

South Lanarkshire Council
Executive Director (Corporate Services)
Council Headquarters
Almada Street
HAMILTON
ML3 0AA

24th July 2019

Dear Sirs

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
REQUEST FOR REVIEW UNDER SECTION 43A
IN RESPECT OF THE REFUSAL OF PLANNING PERMISSION
APPLICATION REF: P/19/00158**

I refer to the above and on behalf of my client, Mr. D Collins, I submit for your attention and action, a formal request to Review the decision of the Council's appointed person to refuse planning permission pursuant to my client's planning application, as referenced above.

In this regard, I attach hereto, a completed copy of the Notice of Review Form and a list of those documents to which reference will be made during the course of this Review.

I also attach a copy of my Statement in Support of this Review, included with which are copies of all of those documents listed.

I trust that this is sufficient to enable you to progress this Review and I look forward to hearing from you further on this matter in due course.

Should you require too discuss matters further at this stage please do not hesitate to contact me.

Yours Faithfully

ANDREW BENNIE
Director

NOTICE OF REVIEW

Under Section 43A(8) Of the Town and Country Planning (SCOTLAND) ACT 1997 (As amended) In Respect of Decisions on Local Developments

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND) Regulations 2013

The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA <https://www.eplanning.scot>

1. Applicant's Details		2. Agent's Details (if any)	
Title	Mr	Ref No.	
Forename	Douglas	Forename	Andrew
Surname	Collins	Surname	Bennie
Company Name		Company Name	Andrew Bennie Planning Ltd
Building No./Name		Building No./Name	
Address Line 1	52a Ashgillhead Road	Address Line 1	3 Abbots Court
Address Line 2		Address Line 2	
Town/City	Ashgill	Town/City	Dullatur
Postcode		Postcode	G68 0AP
Telephone		Telephone	
Mobile		Mobile	
Fax		Fax	
Email		Email	

3. Application Details	
Planning authority	South Lanarkshire Council
Planning authority's application reference number	P/19/0158
Site address	Land north of Millburn Road, Ashgill.
Description of proposed development	Erection of Residential Development (Planning Permission in Principle).

Date of application

1st Feb. 2019

Date of decision (if any)

1st May 2019

Note. This notice must be served on the planning authority within three months of the date of decision notice or from the date of expiry of the period allowed for determining the application.

4. Nature of Application

Application for planning permission (including householder application)

☐

Application for planning permission in principle

☒

Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition)

☐

Application for approval of matters specified in conditions

☐

5. Reasons for seeking review

Refusal of application by appointed officer

☒

Failure by appointed officer to determine the application within the period allowed for determination of the application

☐

Conditions imposed on consent by appointed officer

☐

6. 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.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

Further written submissions

☐

One or more hearing sessions

☐

Site inspection

☒

Assessment of review documents only, with no further procedure

☐

If you have marked either of the first 2 options, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary.

7. Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

Can the site be viewed entirely from public land?

☐

Is it possible for the site to be accessed safely, and without barriers to entry?

☒

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

8. Statement

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. Note: 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.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

Please refer to the attached Statement in Support of Review.

Have you raised any matters which were not before the appointed officer at the time your application was determined?

Yes ☐ No ☒

If yes, please explain below a) why your are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

Please refer to the attached Schedule of Review Documents.

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

10. Checklist

Please mark the appropriate boxes to confirm that you have provided all supporting documents and evidence relevant to your review:

Full completion of all parts of this form ☒

Statement of your reasons for requesting a review ☒

All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review. ☒

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 from that earlier consent.

DECLARATION

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature: Name: Date:

Any personal data that you have been asked to provide on this form will be held and processed in accordance with Data Protection Legislation.

STATEMENT IN SUPPORT OF
REQUEST TO REVIEW THE REFUSAL
BY SOUTH LANARKSHIRE COUNCIL OF
PLANNING APPLICATION REFERENCE
P/19/0158

3 Abbots Court
Dullatur
G68 0AP



July 2019

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Appendix 1: Notice of Review Form - Already attached at Appendix 5

Appendix 2: Schedule of Documents

Appendix 3: Review Documents

1.0 INTRODUCTION

- 1.1 This Statement has been prepared by Andrew Bennie Planning Limited on behalf of Mr. Douglas Collins in support of his request that the Planning Authority, under the provisions of Section 43A(8) of the Town and Country Planning (Scotland) Act 1997 review the decision of the Appointed Person to refuse planning permission in respect of planning application reference P/19/0158.
- 1.2 This Statement should be read in conjunction with the matters set out within the completed Notice of Review Form, a copy of which is included at Appendix 1 of this Statement.

2.0 THE SITE AND PROPOSALS SUBJECT TO REVIEW

- 2.1 Under the terms of planning application reference P/19/0158, Planning Permission in Principle was sought for the development, for residential purposes of that land which comprises the application site, hereinafter referred to as the "site".
- 2.2 The "site", comprises an area of ground extending to some 0.364ha in area and which is located on the north side of Millburn Road, Ashgill.
- 2.3 The site presently lies at a slightly higher level than that of Millburn Road, with the land within the site being generally flat.
- 2.4 The site is roughly rectangular in shape, with its short side being orientated towards Millburn Road. The land within the boundary of the Site has recently been cleared of scrub vegetation, these operations having taken place to provide potential assistance to Scottish Water in respect of their proposals to install a new section of sewer pipe through part of the Site.
- 2.5 The site previously formed part of a railway line, with the southern boundary of the site being demarked by one of the bridge abutments, which previously carried the railway line across Millburn Road, the other abutment to the south side of Millburn Road having been removed many years ago.
- 2.6 At this stage, no details of the proposed development are put forward for approval, with all such matters being reserved for approval at the "matters specified" stage, albeit that it is considered that the site has the potential to accommodate a maximum of circa twelve units, with the exact number of units being determined, in due course, by the finalised housing mix.
- 2.7 Access to the site would be taken off Millburn Road, which runs along the southern boundary of the site, with the formation of this point of access being facilitated by the down taking if the existing bridge abutment which currently demarks the southern boundary of the site.
- 2.8 As part of the proposed development, it is proposed that the ground levels within the site, (which forms part of a raised former railway embankment), will be reduced to bring them more in line with that of the farm land which lies to the east side of the site.

- 2.9 The proposed development would also include the provision of new structure planting along the eastern boundary of the site, full details of which will be presented at the "matters specified" stage.

3.0 REASONS FOR REQUESTING THE REVIEW

- 3.1 On the basis of the Grounds of Review, which are set out within Section 5.0 of this Statement, it is submitted that the Appointed Person has failed to provide sufficient reasons to reasonably justify the refusal of this planning application when considered against the relevant provisions of the development plan.
- 3.2 It is submitted that the application proposals can be both fully and reasonably justified against the relevant provisions of the development plan and that the proposed development site comprises an appropriate opportunity to round off the settlement boundary at this locale and in a manner which would not lead to any further development pressure.
- 3.3 It is further submitted that the proposed development would not give rise to any adverse impacts upon the amenity of those existing residential properties which bound the site along its western boundary.
- 3.4 Consequently, this Review is put forward on the basis of the unreasonable and unjustifiable grounds for the refusal of the planning application in question.

4.0 REVIEW PROCEDURE

- 4.1 In addition to consideration of those matters, which are set out within the Notice of Review Form and this Statement, it is requested that the Local Review Body also carry out an inspection of the Site prior to their consideration and determination of this Review.
- 4.2 An inspection of the site is considered to be necessary in this instance in order that the members of the Local Review Body can be view firsthand the nature of the site and its relationship to the existing settlement boundary and to consider also the issue of the lack of impact that the proposed development would have upon the integrity of the wider Green Belt at this locale.

5.0 GROUNDS OF REVIEW

- 5.1 The application, which forms the basis of this Review was refused planning permission by Notice dated 1st May 2019, with the stated reasons for the refusal of the application being as follows:

- 1. The proposal is contrary to Policy 3 - Green Belt and Rural Area of the South Lanarkshire Local Development Plan as it would constitute new residential development in the Green Belt without appropriate justification.***
- 2. If approved, the proposal would set an undesirable precedent which could encourage further similar applications for development prejudicial to the Green Belt designation.***
- 3. The proposal is contrary to Policy 16 - Travel and Transport of the South Lanarkshire Local Development Plan which safeguards former railway lines for walking and cycling.***
- 4. The proposal is contrary to Policy GBRA4 - Small Scale Settlement Extensions of Supplementary Guidance 2: Green Belt and Rural Area as it does not comply with the criteria listed.***
- 5. The proposal is contrary to Policy 4 - Green Belt and Rural Area of the Proposed South Lanarkshire Local Development Plan 2 as it would constitute new residential development in the Green Belt without appropriate justification.***
- 6. The proposal is contrary to Policy 17 - Travel and Transport of the Proposed South Lanarkshire Local Development Plan 2 which safeguards former railway lines for walking and cycling.***

- 5.2 A full copy of the Decision Notice on this application is provided at Document 6 within Appendix 3 of this Statement.

- 5.3 Our responses to the stated reasons for the refusal of planning application reference P/19/0158 are set out below.

Reason for Refusal 1

- 1. The proposal is contrary to Policy 3 - Green Belt and Rural Area of the South Lanarkshire Local Development Plan as it would constitute new residential development in the Green Belt without appropriate justification.***

- 5.4 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 the following circumstances;

- i. Where it is demonstrated that there is 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 the conversion of traditional buildings and those of a local vernacular.*
- iv. The proposal is for limited development within clearly identifiable infill, gap sites and existing building groups.*
- v. The proposal is for the extension of existing premises or uses providing it is of a suitable scale and design. Any new building should be ancillary to the main use.*

In the Rural Area limited expansion of an existing settlement may be appropriate where the proposal is proportionate to the scale and built form of the settlement, it is supportive of the sustainability of the settlement and a defensible settlement boundary is maintained.

In both the Green Belt and rural area isolated and sporadic development will not be supported.

Development proposals must also accord with other relevant policies and proposals in the development plan and other appropriate supplementary guidance. Appropriate uses in the Green Belt and rural area are contained within supplementary guidance."

5.5 When consideration is had to the terms and provisions of Policy 3, it is submitted that the development proposed under the application to which this Request to Review relates can be fully and reasonably justified against criterion (ii) insofar as the proposed development would involve the redevelopment of an area of derelict land, where, through the proposed development, significant environmental improvements could be secured.

5.6 Consideration of the proposed development against this aspect of Policy 3 is provided at paragraph 3.5 of the Report of Handling (see Document 5), where it is simply stated that:

"the proposal does not involve the redevelopment of derelict or redundant land"

5.7 The Report of Handling, with regret, provides no justification or explanation of those considerations which informed this statement.

- 5.8 The failure on the part of the Report of Handling to provide any justification for the “decision” that the Site cannot be categorised as either derelict or redundant land is considered to be a major failing, which has significantly coloured the overall assessment of the proposals which are the subject of this Request to Review.
- 5.9 It is our submission that on any reasonable and balanced consideration of the nature and characteristics of the Site, it is self-evident that that the Site, taking into account also its previous use as part of a former railway line, is both derelict, and insofar as it is no longer required in connection with its previous use, redundant.
- 5.10 As part of this Request to Review submission, a request has been made that the Members of the Local Review Body visit the Site as part of their consideration of this matter which will provide them with an opportunity to view the Site at first hand thus allowing them to come to their own informed view as to whether our submission on this point is reasonable or alternatively that the Council’s position should be preferred.
- 5.11 The second aspect of criterion (ii) that requires to be satisfied is whether or not significant environmental improvements can be secured as part of the proposed development.
- 5.12 On this point, it is our submission that the condition of the Site is such that it detracts significantly from the amenity of the surrounding area, both in relation to the wider area of countryside to the east and perhaps more importantly in relation to the adjacent residential properties which bound the Site along the full length of its western boundary.
- 5.13 As has been acknowledged within the Report of Handling (paragraph 3.2) the vegetation which was previously on the Site has been removed as a means of providing assistance to Scottish Water in relation to their proposals to run a new section of sewer pipe through the northern section of the Site, the installation of which is required to address existing constraints which affect and relate to the wider settlement of Ashgill.
- 5.14 It is understood that the installation of this new section of sewer pipe will allow the development of allocated development sites within the settlement to come forward, which is considered to be of wider benefit to the local community.
- 5.15 The clearance of the vegetation from the Site comprises a necessary precursor to the works which Scottish Water will be carrying out and are unconnected to the development which is proposed under this application.
- 5.16 The clearance of the vegetation from the Site has however served to underline and reinforce the clear fact that the Site is both derelict and redundant.

- 5.17 Through the detailed design of the proposed development, which will be brought forward for discussion with the Council at the "matters specified" stage, it will be possible to secure significant improvements to the condition and appearance of the Site, which will be to the direct benefit of the wider area within which the Site is located.
- 5.18 On this basis, it is submitted that the proposed development can be fully and reasonably justified against the provisions of criterion (ii) of Policy 3, with it being further submitted that the Report of Handling has failed to suitably demonstrate that this is not the case.

Reason for Refusal 2

2. If approved, the proposal would set an undesirable precedent which could encourage further similar applications for development prejudicial to the Green Belt designation.

- 5.19 It is an accepted and generally unchallenged tenet of the planning system that all applications for planning permission are dealt with on their own individual merits with decisions thereon, in line with the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, as amended, being made in accordance with the provisions of the development plan and in light of any relevant material considerations.
- 5.20 In the event of this Request to Review is upheld by the Council, it is submitted first of all that there is no reasonable basis upon which it can be stated that such a decision would in itself encourage other "similar" applications and secondly, and more importantly, that the granting of planning permission pursuant to this Request to Review would in no way limit or constrain the ability of the Council to refuse planning permission in respect of any such applications.
- 5.21 As such, it is submitted that this reason for the refusal of the application which forms the basis of this Request to Review cannot be reasonably supported or defended.

Reason for Refusal 3

3. The proposal is contrary to Policy 16 - Travel and Transport of the South Lanarkshire Local Development Plan which safeguards former railway lines for walking and cycling.

- 5.22. Policy 16 of the adopted Local Development Plan states amongst other things that:
"Development of walking, cycling and public transport networks which provide a viable alternative to car travel, thus reducing the effects of transport on the environment will be

supported. In addition, existing and proposed walking and cycling routes will be safeguarded, including former railway lines which provide walking, cycling and horse riding opportunities.”

- 5.23 Whilst the objectives of this policy are both laudable and well intended, and as such supported in principle, in seeking to apply the same to the assessment of any given planning application a degree of judgment must, of necessity, be applied in relation to the issue of the development of former railway lines in order to determine whether any proposed development would undermine the overall objectives which underpin the policy.
- 5.24 This judgement requires to consider whether or not the development in question would result in the loss of an important section of former railway line which provides the means of connecting or potentially connecting to the wider area which surrounds the site of the proposed development.
- 5.25 When this consideration is applied to the site of the application which forms the basis of this Request to Review, it is self evident that the section of the former railway line, of which the site forms part, which lies to the immediate north of the site has already been redeveloped for residential purposes and that as a direct consequence of this previous development there is no possibility of a northern connection being made to the remaining section of this former railway line which lies to the further north of the site.
- 5.26 This being the case, any possibility of the section of the former railway line which lies to the east side of the settlement being utilised for walking and cycling purposes as part of any wider network has already been permanently compromised by previous development, with it being submitted that the redevelopment of the site as proposed under this application would not have any further adverse impact upon the potential reuse of this former railway line for walking and cycling purposes.
- 5.27 In view of the foregoing, it is submitted that whilst it is accepted that if strictly applied, the terms of Policy 16 would potentially preclude against the proposed development, when cognisance is taken of the fact that there is no practical prospect of this railway line ever providing a continuous connection northwards from Millburn Road, which forms the southern boundary of the site, the development of the site, as proposed under this application, would not offend against the overall aims and objectives of the Policy.

Reason for Refusal 4

4. *The proposal is contrary to Policy GBRA4 - Small Scale Settlement Extensions of Supplementary Guidance 2: Green Belt and Rural Area as it does not comply*

5.28 SG2, at paragraph 5.8, advises that:

"The development of small scale sites on the edge of existing settlements can represent a sustainable form of development that supports local services and reduces the need to travel. The inclusion of land for residential development on the edge of settlements can also represent an opportunity to 'round off' existing towns and villages within the rural area. Proposals should be of an appropriate scale and form that is proportionate to the size and character of the existing settlement."

5.29 Given the nature and delineation of the settlement boundary which lies to the immediate north side of the site, which is defined by the outer eastern extent of the former railway line of which the site forms part, it is considered that the proposed development represents an opportunity to round off the boundary of the settlement at this locale and that to this extent, the application proposals are considered to comprise an appropriate opportunity to round off this corner of the village.

5.30 In making this submission, it is considered appropriate to make specific mention of the fact that the ability of the site to qualify as an acceptable rounding off opportunity has arisen as a direct consequence of the redevelopment of those sections of the former railway line, of which the site forms part, which lie to the immediate north of the site.

5.31 The development of these sections of the former railway line have resulted in an adjustment to the eastern boundary of this particular part of the wider settlement boundary, which in turn have resulted in the slightly anomalous delineation of this section of the settlement boundary within the vicinity of the site.

5.32 The scale of the development, which is proposed under this application, is considered to be proportionate to the size and character of the existing settlement and to this extent, the proposed development is considered to be wholly in keeping with the terms and provisions of paragraph 5.8 of SG2.

5.33 In light of this consideration, which it is submitted comprises the first of two tests against which the application proposals require to be considered, the assessment of the application

to which this Request to Review relates moves onto be addressed against the provisions of Policy GBRA4, as set out within the SG.

5.34 Policy GBRA4 provides details of the criterion against which *"proposals for new houses on sites adjoining existing settlements"* require to be assessed against.

5.35 In addressing each of these criteria in turn, the following comments are made.

"The development shall maintain a defensible settlement boundary through the retention of existing features or enhancement through additional structural planting."

5.36 The eastern boundary of the site is demarked by the obvious change in the nature of the land, which forms the application site and that of the wider area of agricultural land, which lies to the further east and to this extent is considered to constitute an obvious and defensible boundary for this section of the wider settlement boundary.

5.37 Whilst the scrub vegetation which previously covered parts of the site has been recently cleared, these works being undertaken to provide assistance to Scottish Water in terms of their proposals to run a new section of sewer pipe through the northern section of the site, these proposals on the part of Scottish Water being required in order to overcome current issues associated with the lack of capacity within the local sewer network, through the proposed development of the site, the opportunity exists to provide for new structure planting along the length of the eastern boundary of the site which will ensure that an enhanced level of amenity can be afforded to this specific section of the wider settlement boundary.

"The proposals should respect the specific local character and existing development pattern of development within the settlement and be of an appropriate small scale that is proportionate to the size and scale of the existing settlement."

5.38 As can be seen from the manner in which the settlement of Ashgill has expanded over the years, sections of the former railway line to the immediate north side of the site have already been redeveloped for residential purposes and to this extent, the residential development of the site, as proposed under this application would simply represent a logical extension of this ongoing evolution of the development of the village.

5.39 In terms of the scale of the proposed development of the site, which has the potential to accommodate a maximum of twelve units, assuming that the final housing mix includes a number of semi-detached properties as opposed to the development comprising solely

detached properties, it is considered that the proposals are of an appropriately small scale, which is proportionate to the scale and character of the existing settlement.

"Development of the site should have no adverse impact on the amenity of any existing dwellinghouses within the settlement, particularly in terms of overlooking, privacy or overshadowing."

- 5.40 Whilst no details of the potential layout of the proposed development of the site have been put forward for approval at this stage, it is considered that when regard is had to the relationship of the site to those existing residential properties which lie to the west of the site, there is no reason to conclude that it would not be possible to bring forward a suitable design for the proposed development which would ensure that the proposed dwelling houses could be positioned on the site in a manner that would ensure that no adverse impacts on the amenity of existing dwelling houses arise as a consequence of the proposed development in terms of overlooking, privacy or overshadowing.

"Proposals should incorporate substantial boundary landscaping proposals, to minimise the developments impact on rural amenity and to ensure appropriate landscape fit."

- 5.41 Whilst no details of the proposed boundary treatment of the eastern boundary of the site are put forward for approval at this stage, it is clear that scope exists within the boundary of the site to ensure that boundary planting to an appropriate standard can be provided as part of the proposed development, with it being submitted that the provision of this boundary planting can be suitably controlled by way of an appropriately worded planning condition.

"Proposals should be able to be readily served by all necessary infrastructure including water, sewerage and electricity and can be able to comply with all parking and access standards."

- 5.42 All of the service infrastructure which is required to support the proposed development of the site can be readily provided, with it being further noted that the development of the site as proposed will provide a degree of assistance to Scottish Water in terms of their proposals to lay a new sewer outfall pipe through the northern section of the site.

- 5.43 It is further submitted that the proposed development is capable of suitably complying with all relevant parking and access standards.

"Proposals should have no adverse impact in terms of road safety."

- 5.44 Details of the proposed vehicular access arrangements for the proposed development have been submitted in support of the proposed development of the site, with it being our respectful submission that the provision of this access, coupled with the low level of additional traffic that would be generated by the proposed development will ensure that the proposed development will have no adverse impact in terms of road safety.

"Proposals should have no adverse impact on biodiversity, including Natura 2000 sites and protected sites, or features which make a significant contribution to the cultural and historic landscape value of the area."

"In the case of development affecting a listed building or a property within a designated Conservation Area, proposals shall comply with the guidance and criteria contained in the SG on the Natural and Historic Environment."

- 5.45 Neither of the above noted criterion are of relevance to the consideration of the application and as such are not considered further.
- 5.46 Having regard to the matters set out above, it is our respectful submission that the development of the site as proposed under this application can be fully and reasonably justified against the relevant provisions of Policy GBRA4 of Supplementary Guidance 2: Green Belt and Rural Area and that the Appointed Person has failed to provide sufficient information within the Report of Handling on the application to demonstrate that this is not the case.
- 5.47 Consequently, it is submitted that this Reason for the Refusal of the application cannot be reasonably supported.

Reason for Refusal 5

5. The proposal is contrary to Policy 4 - Green Belt and Rural Area of the Proposed South Lanarkshire Local Development Plan 2 as it would constitute new residential development in the Green Belt without appropriate justification.

- 5.48 Given the stage that the emerging Local Development Plan 2 has reached in terms of its preparation, it is submitted that as a matter of fact, its provisions cannot be relied upon to any degree of certainty in terms of the assessment of the proposals which form the basis of this Request to Review and as such, it is submitted that the provisions of Local Development Plan 2 are of strictly limited relevance to the determination of this Request to Review.

Reason for Refusal 6

6. The proposal is contrary to Policy 17 - Travel and Transport of the Proposed South Lanarkshire Local Development Plan 2 which safeguards former railway lines for walking and cycling.

5.49 As is the case in respect of our response on Reason for Refusal 5, as set out above, it is submitted that the provisions of Local Development Plan 2 are of strictly limited relevance to the determination of this Request to Review.

6.0 SUMMARY

- 6.1 It is our respectful submission that the Council, via the Appointed Person has failed to provide sufficient information to support and justify the stated reasons for the refusal of this planning application.
- 6.2 It is submitted that in terms of the relevant provisions of the adopted Local Development Plan, the proposed development can be fully and reasonably justified against the various policies and supplementary guidance, which have been referenced within the stated reason for the refusal of the application.
- 6.3 **Taking into account all of those matters set out above, I would respectfully request that the Local Review Body uphold this Review and in so doing, grant planning permission pursuant to planning application reference P/19/00158.**

APPENDIX 2

SCHEDULE OF REVIEW DOCUMENTS

Document 1:	Applications Form and associated certificates - Already attached at Appendix 1
Document 2:	Application Site Boundary Plan
Document 3:	Planning Statement in Support of Planning Application
Document 4:	General Access Arrangement Plan
Document 5:	Report of Handling - Already attached at Appendix 2(a)
Document 6:	Decision Notice - Already attached at Appendix 4

APPLICATION FOR PLANNING PERMISSION

Town and Country Planning (Scotland) Act 1997
The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please refer to the accompanying Guidance Notes when completing this application
PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS
ELECTRONICALLY VIA <https://www.eplanning.scot>

1. Applicant's Details		2. Agent's Details (if any)	
Title	<input type="text" value="Mr"/>	Ref No.	<input type="text"/>
Forename	<input type="text" value="Douglas"/>	Forename	<input type="text" value="Andrew"/>
Surname	<input type="text" value="Collins"/>	Surname	<input type="text" value="Bennie"/>
Company Name	<input type="text"/>	Company Name	<input type="text" value="Andrew Bennie Planning Ltd"/>
Building No./Name	<input type="text"/>	Building No./Name	<input type="text"/>
Address Line 1	<input type="text" value="52a Ashgillhead Road"/>	Address Line 1	<input type="text" value="3 Abbots Court"/>
Address Line 2	<input type="text"/>	Address Line 2	<input type="text"/>
Town/City	<input type="text" value="Ashgill"/>	Town/City	<input type="text" value="Dullatur"/>
Postcode	<input type="text"/>	Postcode	<input type="text" value="G68 0AP"/>
Telephone	<input type="text"/>	Telephone	<input type="text"/>
Mobile	<input type="text"/>	Mobile	<input type="text"/>
Fax	<input type="text"/>	Fax	<input type="text"/>
Email	<input type="text"/>	Email	<input type="text"/>

3. Postal Address or Location of Proposed Development (please include postcode)

Land to the north of Millburn Road, Ashgill (forming part of former railway line).

NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.

4. Type of Application
What is the application for? Please select one of the following:

Planning Permission	<input type="checkbox"/>
Planning Permission in Principle	<input type="checkbox"/>
Further Application*	<input type="checkbox"/>
Application for Approval of Matters Specified in Conditions*	<input type="checkbox"/>
Application for Mineral Works**	<input type="checkbox"/>

NB. A 'further application' may be e.g. development that has not yet commenced and where a time limit has been imposed a renewal of planning permission or a modification, variation or removal of a planning condition.

*Please provide a reference number of the previous application and date when permission was granted:

Reference No: <input style="width: 150px;" type="text"/>	Date: <input style="width: 150px;" type="text" value="24th July 2019"/>
--	---

**Please note that if you are applying for planning permission for mineral works your planning authority may have a separate form or require additional information.

5. Description of the Proposal

Please describe the proposal including any change of use:

Erection of Residential Development - Planning Permission in Principle

Is this a temporary permission?

Yes ☐ No ☐

If yes, please state how long permission is required for and why:

Have the works already been started or completed?

Yes ☐ No ☐

If yes, please state date of completion, or if not completed, the start date:

Date started:

Date completed:

If yes, please explain why work has already taken place in advance of making this application

6. Pre-Application Discussion

Have you received any advice from the planning authority in relation to this proposal?

Yes ☐ No ☐

If yes, please provide details about the advice below:

In what format was the advice given?

Meeting ☐ Telephone call ☐ Letter ☐ Email ☒

Have you agreed or are you discussing a Processing Agreement with the planning authority? Yes ☐ No ☒

Please provide a description of the advice you were given and who you received the advice from:

Name: Jim Blake

Date: 24th July 2019

Ref No.:

Andrew Bennie

7. Site Area

Please state the site area in either hectares or square metres:

Hectares (ha): 0.364ha

Square Metre (sq.m.)

8. Existing Use

Please describe the current or most recent use:

Land comprising a section of a former railway line.

9. Access and Parking

Are you proposing a new altered vehicle access to or from a public road?

Yes ☒ No ☐

If yes, please show in your drawings the position of any existing, altered or new access and explain 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 changes to public paths, public rights of way or affecting any public rights of access?

Yes ☐ No ☒

If yes, please show on your drawings the position of any affected areas and explain 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?

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site? (i.e. the total number of existing spaces plus any new spaces)

2 per dwelling.

Please show on your drawings the position of existing and proposed parking spaces and specify if these are to be allocated for particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, etc.)

10. Water Supply and Drainage Arrangements

Will your proposals require new or altered water supply or drainage arrangements?

Yes ☒ No ☐

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

Yes, connecting to a public drainage network

☒

No, proposing to make private drainage arrangements

☐

Not applicable – only arrangement for water supply required

☐

What private arrangements are you proposing for the new/altered septic tank?

Discharge to land via soakaway

☐

Discharge to watercourse(s) (including partial soakaway)

☐

Discharge to coastal waters

☐

Please show more details on your plans and supporting information

What private arrangements are you proposing?

Treatment/Additional treatment (relates to package sewer treatment plants, or passive sewage treatment such as a reed bed)

☐

Other private drainage arrangement (such as a chemical toilets or composting toilets)

☐

Please show more details on your plans and supporting information.

Do your proposals make provision for sustainable drainage of surface water?

Yes ☒ No ☐

Note:- Please include details of SUDS arrangements on your plans

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

Yes ☒ No ☐

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

11. Assessment of Flood Risk

Is the site within an area of known risk of flooding?

Yes ☐ No ☒

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your planning authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? Yes ☐ No ☒ Don't Know ☐

If yes, briefly describe how the risk of flooding might be increased elsewhere.

12. Trees

Are there any trees on or adjacent to the application site?

Yes ☐ No ☒

If yes, please show on drawings any trees (including known protected trees) and their canopy spread as they relate to the proposed site and indicate if any are to be cut back or felled.

13. Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste? (including recycling)

Yes ☒ No ☐

If yes, please provide details and illustrate on plans.

If no, please provide details as to why no provision for refuse/recycling storage is being made:

To be confirmed at the detailed design stage.

14. Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats?

Yes ☒ No ☐

If yes how many units do you propose in total?

Max. 12 units.

Please provide full details of the number and types of units on the plan. Additional information may be provided in a supporting statement.

15. For all types of non housing development – new floorspace proposed

Does your proposal alter or create non-residential floorspace?

Yes ☐ No ☒

If yes, please provide details below:

Use type:

If you are extending a building, please provide details of existing gross floorspace (sq.m):

Proposed gross floorspace (sq.m.):

Please provide details of internal floorspace(sq.m)

Net trading space:

Non-trading space:

Total net floorspace:

16. Schedule 3 Development

Does the proposal involve a class of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008?

Yes ☐ No ☒ Don't Know ☐

If yes, your proposal will additionally have to be advertised in a newspaper circulating in your area. Your planning authority will do this on your behalf but may charge a fee. Please contact your planning authority for advice on planning fees.

17. Planning Service Employee/Elected Member Interest

Are you / the applicant / the applicant's spouse or partner, a member of staff within the planning service or an elected member of the planning authority?

Yes ☐ No ☒

Or, are you / the applicant / the applicant's spouse or partner a close relative of a member of staff in the planning service or elected member of the planning authority?

Yes ☐ No ☒

If you have answered yes please provide details:

DECLARATION

I, the applicant/agent certify that this is an application for planning permission. The accompanying plans/drawings and additional information are provided as part of this application. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

I, the applicant/agent hereby certify that the attached Land Ownership Certificate has been completed ☒

I, the applicant/agent hereby certify that requisite notice has been given to other land owners and /or agricultural tenants

Yes ☐ No ☐ N/A ☒

Signature:

Name:

Andrew Bennie

Date:

Any personal data that you have been asked to provide on this form will be held and processed in accordance with Data Protection Legislation.

APPENDIX 3

Document 1

LAND OWNERSHIP CERTIFICATES

Town and Country Planning (Scotland) Act 1997
Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland)
Regulations 2013

CERTIFICATE A, B, C, D OR CERTIFICATE E MUST BE COMPLETED BY ALL APPLICANTS

CERTIFICATE A

Certificate A is for use where the applicant is the only owner of the land to which the application relates and none of the land is agricultural land.

I hereby certify that -

- (1) No person other than **myself/the applicant*** was owner 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 application. ☐
- (2) None of the land to which the application relates constitutes or forms part of agricultural land. ☐

Signed:

On behalf of:

Date:

CERTIFICATE B

Certificate B is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where all owners/agricultural tenants have been identified.

I hereby certify that -

- (1) **The applicant has*** served notice on every person other than **the applicant*** who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates. These persons are: ☐

Name	Address	Date of Service of Notice

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

or

- (3) The land or part of the land to which the application relates constitutes or forms part of agricultural land and **I have/the applicant has*** served notice on every person other than **myself/the applicant*** who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are: ☐

Name	Address	Date of Service of Notice

Signed:

On behalf of:

Date:

CERTIFICATE C

Certificate C is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where it has not been possible to identify ALL or ANY owners/agricultural tenants.

- (1) **I have/The applicant has*** been unable to serve notice on **every** person other than **myself/the applicant*** who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates. ☐

or

- (2) **I have/the applicant has*** been unable to serve notice on **any** person other than **myself/the applicant*** who, at the beginning of the period of 21 days ending with the date of the accompanying application, was owner of any part of the land to which the application relates. ☐

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

or

- (4) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and **I have/the applicant has*** been unable to serve notice on any person other than **myself/the applicant*** who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. ☐

or

- (5) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding **I have/the applicant has*** served notice on each of the following persons other than **myself/the applicant*** who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are: ☐

Name	Address	Date of Service of Notice

- (6) **I have/The applicant has*** taken reasonable steps, as listed below, to ascertain the names and addresses of all other owners or agricultural tenants and **have/has*** been unable to do so.

Steps taken:

--

Signed:

--

On behalf of:

--

Date:

--

CERTIFICATE D

Certificate D is for use where the application is for mineral development.

- (1) No person other than **myself/the applicant*** was an owner 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. ☐

or

- (2) **I have/the applicant has*** served notice on each of the following persons other than **myself/the applicant*** who, at the beginning of the period of 21 days ending with the date of the accompanying application, was to the applicant's knowledge, the owner, of any part of the land to which the application relates. These persons are: ☐

Name	Address	Date of Service of Notice

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

or

- (4) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and **I have/the applicant has*** served notice on each of the following persons other than **myself/the applicant*** who, at the beginning of the period of 21 days ending with the date of the application, was an agricultural tenant. ☐

- (5) Notice of the application as set out below has been published and displayed by public notice ☐

Signed:

--

On behalf of:

--

Date:

--

CERTIFICATE E

Certificate E is required where the applicant is the sole owner of all the land and the land to which the application relates is agricultural land and there are or are not agricultural tenants.

I hereby certify that -

(1) No person other than **myself/the applicant*** was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application. ☐

(2) The land to which the application relates constitutes or forms part of an agricultural holding and there are no agricultural tenants. ☐

or

(1) No person other than **myself/the applicant*** was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application. ☐

(2) The land to which the application relates constitutes or forms part of an agricultural holding and there are agricultural tenants. These people are: ☐

Name	Address	Date of Service of Notice

(3) **I have/The applicant has*** taken reasonable steps, as listed below, to ascertain the names and addresses of the other agricultural tenants and **have/has*** been unable to do so. ☐

Steps taken:

Signed:

On behalf of:

Date:

Any personal data that you have been asked to provide on this form will be held and processed in accordance with Data Protection Legislation.

NOTICE TO OWNERS AND AGRICULTURAL TENANTS

Town and Country Planning (Scotland) Act 1997
Regulation 15 (1) of the Town and Country Planning (Development Management Procedure)
(Scotland) Regulations 2013

Name [Note 1]	
Address	

Proposed development at [Note 2]	

Notice is hereby given that an application is being made to

[Note 3]		Council by	
----------	--	------------	--

For planning permission to [Note 4]

--

If you wish to obtain further information on the application or to make representations about the application, you should contact the Council at [Note 5]

--

(The grant of planning permission does not affect owners' rights to retain and dispose of their property unless there is some provision to the contrary in an agreement or lease. The grant of planning permission for non-agricultural development may affect agricultural tenants security of tenure.)

Signed	
On behalf of	
Date	

*Delete where appropriate

[Note 1] – Insert name and address of owner or agricultural tenants

[Note 2] – Insert address or location of proposed development.

[Note 3] – Insert name of planning authority.

[Note 4] – Insert description of proposed development.

[Note 5] - Insert planning authority address.

NOTICE TO OWNERS AND AGRICULTURAL TENANTS

The Town and Country Planning (Scotland) Act 1997
The Town and Country Planning (Development Management Procedure) (Scotland)
Regulations 2013 (Regulation 15)

NOTES FOR GUIDANCE

Before applying for planning permission or planning permission in principle under regulations 9 to 11, applicants should notify all persons who (other than themselves), were the owners of any of the land to which the application relates, or were agricultural tenants at the beginning of the prescribed period (in effect 21 days ending with the date on which the application was submitted).

Notices to owners and agricultural tenants should be in the form set out in schedule 1 of the regulations and must include:

1. The name of the applicant
2. The address or location of the proposed development
3. A description of the proposed development and
4. The name and address of the planning authority who will determine the application.

The grant of planning permission will not affect the rights of an owner, or tenant under a lease which has at least 7 years to run, to dispose of the consented property unless there is express provision in the lease/Agreement.

Applications for the working and winning of underground minerals

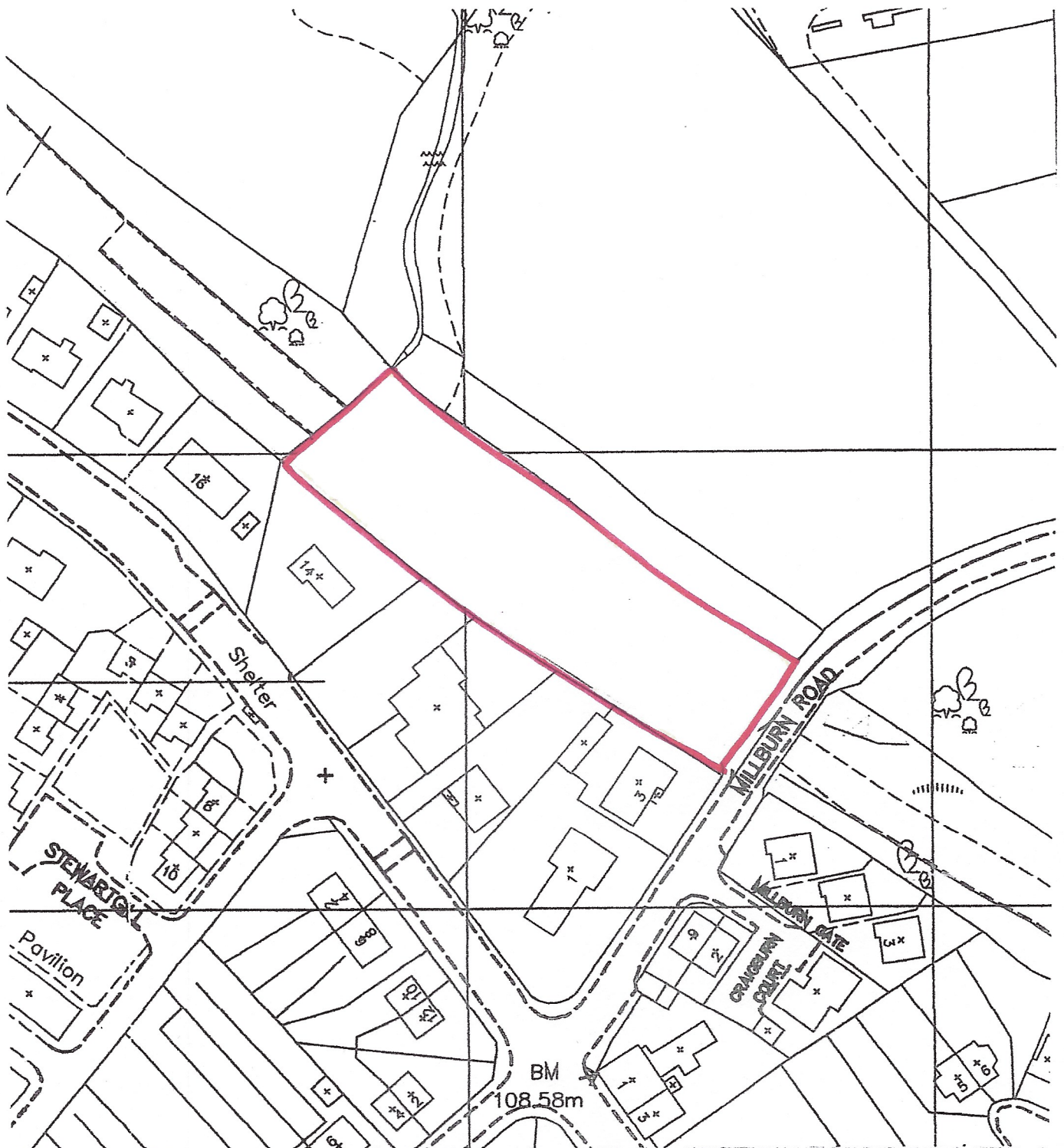
The notification of site owners and agricultural tenants regarding applications for the working and winning of underground minerals may be both onerous and complex. In addition to those owners and agricultural tenants with rights in relation to the relevant surface land, there may be other people with ownership rights to minerals, other than those vested in the Crown (oil, gas, coal, gold and silver), who may be difficult to identify and notify.

For the purposes of these applications, regulation 15(4) amends the requirement to notify owners to relate to those who "to the applicant's knowledge" are owners

Any personal data that you have been asked to provide on this form will be held and processed in accordance with Data Protection Legislation.

Document 2

LAND AT MILLBURN ROAD, ASHGILL

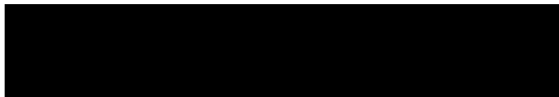


Document 3

PLANNING STATEMENT IN SUPPORT OF
APPLICATION FOR PLANNING PERMISSION
IN PRINCIPLE FOR THE DEVELOPMENT OF
LAND AT MILLBURN ROAD, ASHGILL
FOR RESIDENTIAL DEVELOPMENT PURPOSES

Prepared by:

Andrew Bennie Planning Limited
3 Abbots Court
Dullatur
G68 0AP



January 2019

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- 1.0 Introduction
- 2.0 The Application Site and its Surroundings
- 3.0 Planning Policy Background
- 4.0 The Application Proposals
- 5.0 Planning Assessment
- 6.0 Conclusions

1.0 INTRODUCTION

- 1.1 This Planning Statement has been prepared by Andrew Bennie Planning Limited on behalf of Mr. Douglas Collins, and is submitted in support of an application for planning permission in principle, which seeks permission for the development of land at Millburn Road, Ashgill for residential development purposes.
- 1.2 This statement provides information on both the Application Site and its surroundings and sets out an assessment of the policy basis against which the application proposals require to be assessed. The statement also provides details of the development proposed under this application.
- 1.3 Should South Lanarkshire Council require any further, relevant information or clarification of any matters relating to these proposals, Andrew Bennie Planning Limited would be pleased to assist in its timeous provision.

2.0 THE APPLICATION SITE AND ITS SURROUNDINGS

- 2.1 The application site, hereinafter referred to as the "Site", comprises an area of ground extending to some 0.364ha in area and which is located on the north side of Millburn Road, Ashgill.
- 2.2 The Site presently lies at a slightly higher level than that of Millburn Road, with the land within the Site being generally flat.
- 2.3 The Site is roughly rectangular in shape, with its short side being orientated towards Millburn Road. The land within the boundary of the Site has recently been cleared of scrub vegetation, these operations having taken place to provide potential assistance to Scottish Water in respect of their proposals to install a new section of sewer pipe through part of the Site.
- 2.4 The Site previously formed part of a railway line, with the southern boundary of the Site being demarked by one of the bridge abutments, which previously carried the railway line across Millburn Road, the other abutment to the south side of Millburn Road having been removed many years ago.

3.0 PLANNING POLICY BACKGROUND

- 3.1 The current approved development plan covering the Site comprises the approved Clydeplan Strategic Development Plan and the South Lanarkshire Local Development Plan.

Clydeplan Strategic Development Plan

- 3.2 Whilst forming part of the approved development plan, the provisions of the Strategic Development Plan are not considered to raise any matters, which are of significant materiality to the determination of this application and as such, its provisions are not considered further within the terms of this Statement.

South Lanarkshire Local Development Plan

- 3.3 The Site is shown on the relevant Proposals Map as falling outwith the boundary of the defined settlement boundary, which relates to the village of Ashgill and as such falls within the boundary of the designated green belt.
- 3.4 Policy 3: Green Belt and Rural Areas applies within those areas designated as Green Belt and advises 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 the following circumstances;

- i. Where it is demonstrated that there is 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 the conversion of traditional buildings and those of a local vernacular.*
- iv. The proposal is for limited development within clearly identifiable infill, gap sites and existing building groups.*

- v. *The proposal is for the extension of existing premises or uses providing it is of a suitable scale and design. Any new building should be ancillary to the main use.*

In the Rural Area limited expansion of an existing settlement may be appropriate where the proposal is proportionate to the scale and built form of the settlement, it is supportive of the sustainability of the settlement and a defensible settlement boundary is maintained.

In both the Green Belt and rural area isolated and sporadic development will not be supported.

Development proposals must also accord with other relevant policies and proposals in the development plan and other appropriate supplementary guidance. Appropriate uses in the Green Belt and rural area are contained within supplementary guidance."

- 3.5 Further detailed guidance on residential development within the Green Belt and rural area is set out within Supplementary Guidance 2: Green Belt and Rural Area.

- 3.6 At paragraph 5.2 – 5.3 of this SG, it is advised that:

"5.2 Outwith the established settlements, small scale residential development may be appropriate within the Green Belt and the rural area where it is located in the right place, is of the right quality in terms of siting, scale and design and takes account of the need to protect unsustainable growth in car based commuting. Proposals will be resisted if they result in:

- Suburbanisation due to the design and layout of the proposal.*
- Coalescence with a neighbouring building group.*
- Ribbon development.*
- An adverse impact on the landscape character through cumulative impact.*

5.3 This section aims to provide guidance on the various forms of residential development that may be acceptable within the Green Belt and the rural area."

- 3.7 At paragraph 5.8, of the SG, it is further advised that:

"The development of small scale sites on the edge of existing settlements can represent a sustainable form of development that supports local services and reduces the need to

travel. The inclusion of land for residential development on the edge of settlements can also represent an opportunity to 'round off' existing towns and villages within the rural area. Proposals should be of an appropriate scale and form that is proportionate to the size and character of the existing settlement."

3.8 Policy GBRA4: Small scale settlement extensions within the SG addresses the above matters and states that:

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

- The development shall maintain a defensible settlement boundary through the retention of existing features or enhancement through additional structural planting.*
- The proposals should respect the specific local character and existing development pattern of development within the settlement and be of an appropriate small scale that is proportionate to the size and scale of the existing settlement.*
- Development of the site should have no adverse impact on the amenity of any existing dwellinghouses within the settlement, particularly in terms of overlooking, privacy or overshadowing.*
- Proposals should incorporate substantial boundary landscaping proposals, to minimise the developments impact on rural amenity and to ensure appropriate landscape fit.*
- Proposals should be able to be readily served by all necessary infrastructure including water, sewerage and electricity and can be able to comply with all parking and access standards.*
- Proposals should have no adverse impact in terms of road safety.*
- Proposals should have no adverse impact on biodiversity, including Natura 2000 sites and protected sites, or features which make a significant contribution to the cultural and historic landscape value of the area.*
- In the case of development affecting a listed building or a property within a designated Conservation Area, proposals shall comply with the guidance and criteria contained in the SG on the Natural and Historic Environment."*

4.0 THE APPLICATION PROPOSALS

- 4.1 Under the terms of this application, planning permission in principle is sought for the development, for residential purposes of that land which comprises the application site.
- 4.2 At this stage, no details of the proposed development are put forward for approval, with all such matters being reserved for approval at the "matters specified" stage, albeit that it is considered that the Site has the potential to accommodate a maximum of circa twelve units, with the exact number of units being determined, in due course, by the finalised housing mix.
- 4.3 Access to the Site would be taken off Millburn Road, which runs along the southern boundary of the Site, with the formation of this point of access being facilitated by the down taking of the existing bridge abutment which currently demarks the southern boundary of the Site.
- 4.4 As part of the proposed development, it is proposed that the ground levels within the Site, which due to the former use of the Site (which forms part of a raised former railway embankment), will be reduced to bring them more in line with that of the farm land which lies to the east side of the Site.
- 4.5 The proposed development would also include the provision of new structure planting along the eastern boundary of the Site, full details of which will be presented at the "matters specified" stage.

5.0 PLANNING ASSESSMENT

5.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 provides that:

"Where in making any determination under the Planning Act, regard is to be had to the development plan, the determination shall be in accordance with the plan unless material considerations indicate otherwise".

5.2 Section 37(2) of the Act further provides that in dealing with applications for planning permission:

"... the Authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations."

5.3 For the purposes of the determination of this planning application, the current, approved development plan covering the Application Site comprises the approved Clydeplan Strategic Development Plan and the adopted South Lanarkshire Local Development Plan. The relevant provisions of the development plan, as set out above within section 3.0, are discussed below.

Clydeplan Strategic Development Plan

5.4 As has been noted above, the provisions of the Clydeplan Strategic Development Plan are not considered to be of material consequence to the assessment and determination of this planning application and as such, its terms are not considered further within this Statement.

South Lanarkshire Local Development Plan

5.5 Whilst it is both acknowledged and accepted that, as detailed on the relevant Proposals Map, the Site is located out with the defined settlement boundary, which relates to the settlement of Ashgill, and is located within the boundary of the designated Green Belt, it is submitted that the provisions of Policy GBRA4: Small Scale Settlement Extensions, as detailed within the terms of Supplementary Guidance 2: Green Belt and Rural Area, provide full policy support for the form of development which is proposed under this application submission.

5.6 As is noted at paragraph 3.7 above, this SG, at paragraph 5.8 advises that:

"The development of small scale sites on the edge of existing settlements can represent a sustainable form of development that supports local services and reduces the need to travel. The inclusion of land for residential development on the edge of settlements can also represent an opportunity to 'round off' existing towns and villages within the rural area. Proposals should be of an appropriate scale and form that is proportionate to the size and character of the existing settlement."

5.7 Given the nature and delineation of the settlement boundary which lies to the immediate north side of the Site, which is defined by the outer eastern extent of the former railway line of which the Site forms part, it is considered that the proposed development represents an opportunity to round off the boundary of the settlement at this locale and that to this extent, the application proposals are considered to comprise an appropriate opportunity to round off this corner of the village.

5.8 In making this submission, it is considered appropriate to make specific mention of the fact that the ability of the Site to qualify as an acceptable rounding off opportunity has arisen as a direct consequence of the redevelopment of those sections of the former railway line, of which the Site forms part, which lie to the immediate north of the Site.

5.9 The development of these sections of the former railway line have resulted in an adjustment to the eastern boundary of this particular part of the wider settlement boundary, which in turn have resulted in the slightly anomalous delineation of this section of the settlement boundary within the vicinity of the Site.

5.10 The scale of the development, which is proposed under this application, is considered to be proportionate to the size and character of the existing settlement and to this extent, the proposed development is considered to be wholly in keeping with the terms and provisions of paragraph 5.8 of the SG.

5.11 In light of this consideration, which it is submitted comprises the first of two tests against which the application proposals require to be considered, the assessment of the application moves onto be addressed against the provisions of Policy GBRA4, as set out within the SG.

5.12 As is noted at paragraph 3.8 above, Policy GBRA4 provides details of the criterion against which *"proposals for new houses on sites adjoining existing settlements"* require to be assessed against.

5.13 In addressing each of these criteria in turn, the following comments are made.

"The development shall maintain a defensible settlement boundary through the retention of existing features or enhancement through additional structural planting."

5.14 The eastern boundary of the Site is demarked by the obvious change in the nature of the land, which comprises the Site itself and that of the agricultural field, which lies to the further east and to this extent is considered to constitute an obvious and defensible boundary for this section of the wider settlement boundary.

5.15 Whilst the scrub vegetation which previously covered parts of the Site has been recently cleared, these works being undertaken to provide assistance to Scottish Water in terms of their proposals to run a new section of sewer pipe through the northern section of the Site, these proposals on the part of Scottish Water being required in order to overcome current issues associated with the lack of capacity within the local sewer network, through the proposed development of the Site, the opportunity exists to provide for new structure planting along the length of the eastern boundary of the Site which will ensure that an enhanced level of definition and defensibility can be afforded to this specific section of the wider settlement boundary.

"The proposals should respect the specific local character and existing development pattern of development within the settlement and be of an appropriate small scale that is proportionate to the size and scale of the existing settlement."

5.16 As can be seen from the manner in which the settlement of Ashgill has expanded over the years, sections of the former railway line to the north side of the Site have already been redeveloped for residential purposes and to this extent, the residential development of the Site, as proposed under this application would simply represent a logical extension of this ongoing evolution of the development of the village.

5.17 In terms of the scale of the proposed development of the Site, which has the potential to accommodate a maximum of twelve units, assuming that the final housing mix includes a number of semi-detached properties as opposed to the development comprising solely detached properties, it is considered that the proposals are of an

appropriately small scale, which is proportionate to the scale and character of the existing settlement.

"Development of the site should have no adverse impact on the amenity of any existing dwellinghouses within the settlement, particularly in terms of overlooking, privacy or overshadowing."

- 5.18 Whilst no details of the potential layout of the proposed development of the Site are put forward for approval at this stage, it is considered that when regard is had to the relationship of the Site to those existing residential properties which lie to the west of the Site, there is no reason to conclude that it would not be possible to bring forward a suitable design for the proposed development which would ensure that the proposed dwellinghouses could be positioned on the Site in a manner that would ensure that no adverse impacts on the amenity of existing dwellinghouses arise as a consequence of the proposed development in terms of overlooking, privacy or overshadowing.

"Proposals should incorporate substantial boundary landscaping proposals, to minimise the developments impact on rural amenity and to ensure appropriate landscape fit."

- 5.19 Whilst no details of the proposed boundary treatment of the eastern boundary of the Site are put forward for approval at this stage, it is clear that scope exists within the boundary of the Site to ensure that boundary planting to an appropriate standard can be provided as part of the proposed development, with it being submitted that the provision of this boundary planting can be suitably controlled by way of an appropriately worded planning condition.

"Proposals should be able to be readily served by all necessary infrastructure including water, sewerage and electricity and can be able to comply with all parking and access standards."

- 5.20 All of the service infrastructure which is required to support the proposed development of the Site can be readily provided, with it being further noted that the development of the Site as proposed will provide a degree of assistance to Scottish Water in terms of their proposals to lay a new sewer outfall pipe through the northern section of the Site.

- 5.21 It is further submitted that the proposed development is capable of suitably complying with all relevant parking and access standards.

"Proposals should have no adverse impact in terms of road safety."

- 5.22 Details of the proposed vehicular access arrangements for the proposed development have been submitted in support of the proposed development of the Site, with it being our respectful submission that the provision of this access, coupled with the low level of additional traffic that would be generated by the proposed development will ensure that the proposed development will have no adverse impact in terms of road safety.

"Proposals should have no adverse impact on biodiversity, including Natura 2000 sites and protected sites, or features which make a significant contribution to the cultural and historic landscape value of the area."

"In the case of development affecting a listed building or a property within a designated Conservation Area, proposals shall comply with the guidance and criteria contained in the SG on the Natural and Historic Environment."

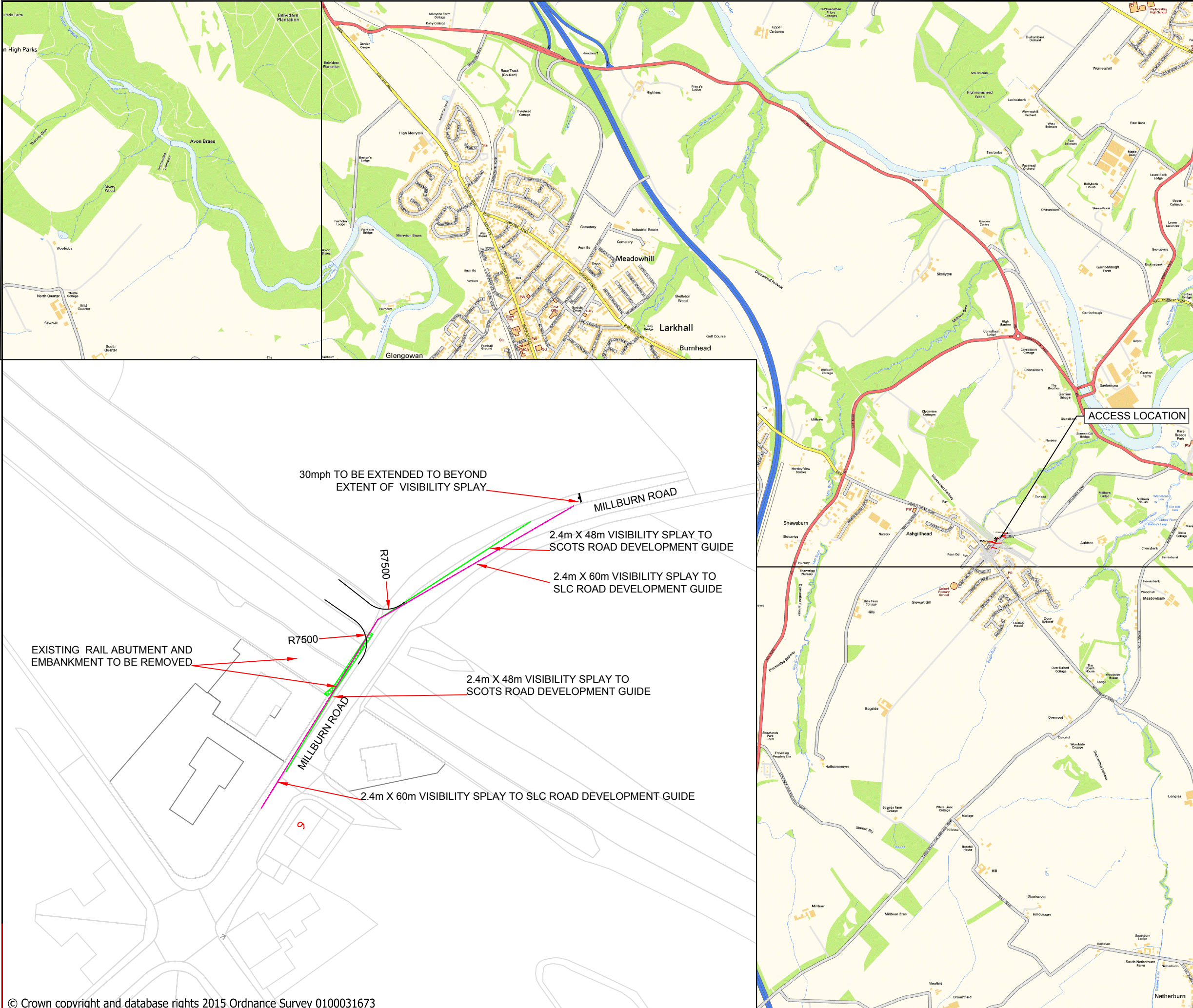
- 5.23 Neither of the above noted criterion are of relevance to the consideration of the application and as such are not considered further.
- 5.24 Having regard to the matters set out above at paragraphs 5.14 – 5.23, it is our respectful submission that the development of the Site as proposed under this application can be fully and reasonably justified against the relevant provisions of Policy GBRA4 of Supplementary Guidance 2: Green Belt and Rural Area.
- 5.25 Further to the considerations which are set out above, it is also submitted that the recent decision of the Council in terms of the granting of planning permission in respect of planning application reference HM/16/0109 is of material relevance to the consideration of this application.
- 5.26 Planning application reference HM/16/0109 relates to the development of five dwellinghouses on the site of the former Dalserf Goods Yard, which lies within the Green Belt and at a distance of less than half a mile to the north of the Site to which this application relates.
- 5.27 In common with this application, the development of the Dalserf Goods Yard site involves the redevelopment of part of the former railway line of which the Site forms a very minor part.

- 5.28 This consideration, coupled with the fact that sections of the former railway line to the immediate north of the Site have already been redeveloped for residential purposes serves to underline the fact that there is no "in principle" reason to support any contention that the Site could ever be brought back into use as any form of transportation route.
- 5.29 It is also clear that the former use of both the Dalserf Goods Yard and the railway line have presented no impediment to the redevelopment of these various sites from a ground condition or contamination perspective and that as such, there is no reasonable basis upon which it could be concluded that the Site could not similarly be successfully redeveloped for residential purposes.
- 5.30 Unlike the Site, the Dalserf Good Yard lies within the an isolated position within the wider Green Belt and has been assessed by the Council against the provisions of Policy 3 of the adopted Local Development Plan rather than against the provisions of Policy GBRA4 of the SG which is considered to be the appropriate policy test against which this application requires to be assessed.
- 5.31 However, the approval of the proposals for the redevelopment of the Dalserf Good Yard does serve to demonstrate an acceptance on the part of the Council that developments can be brought forward as a means of securing improvements to the appearance an condition of unsightly sites within the Green Belt, which have been despoiled as a result of previous development activity.
- 5.32 To this end, it is submitted that parallels can be drawn between these two sites to the extent that both have been despoiled as a direct result of previous development activity and that just as the case was for the Dalserf Goods Yard site, the condition of the Site can be significantly improved as a result of the redevelopment thereof for residential purposes.
- 5.33 Subject to careful site planning considerations, it is submitted that the development of the Site will result in meaningful improvement to the nature and appearance of the approach into the village when travelling westwards along Millburn Road, this being to the overall benefit of the wider visual amenity and setting of the village.
- 5.34 It is our respectful submission that these various considerations add weight to the policy position, which supports the proposed development of the Site.

6.0 CONCLUSIONS

- 6.1 In line with the provisions of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the application proposals fall to be assessed against the terms of the approved development plan, so far as they are of material relevance to the determination of the application, and in the light of any other relevant material considerations.
- 6.2 For the purposes of this application, the approved development plan comprises the approved Clydeplan Strategic Development Plan and the adopted South Lanarkshire Local Development Plan.
- 6.3 The provisions of the Clydeplan Strategic Development Plan are not considered to be of material relevance to the determination of the application proposals.
- 6.4 With regard to the adopted South Lanarkshire Local Development Plan, the relevant provisions thereof are identified as being Policy GBRA4 as detailed within Supplementary Guidance 2: Green Belt and Rural Area.
- 6.5 The provisions of this Policy are assessed in detail within Section 5 above, with the overall conclusion being that the application proposals can be reasonably justified against the provisions of the adopted Local Development Plan.
- 6.6 **For the reasons set out above, it is submitted that the application proposals can be fully and reasonably justified against the provisions of the approved development plan.**
- 6.7 **No material considerations have been identified which would outweigh the acceptability, in terms of the development plan, of the application proposals.**
- 6.8 **Accordingly, it is respectfully requested that South Lanarkshire Council grant planning permission in principle pursuant to this application.**

Document 4



NOTES

- 1 - RAILWAY ABUTMENT AND EMBANKMENT TO BE REMOVED
- 2 - ACCESS TO SERVE A MAXIMUM OF 8 HOUSING UNITS

1	TRAFFIC CALMING BUILD OUTS REMOVED	CJP	SCM	30/06/16
REV.	DETAILS	DRAWN	CHECKED	DATE
CLIENT:				
PROJECT:				
ASHGILL ACCESS				
DRAWING TITLE:				
SITE LOCATION AND GENERAL ARRANGEMENT				
SCALES:				
1:500 AND 1:20,000 at A3				
DRAWN:	CJP	CHECKED:	SCM	DATE: 20/06/16
WYG Transport Planning				
part of the WYG group				
The Cube 45 Leith Street Edinburgh EH1 3AT t: +44 (0)131 247 5700 e: edinburgh@wyg.com				
DRAWING NUMBER:				REVISION:
				1

Document 5

	<h1>Report</h1>	Agenda Item
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Report to:	Planning Committee
Date of Meeting:	24 May 2016
Report by:	Executive Director (Community and Enterprise Resources)

Application No	HM/16/0109
Planning Proposal:	Erection of 5 Detached Dwelling Houses

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Mr J Campbell
- Location : Dalserf Goods Yard
Old Dalserf Station
Larkhall

2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Grant Detailed Planning Permission – Subject to Conditions (based on the conditions attached).

2.2 Other Actions/Notes

- (1) The Planning Committee has delegated powers to determine this application.

3 Other Information

- ◆ Applicant's Agent: DTA Chartered Architects Ltd
- ◆ Council Area/Ward: 20 Larkhall
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
Policy 3 - Green Belt and Rural Area
Policy 4 - Development Management and Place Making
Policy 16 - Travel and Transport

Development Management, Place Making and Design Supplementary Guidance

◆ Representation(s):

▶	0	Objection Letters
▶	0	Support Letters
▶	0	Comments Letters

◆ Consultation(s):

Roads and Transportation Services (Hamilton Area)

Roads & Transportation Services (Flood Risk Management Section)

Scottish Water

Environmental Services

Planning Application Report

1 Application Site

- 1.1 The application relates to an area of previously developed land located at Dalserf Goods Yard, Old Dalserf Station, Larkhall. The site was formerly utilised as a goods yard for a period of approximately 30 years. The site is mainly flat, irregular in shape and it extends to approximately 0.98 hectares. The site comprises open ground with a number of storage containers and building materials scattered throughout.
- 1.2 The site is bounded to the north and west by residential properties and Ayr Road and to the south and east by agricultural land and several derelict buildings. The majority of the site is screened by a mixture of mature and semi-mature trees and shrubs.

2 Proposal(s)

- 2.1 The applicant seeks detailed planning permission for the erection of 5 detached dwellinghouses. The proposed dwellings would be two storey in height and would be a mixture of two different house types. The proposed finish materials for the dwellings are rendered walls with stone detailing, concrete roof tiles and UPVC windows and doors. A new perpendicular access would be created to serve the dwellings from Ayr Road via a private road. Car parking would be contained within the driveways associated with the dwellings.
- 2.2 A Design Statement was submitted with the application as a supporting document.

3 Background

3.1 Local Plan Policy

- 3.1.1 The application site is located on land designated as Green Belt in the adopted South Lanarkshire Local Development Plan. The relevant policies for the assessment of the application are Policy 3 - Green Belt and the rural area, Policy 4 - Development management and place making and Policy 16 - Travel and transport. An assessment of the proposal against the above policies is contained in Section 6 of this report.

3.2 Relevant Government Advice/Policy

- 3.2.1 In terms of national planning policy, Scottish Planning Policy (SPP) advises that proposals should be determined in accordance with the provisions of the development plan and all developments should contribute to sustainable development. It does, however, acknowledge that exceptions to the development plan can be justified. It does, however, acknowledge that exceptions to the development plan can be justified.

3.3 **Planning Background**

- 3.3.1 The site is also the subject of a detailed planning application for the erection of stables, an indoor and outdoor riding arena and associated residential chalet accommodation which was registered by the Council on 8 January 2013 (HM/13/0007). No decision has been made on this application to date.

4 **Consultation(s)**

- 4.1 **Environmental Services** – have no objections to the application provided the remediation strategy undertaken by Johnson, Poole & Bloomer dated July 2015 is adhered to, the proposed protection measures are implemented and a completion report is provided. Conditions and informatives relating to noise levels, waste, demolition and pest control should also be attached to any consent granted.

Response: Noted. Any consent granted would incorporate appropriately worded conditions and informatives to address the matters raised.

- 4.2 **Roads and Transportation Services – (Hamilton Area)** – have no objections to the application subject to conditions requiring the provision of adequate visibility splays, road width and radii, driveway lengths and surfacing.

Response: Noted. Any consent granted would incorporate appropriately worded conditions to address the matters raised.

- 4.3 **Roads and Transportation Services (Flood Risk Management)** - have no objections to the application subject to conditions requiring the submission of a flood risk assessment and the provision of a sustainable urban drainage system (SUDS) within the site.

Response: Noted. Any consent granted would incorporate appropriately worded conditions to address the above matters.

- 4.4 **Scottish Water** – no response to date.

Response: Noted. Notwithstanding this, any planning consent granted would be conditioned to ensure that no dwellings are occupied until the site is served by a satisfactory sewerage scheme.

5 **Representation(s)**

- 5.1 Statutory neighbour notification procedures were undertaken and the application was advertised in the Hamilton Advertiser as Development Contrary to the Development Plan and under the category non-notification of neighbours. No letters of representation have been received in relation to the application.

6 Assessment and Conclusions

- 6.1 The applicant seeks detailed planning permission for the erection of 5 detached dwellinghouses. The application site is located within the designated Green Belt, therefore, the determining issues in the consideration of this application are compliance with national and local plan policy, the impact of the proposal on the Green Belt and its impact on the amenity of adjacent properties and on the local road network.
- 6.2 In terms of national planning policy, Scottish Planning Policy (SPP) advises that proposals should be determined in accordance with the provisions of the development plan and all developments should contribute to sustainable development. It does, however, acknowledge that exceptions to the development plan can be justified. For the reasons detailed in the following paragraphs it is considered that the proposal is generally in accordance with national planning policy.
- 6.3 In terms of local plan policy, the application site is located on land designated as Green Belt in the adopted South Lanarkshire Local Development Plan. The relevant policies for the assessment of the application are Policy 3 - Green Belt and the Rural Area, Policy 4 - Development Management and Place Making and Policy 16 - Travel and Transport.
- 6.4 Policy 3 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 the following 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 and those of a local vernacular.
 - 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 providing it is of a suitable scale and design. Any new built form should be ancillary to the main use.
- 6.5 The site relates to previously developed land which was utilised as a goods yard for Old Dalsersf Station for a period of approximately 30 years. The site has also been used for storage purposes. Much of the land contained within the boundary of the application site would remain greenfield in nature as part of the site would be used for sustainable urban drainage and part of it is included solely to show that

the applicant can achieve the required visibility splays for the proposed development onto Ayr Road (A71). Whilst these areas form part of the application site they would remain undeveloped with a 'neutral' impact on the character, function and amenity of the wider Green Belt area.

- 6.6 From the north and west of the site, mature woodland currently restricts views towards the site as the woodland follows the western boundary and encloses the relatively small area of land that forms the part of the application site where the proposed dwellings would be located. It is considered that this limited area of building footprint would have minimal impact on views from the wider countryside to the south and east and would not undermine or threaten the integrity of Green Belt policy, all aspects considered.
- 6.7 Following careful assessment of the application it is considered that the proposed development can be accommodated within the provisions of the local development plan. The proposal represents a sensitive re-use of a previously developed site and the re-development of this vacant and fairly untidy site would have a positive impact on both the environment and the quality of life for those living in the immediate area. It is considered that the proposal will not result in an adverse impact on the amenity or detract from the setting of the Green Belt or the landscape character of the area. The existing structure planting bounding the site would continue to form a defensible boundary within this part of the Green Belt and would safeguard the visual amenity and attractiveness of the immediate area. Furthermore, access to the site can be satisfactorily achieved with sufficient car parking provided within the site.
- 6.8 In terms of the detailed design of the development Policy 4 is relevant to the assessment of the application. This policy generally requires new development to have due regard to the layout, form, design and local context of the area and to promote quality and sustainability in its design. It is considered that the proposed layout for the development is acceptable and that it meets the main standards set out in the Council's Residential Design Guide, particularly in relation to road layout, house to plot ratios and car parking provision. It is considered that the proposed dwellings are of an appropriate design incorporating a suitably high standard of materials and that the dwellings would be in keeping with those in the surrounding area.
- 6.9 Policy 16 - Travel and Transport seeks to ensure that development considers, and where appropriate, mitigates the resulting impacts of traffic growth and encourages sustainable transport options that take account of the need to provide proper provision for walking, cycling and public transport. It is, considered that the proposal would not have an adverse impact on traffic flows or road safety and that the proposal generally complies with Policy 16.
- 6.10 Statutory neighbour notification procedures were undertaken and the application was advertised in the Hamilton Advertiser, however, no third party representations

have been received. Overall, it is considered that the proposed development would not result in an adverse impact on the amenity or detract from the setting of the Green Belt or the landscape value of the area. Whilst the application was advertised as Development Contrary to the Development Plan, for the reasons discussed above the proposal is not considered to be a significant departure from the adopted Local Development Plan.

6.11 In summary, the proposal to develop the site for residential use is contrary to the adopted South Lanarkshire Local Development Plan as the application site is located on land outwith the settlement boundary. However, the Planning Act allows for exceptions to be made to policy where other material considerations outweigh the provisions of the development plan. In this instance, it is considered that a departure from the Development Plan is justified for the following reasons.

- (i) The application site relates to a previously developed site within the Green Belt and the re-development of this vacant and untidy site would have a positive impact on the environment.
- (ii) The existing structure planting to the north and west of the site would ensure that there would be no adverse impact on the character, function and amenity of the wider Green Belt area
- (iii) There are no infrastructure or road safety implications associated with the proposal

7 Reason for decision

7.1 For the reasons set out in 6.11 above.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

11 May 2016

Previous References

HM/13/0007

List of Background Papers

- Application Form
- Application Plans
- South Lanarkshire Local Plan 2009 (adopted)
- Neighbour notification letter dated 10.03.2016
- Press Advertisement, Hamilton Advertiser dated 17.03.2016

- ▶ Consultations
 - Environmental Services 11/03/2016
 - Roads and Transportation Services (Hamilton Area) 04/04/2016
 - Roads & Transportation Services (Flood Risk Management Section) 05/05/2016
- ▶ Representations
 - None

Contact for Further Information

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

Jim Blake, Planning Officer, Montrose House, Hamilton
Ext No 3657 (Tel: 01698 453657)
E-mail: jim.blake@southlanarkshire.gov.uk

Detailed Planning Application

PAPER APART – APPLICATION NUMBER: HM/16/0109

CONDITIONS

- 1 That before development starts, full details of the design and location of all fences and walls, including any retaining walls, to be erected on the site shall be submitted to and approved by the Council as Planning Authority.
- 2 That before any of the dwellinghouses situated on the site upon which a fence is to be erected is occupied, the fence or wall for which the permission of the Council as Planning Authority has been obtained under the terms of Condition 1 above, shall be erected and thereafter maintained to the satisfaction of the Council.
- 3 That before the development hereby approved is completed or brought into use, the new vehicular access shall be constructed with a 10 metre radius kerb and a 6 metre wide carriageway and so far as it lies within the boundaries of the road abutting the site shall be constructed in accordance with the specification of the Council as Roads and Planning Authority.
- 4 That before the development hereby approved is completed or brought into use, a visibility splay of 2.5 metres by 215 metres measured from the road channel shall be provided to the north of the vehicular access and 2.5 metres by 160 metres to the south and everything exceeding 0.9 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.
- 5 That all dwellinghouses with garages shall have driveways with a minimum length of 6 metres measured from the heel of the footway/service strip and the first 2 metres of each driveway as measured from the heel of the footpath shall be hard surfaced across its full width to prevent deleterious material being carried onto the road.
- 6 (a) The applicant shall be required to undertake a comprehensive site investigation, carried out to the appropriate Phase level, to be submitted to and approved in writing by the Council as Planning Authority. The investigation shall be completed in accordance with the advice given in the following:
 - (i) Planning Advice Note 33 (2000) and Part IIA of the Environmental Protection Act 1990 (as inserted by section 57 of the Environment Act 1995);
 - (ii) Contaminated Land Report 11 - 'Model Procedures for the Management of Land Contamination (CLR 11) - issued by DEFRA and the Environment Agency;

(iii) BS 10175:2001 - British Standards institution 'The Investigation of Potentially Contaminated Sites - Code of Practice'.

(b) If the Phase 1 investigation indicates any potential pollution linkages, a Conceptual Site Model must be formulated and these linkages must be subjected to risk assessment. If a Phase 2 investigation is required, then a risk assessment of all relevant pollution linkages using site specific assessment criteria will require to be submitted.

(c) If the risk assessment identifies any unacceptable risks, a detailed remediation strategy will be submitted to and approved in writing by the Council as Planning Authority. No works other than investigative works shall be carried out on site prior to receipt of the Council's written approval of the remediation plan.

- 7 (a) Remediation of the site shall be carried out in accordance with the approved remediation plan prior to the proposed development being brought into use. Any amendments to the approved remediation plan shall not be implemented unless approved in writing by the Council as Planning Authority.
- (b) On completion of the remediation works, the developer shall submit a completion report to the Council as Planning Authority, confirming that the works have been carried out in accordance with the approved remediation plan and that the works have successfully reduced these risks to acceptable levels.
- (c) Any previously unsuspected contamination which becomes evident during the development of the site shall be brought to the attention of the Council as Planning Authority within one week or earlier of it being identified. A more detailed site investigation to determine the extent and nature of the contaminant(s) and a site-specific risk assessment of any associated pollutant linkages, shall then require to be submitted to and approved in writing by the Council as Planning Authority.
- 8 That no development shall commence until details of surface water drainage arrangements have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design Criteria and shall include signed appendices as required. The development shall not be occupied until the surface drainage works have been completed in accordance with the details submitted to and approved by the Council as Planning Authority.
- 9 That prior to the commencement of development on site, details of the provision of flood prevention works, together with subsequent management and maintenance arrangements shall be submitted to and approved by the Council

as Planning Authority. The works will require to comply with the Council's Sustainable Drainage Design Criteria and requirements.

- 10 That before any of the dwellinghouses hereby approved are occupied, a septic tank and soakaway designed and constructed in accordance with the current code of practice BS6297:1983 shall be provided.

REASONS

- 1.1 These details have not been submitted or approved.
- 2.1 In order to retain effective planning control
- 3.1 In the interest of public safety
- 4.1 In the interest of road safety
- 5.1 In the interest of public safety
- 6.1 To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.
- 7.1 To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.
- 8.1 To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.
- 9.1 To ensure that there will be no increased risk of flooding to land and properties either on-site or downstream due to impedance of flood flows, increased surface water run off and/or reduction of flood storage capacity.
- 10.1 To ensure the provision of a satisfactory sewerage scheme.

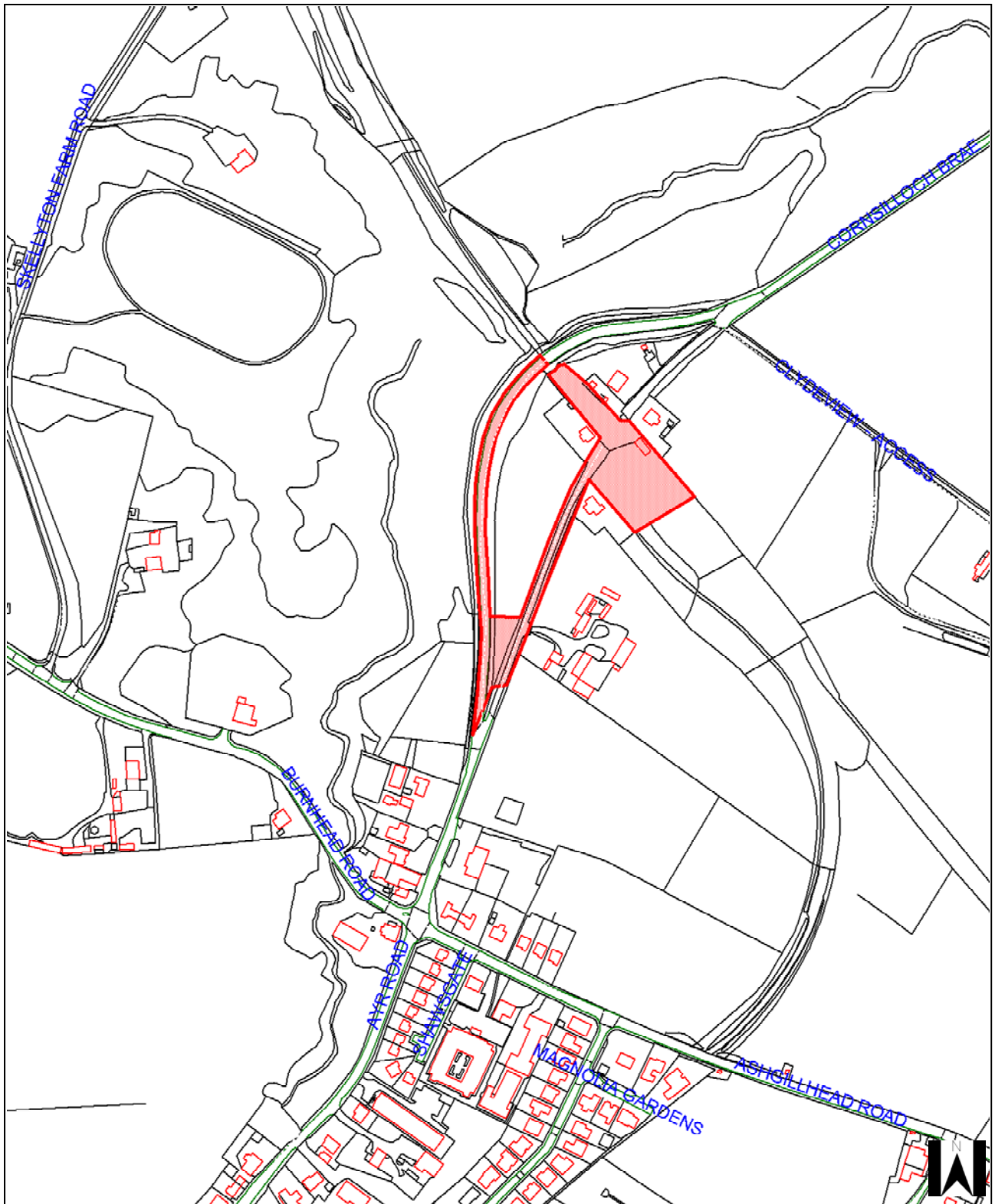
HM/16/0109

Old Dalserf Station, Larkhall

Planning and Building Standards

Scale: 1: 5000

For information only



For information only

Document 6



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

Andrew Bennie
Andrew Bennie Planning Ltd
3 Abbots Court
Dullatur
G68 0AP

Our Ref: P/19/0158
Your Ref:
If calling ask for: Jim Blake
Date: 1 May 2019

Dear Sir/Madam

Proposal: Residential development including formation of vehicular access
(Planning Permission in Principle)
Site address: Land 50M Northwest Of 3 Millburn Road, Millburn Road, Ashgill,
Larkhall, South Lanarkshire, ,
Application no: P/19/0158

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

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

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

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

Should you have any enquiries relating to the refusal of your application or a potential amended submission, please contact Jim Blake on 01698 453657

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

If you were the applicant: <http://tinyurl.com/nrtgmy6>

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

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

Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB
Email jim.blake@southlanarkshire.gov.uk Phone: 01698 453657



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

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

Yours faithfully

Head of Planning and Economic Development

Enc:

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

To : **Mr Douglas Collins**

Per : **Andrew Bennie**

**52A Ashgillhead Road,
Ashgill**

**3 Abbots Court, Dullatur,
G68 0AP**

With reference to your application received on **01.02.2019** for planning permission in principle under the above mentioned Act :

Description of proposed development:

Residential development including formation of vehicular access (Planning Permission in Principle)

Site location:

Land 50M Northwest Of 3 Millburn Road, Millburn Road, Ashgill, Larkhall,
South Lanarkshire, ,

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

REFUSE PLANNING PERMISSION IN PRINCIPLE

for the above development in accordance with the plan(s) specified in this decision notice and the particulars given in the application, for the reason(s) listed overleaf in the paper apart.

Date: 1st May 2019

Head of Planning and Economic Development

This permission does not grant any consent for the development that may be required under other Legislation, e.g. Planning Permission, Building Warrant or Roads Construction Consent.

**South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development**

South Lanarkshire Council

Refuse planning permission in principle

Paper apart - Application number: P/19/0158

Reason(s) for refusal:

01. The proposal is contrary to Policy 3 - Green Belt and Rural Area of the South Lanarkshire Local Development Plan as it would constitute new residential development in the Green Belt without appropriate justification.
02. If approved, the proposal would set an undesirable precedent which could encourage further similar applications for development prejudicial to the Green Belt designation.
03. The proposal is contrary to Policy 16 - Travel and Transport of the South Lanarkshire Local Development Plan which safeguards former railway lines for walking and cycling.
04. The proposal is contrary to Policy GBRA4 - Small Scale Settlement Extensions of Supplementary Guidance 2: Green Belt and Rural Area as it does not comply with the criteria listed.
05. The proposal is contrary to Policy 4 - Green Belt and Rural Area of the Proposed South Lanarkshire Local Development Plan 2 as it would constitute new residential development in the Green Belt without appropriate justification.
06. The proposal is contrary to Policy 17 - Travel and Transport of the Proposed South Lanarkshire Local Development Plan 2 which safeguards former railway lines for walking and cycling.

Reason(s) for decision

The proposal raises significant amenity, environmental and infrastructure issues and fails to comply with Policy 3 - Green Belt and Rural Area and Policy 16 - Travel and Transport of the adopted South Lanarkshire Local Development Plan (2015), Policy GBRA4: Small Scale Settlement Extensions of Supplementary Guidance 2: Green Belt and Rural Area (2015) in addition to Policy 4 - Green Belt and Rural Area and Policy 17 - Travel and Transport of the Proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) (2018).

Notes to applicant

Application number: P/19/0158

Important

The following notes do not form a statutory part of this decision notice. However, it is recommended that you study them closely as they contain information which guides you to other relevant matters that may assist in ensuring that the development is properly carried out.

01. This decision relates to drawing numbers:

Reference	Version No:	Plan Status
Application Site Boundary		