration.

- 2.21 The application site adjoins a clearly identifiable building group on Mauldslie Road and as we have already discussed the site is bounded by built development on all sides, satisfying Criteria I.
- 2.22 It is accepted that the nature of the building group the application site adjoins does already constitute ribbon development and therefore any extension, designed to be in keeping with this building group in accordance with other criteria in this policy, would also constitute ribbon development. However, the criteria clearly states that exceptions to this policy can be made where the a natural boundary, such as an established tree belt, creates a small infill area.
- 2.23 Such a situation exists at the application site where, the boundary with the golf course to the south and west is clearly defined by an establish tree belt, creating a natural infill gap site. The presence of this tree belt and the golf club itself would ensure that the pattern of ribbon development would be checked at the application site boundary and therefore there would be no risk of further ribbon development in this direction. For the same reason there is no risk of coalescence from the proposed development. Criteria III is therefore also satisfied.
- 2.24 The Statement argues that the proposed mitigation of a 5m high weld-mesh fence would have an adverse impact on the landscape character of the area and would appear as an incongruous feature at the rear of the two proposed houses. In reality views of the fence, which is proposed at 5m high on the advice of the planning officer, from the road will be brief glimpses and will be screened by the existing tree belt to the west and the proposed residential development, significantly diminishing its impact.
- 2.25 The fence will be most clearly visible from the golf course itself, a land-use where fences of the type proposed would not be considered incongruous. The fence will be situated on the periphery of an open vista that extends to the south and its appearance will be softened by the existing tree belt and the additional landscaping belt. Existing trees, woodland and boundary features will also be retained. In accordance with Criteria VI, the landscape character is not therefore considered to be comprised by the proposals.
- 2.26 On the basis of the above assessment the proposals are considered to accord with Policies 3 and, if relevant, GBRA5 of the SLLDP.

3.0 Other material considerations

- 3.1 The Council have referenced their Residential Design Guide (the Design Guide) and the expectation that, in regard to garden ground, residents

should have a pleasant, safe living environment that offers reasonable privacy, daylight and secure, private outdoor living space.

- 3.2 The Statement focuses on the size of the garden area, which it identifies as being below the minimum standards set out in the Design Guide. It is acknowledged that the depth of the gardens does not meet the 10m minimum in the Design Guide, however the design Guide does state that the suggested sizes cannot be applied rigidly across all developments and that the sizes indicated are a general guide.
- 3.3 The Statement (as identified above) acknowledges that the proposed garden sizes are in keeping with those of adjacent properties, however the need to mitigate for the possibility of stray golf balls has led to an overall reduction on garden ground. This mitigation includes a landscape belt of between 5 and 8m in depth. If the Local Review Body are minded to granted planning permission, the appellant would willing accept a condition requiring the further approval of the design and treatment of the mitigation measures with a view to maximising the extent of usable garden ground associated with each property.
- 3.4 The Statement also considers policies contained within the emerging SLLDP 2, which is at the Proposed Plan stage and was approved at Planning Committee on 29 May 2018. As such this is a material consideration, although less weight should be given to this document than the current, adopted LDP.
- 3.5 In terms of Policy 4, it is accepted that the application site lies out with the settlement boundary and is therefore contrary to the general expectation that development not required to be in the countryside will be expected to be located within the defined settlements. However, this is similar to the expectation of the previously adopted STRAT3 policy, which previous development proposals on the site were assessed and approved against.
- 3.6 The criteria identified as being relevant from Policy GBRA1 have already been considered in response to Policy GBRA5 above, where it was found that the proposed development satisfied the provisions of the Policy. It is not therefore necessary to repeat this assessment for GBRA1.
- 3.7 The Statement also highlights GBRA8, which like adopted policy GBRA5 deals specifically with gap sites. This policy retains an exception for small scale infill sites defined by existing natural boundaries.

4.0 Reasons for Refusal

- 4.1 The Statement identifies two reasons for refusal:

1. *The proposal would constitute new residential development in the Green Belt without appropriate justification, and the site does not constitute a clearly identifiable infill gap site. The proposals would therefore be contrary to Policies 3 – Green Belt and Rural Area and GBRA5 – Development of Gap Sites of the South Lanarkshire Local Development Plan (adopted 2015); and*
2. *Without mitigation measures to stop errant golf balls from adjacent golf course, the safety and residential amenity of the proposed dwellings is likely to be compromised and any structures erected to ensure the safety of the residents would require to be of such a scale so as to both adversely affect the landscape character of the area and have an over bearing impact on the occupants of the dwellings.*

- 4.2 Dealing with Reason 1 first, Policy 3 does not require proposals to provide “appropriate justification” for their location in the Green Belt providing they satisfy at least one of the criteria set out in the policy. As discussed above, it is the appellants belief that the proposals satisfy Criteria (ii) and (iv) of Policy 3, the latter of which deals with gap sites. For the reasons outlined above it is argued that the proposals do in fact accord with the policies set out in this Reason for Refusal and that this should be disregarded.
- 4.3 Reason 2 states that without mitigation measures to stop errant golf balls the safety and residential amenity of the proposed dwellings may be compromised. The proposed development includes proposals for a 5m high fence and additional landscape strip to mitigate this potential risk. The Council’s Golf Development Officer has stated that he “thinks” this may not be sufficient, however this statement is unqualified in terms of supporting evidence and the appellant has not been given the opportunity to respond to this consultation response.
- 4.4 Without a qualified assessment that establishes how high the fence would need to be, the Council cannot be certain of what would provide an effective barrier. As a consequence, the Council are not in a position to state that *“any structures erected ... would require to be of such a scale so as to both adversely affect the landscape character of the area and have an over bearing impact on the occupants”*.
- 4.5 Equally there must be a height at which the mitigation could be deemed acceptable in terms of visual and landscape impact. Given it was the planning officer who recommended increasing the height of the fence to 5m, it is fair to assume that this was considered by the planning department to be an acceptable height.
- 4.6 Unreasonable behaviour on the part of the planning authority when determining an application is defined in Circular 6/1990 (Chapter 7). The

Circular confirms that the planning authority should be considered to have acted unreasonably if they fail to give complete, precise, and relevant reasons for refusal for an application. In addition, the planning authority must be able to support its reasons for refusal and should be able to show that they have reasonable planning grounds for their decision.

- 4.7 It is the appellants contention that the Council have acted unreasonably in trying to impose Reason for Refusal 2 because the wording is not clear or precise and no evidence has been provided to support this reason for refusal.

5.0 Other matters

- 5.1 The application subject to this review comprises the resubmission of a similar proposal (CL/17/0403), first submitted to the Council on 8 September 2017. Following a 5 month consultation and determination period, the appellant was advised to withdraw the application to avoid a refusal on grounds of highway safety. At no point during the determination period, did the Council state that the proposals were considered contrary to Local Development Plan Green Belt policies, neither was the appellant asked to provide any supporting information to justify the development on the basis of its Green Belt location.
- 5.2 Notwithstanding the fact that it has been demonstrated that the proposals accord with the SLDLP policies, if the proposals were considered to be contrary to the Green Belt policies, the Council had an obligation to make the appellant aware of this, prior to encouraging them to resubmit their application. Having failed to do so the Council have acted in an unreasonably manner, which has led the appellant to incur additional costs and time in pursuing a revised planning application.
- 5.3 Equally, if this was the Council's position then there was no need to delay determination of the application to wait for the consultation response from the Highways Department. The fact that the Council did not move to determine the application sooner indicates that the grounds for refusal were not as immediately apparent as the Statement suggests.
- 5.4 It is the appellant's belief, as detailed in this response to the Council's Statement has demonstrated, that the proposals do accord with the LDP's Green Belt policies, which may be why the issue was not raised until after this appeal against no determination was lodged.
- 5.5 Similarly, at no point during the determination of the first application (CL/17/0403) did the Council indicate that there was a need for an assessment from the Council's Golf Development Officer, despite a significant number of objections from members of the golf club. In fact, as part of the first application, discussions between the planning officer

and appellant's agent (23/01/18) indicated that the Council were simply seeking a "reasonable compromise" to address the concerns raised regarding stray balls (as confirmed by the officer's file notes recording conversations with the agent, contained within Appendix 1). This file note also evidences that it was the Council who encouraged withdrawal of the application.

- 5.6 The current application has received a similar number of objections, raising the same issues, however this time round the Golf Development Officer was consulted. His consultation response, dated 23 May 2018, was not made available to the appellant until it was uploaded to the Council's website on 13 June 2018, the day before this appeal was lodged. At no point was the appellant made aware that this consultation had taken place or that a negative response had been received. At the very least the appellant should have been made aware of this response and been given the opportunity to respond and the Council should have sought an extension to the determination period to allow this to happen. The fact that this did not happen suggests that they intended to determine the application without allowing the appellant to respond to this important issue.
- 5.7 The Golf Development Officer's consultation response suggests that the proposed development would be near to the desired landing area of most golfers at approximately 200-220 yards from the 18th tee. Presumably therefore there is little issue with the relationship between the development and the golf course for the majority of golfers, as the landing area will not be affected. The Officer's response does however raise the possibility that longer hitters may try to cut the slight corner on the hole bringing the houses closer to the field of play, apparently meaning balls could "*easily*" land in the area of the properties with a risk to both property damage and personal risk.
- 5.8 The application originally proposed a 3m high fence, which was increased to 5m high at the recommendation of the planning officer, to mitigate for this risk. The Golf Development Officer's response states that he doesn't "*think*" that a fence will help and that any fence would need to be "*extremely high*" to stop balls being struck over it. These vague comments are the extent of the Officer's advice regarding the proposed mitigation measures. These comments are not qualified by evidence or any assessment to demonstrate how he has arrived at this conclusion. It is not clear what the Officer's qualifications are to be able to advise on this issue, but it is reasonable to expect that if he is capable of determining that a 5m high fence would be insufficient, he should also be capable of confirming the height at which the fence would become effective.
- 5.9 These vague assertions, that the fence would need to be "*extremely high*" are repeated in the Statement of Observations, again without

qualification. However, at Para 4.4 the Statement takes the Officer's response further claiming that the proposed fence would be "*insufficient to stop any golf balls*", which is a misrepresentation of the Officer's response. The fence will stop balls traveling at 5m or below, so this statement is incorrect. The question is whether this is sufficient to mitigate the potential risk from ball strikes.

- 5.10 It is worth noting that as part of the previous applications on the site, no fences were required, despite being closer to the 18th tee. The golf club did agree to a minor relocate the tee to alleviate potential conflict, but there remains a distinct possibility that wayward drives of the tee could land in these properties. At the time, the golf club wrote to the Council confirming that they would accept no responsibility for balls impacting on these properties. It is difficult to understand why the circumstances are any different now.
- 5.11 The Statement highlights that the appellant was asked by the Council to clarify what advice, such as from a golf course architect, they had sought regarding the mitigation (09 May 2018), however they did not indicate that this was a potential reason for refusal or that they were seeking their own advice on this matter. The appellant remains convinced that, given the opportunity through the application process, suitable mitigation measures could have been found. Should planning permission be granted, the appellant would be willing to accept a condition requiring the detailed design of the fence, supported by qualified experts' advice, to be submitted for approval prior to development commencing.
- 5.12 The Statement (Para. 4.5) states that a report recommending the refusal of the application was being prepared, but that the appeal was lodged prior to a decision being issued. There is no way to know if this was the case or what the reason(s) for refusal were at that stage, but earlier in the Statement (Para. 4.2) the Council have indicated that determination was delayed due to the need for detailed assessment which included consideration of road safety and issues related to play on the golf course.
- 5.13 These statements appear to suggest that the Council had already decided to refuse the application without the benefit of a complete assessment of at least two key considerations. Meaning the Council had reached this position without giving the appellant the opportunity to see or respond to key consultation comments, despite having encouraged the appellant to make this resubmission. It also means that, despite not communicating this to the appellant, the Council's main reason for refusal must have been non-compliance with the SLLDP Green Belt policies (as the other key matters had not been dealt with at that stage), which we have already demonstrated full compliance with.

6.0 Conclusions

- 6.1 Considering the above it is the appellants contention that the proposed development accords with the provisions of the adopted SLLDP and its supplementary guidance, on the basis that:
- a) The proposals satisfy Criteria (ii) of Policy 3: Green Belt and Rural Area being proposals for the redevelopment of redundant land where significant environmental improvement can be shown;
 - b) The proposals satisfy Criteria (iv) of Policy 3 in so far as the proposal for limited development of an infill or gap site.
 - c) The proposals satisfy all of the criteria set out in Policy GBRA5: Development of Gap Sites
- 6.2 As a result of being in accordance with the Development Plan, the proposals, if approved, would not set an undesirable precedent and should not be considered to be development prejudicial to the Green Belt designation.
- 6.3 Although the proposals may not fully comply with the guidelines set out in the Council's Residential Design Guide, this is a non-statutory document which clearly states that the standards it sets out should not, necessarily, be rigidly applied. The appellant has indicated that, via a condition, they would be willing to work with the Council to arrive at a suitable mitigation solution that also provides adequate amenity area.
- 6.4 The proposals are contrary to Policy 4: Greenbelt and Rural Area of the un-adopted Proposed SLLDP 2, but as with previous iterations of this policy in previous Local Plans (such as STRAT3) exceptions can be made, especially when they would satisfy the requirements of GBRA8: Development of Gap Sites. Irrespective, the status of the Proposed SLLDP 2 means that only limited weight can be attached to it as a material consideration.
- 6.5 In addition, the proposed reasons for refusal set out in the Statement of Observations are, in the case of Reason 1, in correct due the proposals compliance with the policies identified and, in the case of Reason 2, unreasonable in so far as the wording of the condition is imprecise and has not been supported by evidence to justify the reason for refusal.
- 6.6 Given the above the appellant contends that planning permission, subject to conditions, should be granted for the proposed development.

Appendix 1

Application CL/17/0434

Planning Officer – File Notes recording telephone conversations

File notes

Application number:	CL/17/X0434/NEW
Proposal:	Sub-Division of Site at Mauldslie Road to form 2 Dwelling Plots
Site address:	Land at Mauldslie Road Carlisle
	Land at Mauldslie Road, Carlisle
Application type:	Detailed Planning Application

Comments/record of phone calls/meetings etc

Date	Notes/Discussion/Phone call comments	Name of person discussion/call was with
12/10/17	Spoke with Fraser Jack – there are Road safety concerns. Area has rural feel and suspects a speed survey will show that speeds are high. This is borne out by the road having already being “traffic managed” borne out by the double white lines, anti skid surface. 2 accidents in vicinity, both rear end shunts, suggesting car turning right hit by someone unaware that there was standing traffic. TF – if going to refuse on road safety grounds, need a speed survey. Advise agent to action	
16/1/18	Called agent – spoke with Willie Finlayson. Advised him of Roads recommendation of refusal due to forward visibility distance. Long discussion re the issue of visibility splays. Gave him Frasers contact details as agent wants a precise stopping distance. He reckons can move the access further north. I asked him to decide whether they wished to pursue the proposal – if yes and going to enter into discussions with Roads, would his client consider WD this app and resubmitting once all necessary surveys/measurements been completed. I also asked him (as a secondary issue) to consider the issues raised by the golf course and how he proposes to mitigate for stray golf balls. He will speak to Roads, ask client if wishes to WD the application, and look at ball stop fencing.	
23.1.18	Agent called (Willie Finlayson) to check that the amend visibility plan had been received and that all was OK? Advised that Roads would make their recommendation. In respect of the objections he proposes that a 3m high weld mesh fence is erected to stop the golf balls, but its optimum placing would be the other side of the footpath, which would protect walkers of the RoW plus the proposed houses. I advised that as this would be on land outwith clients control and not in app site, I couldn't hope to control its installation etc by planning condition.	

	<p>He is going to suggest to his client that they explore this with the golf club! His client also wants to know on what policy basis would the council be looking for such measures. I suggested its more a matter of considering the concerns that had been raised with us and try to establish a reasonable compromise – to which end I enquired whether it would be feasible to pull the houses back up the hill towards the road (subject of course to access, parking etc), and the northern most house to turn it very slightly so its presents a bit more of a gable to the 18th tee, as per the existing adjoining house? This would also give more space for substantial tree and shrub planting within the app site. He is amenable to all this and will touch base with roads about driveway length, parking layout. I also mentioned that we <u>might</u> need to re-neighbour notify given access change and any other poss ones, but I would seek guidance on this.</p> <p>I enquired again about WD the application and allowing discussions to conclude on these matters, before submitting a fresh, clean app. He will seek instruction from client.</p>	

