



Council Offices, Almada Street
Hamilton, ML3 0AA

Friday, 27 September 2019

Dear Councillor

Planning Local Review Body

The Members listed below are requested to attend a meeting of the above Committee to be held as follows:-

Date: Monday, 07 October 2019

Time: 10:30

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

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

Yours sincerely

Paul Manning
Depute Chief Executive

Members

Isobel Dorman (Chair), Mark Horsham (Depute Chair), Alex Allison, Walter Brogan, Ann Le Blond, Davie McLachlan, Graham Scott, David Shearer, Jim Wardhaugh

Substitutes

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

BUSINESS

1 Declaration of Interests

2 Minutes of Previous Meeting

3 - 6

Minutes of the meeting of the Planning Local Review Body held on 10 June 2019 submitted for approval as a correct record. (Copy attached)

Item(s) for Decision

- | | | |
|-----------|--|------------------|
| 3 | Review of Case – Application P/19/0158 – Residential Development Including Formation of Vehicular Access (Planning Permission in Principle) at Land 50 Metres Northwest of 3 Millburn Road, Ashgill, Larkhall | 7 - 10 |
| | Report dated 24 September 2019 by the Executive Director (Finance and Corporate Resources). (Copy attached) | |
| 3a | Appendix 1 Planning Application Form | 11 - 22 |
| 3b | Appendix 2(a) Report of Handling | 23 - 38 |
| 3c | Appendix 2(b) Consultation Responses | 39 - 48 |
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Urgent Business

4 Urgent Business

Any other items of business which the Chair decides are urgent.

For further information, please contact:-

Clerk Name: Pauline MacRae

Clerk Telephone: 01698 454108

Clerk Email: pauline.macrae@southlanarkshire.gov.uk

PLANNING LOCAL REVIEW BODY (PLRB)

2

Minutes of meeting held in Committee Room 5, Council Offices, Almada Street, Hamilton on 10 June 2019

Chair:

Councillor Isobel Dorman

Councillors Present:

Councillor Alex Allison, Councillor Mark Horsham (Depute), Councillor Ann Le Blond, Councillor Davie McLachlan, Councillor Graham Scott

Councillors' Apologies:

Councillor Walter Brogan, Councillor Alistair Fulton, Councillor David Shearer, Councillor Jim Wardhaugh

Attending:

Community and Enterprise Resources

L Campbell, Planning Adviser to the Planning Local Review Body

Finance and Corporate Resources

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

1 Declaration of Interests

No interests were declared.

2 Minutes of Previous Meeting

The minutes of the meeting of the Planning Local Review Body held on 13 May 2019 were submitted for approval as a correct record.

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

3 Review of Case – Application P/18/1839 for Erection of 2 Domestic Garages and Formation of Landscape Buffer Strip at Land Adjacent to 3 Leaburn Cottages, Millwell Road, Auldhouse, East Kilbride

A report dated 29 May 2019 by the Executive Director (Finance and Corporate Resources) was submitted on a request for a review of the decision taken by officers, in terms of the Scheme of Delegation, to refuse planning permission for planning application P/18/1839 by A Brooks for the erection of 2 domestic garages and formation of landscape buffer strip at land adjacent to 3 Leaburn Cottages, Millwell Road, Auldhouse, East Kilbride.

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

- ♦ planning application form
- ♦ report of handling by the planning officer under the Scheme of Delegation together with representations and responses from statutory consultees
- ♦ site photographs and location plan
- ♦ decision notice
- ♦ notice of review, including the applicant's statement of reasons for requiring the review
- ♦ a further submission from an interested party following notification of the request for the review of the case

- ◆ comments from the applicant's agent on the further submission received from the interested party

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

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

In reviewing the case, the PLRB considered:-

- ◆ the information submitted by all parties
- ◆ the relevant policies contained in the Adopted South Lanarkshire Local Development Plan and associated Supplementary Guidance (SG):-
 - ◆ Policy 3 – green belt and rural area
 - ◆ Policy 4 – development management and placemaking
 - ◆ Development Management, Placemaking and Design Supplementary Guidance – Policies DM1 (design) and DM2 (house extensions and alterations)
- ◆ the relevant policies contained in the Proposed South Lanarkshire Local Development Plan 2:-
 - ◆ Policy 4 – green belt and rural area
 - ◆ Policy 5 – development management and placemaking
 - ◆ Policy DM1 – new development design
 - ◆ Policy DM2 – house extensions and alterations

Following its review of the information and after discussion, the PLRB concluded that the proposed development was contrary to Policies 3 and 4 of the Adopted South Lanarkshire Local Development Plan and Policies DM1 and DM2 of the associated Supplementary Guidance. It also concluded that there were no material considerations that warranted granting planning permission for planning application P/18/1839 contrary to the relevant policies.

The PLRB decided:

that the decision taken by officers, in terms of the Scheme of Delegation, to refuse planning permission for planning application P/18/1839 by A Brooks for the erection of 2 domestic garages and formation of landscape buffer strip at land adjacent to 3 Leaburn Cottages, Millwell Road, Auldhouse, East Kilbride be upheld.

4 Review of Case – Application P/19/0060 for Change of Use of Industrial Unit to Dance Studio at 12 Whin Place, East Kilbride

A report dated 29 May 2019 by the Executive Director (Finance and Corporate Resources) was submitted on a request for a review of the decision taken by officers, in terms of the Scheme of Delegation, to refuse planning permission for planning application P/19/0060 by C Curran for the change of use of an industrial unit to a dance studio at 12 Whin Place, East Kilbride.

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

- ◆ planning application form
- ◆ report of handling by the planning officer under the Scheme of Delegation together with representations and responses from statutory consultees
- ◆ site photographs and location plan

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

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

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

In reviewing the case, the PLRB considered:-

- ◆ the information submitted by all parties
- ◆ the relevant policies contained in the Adopted South Lanarkshire Local Development Plan and associated Supplementary Guidance
 - ◆ Policy 4 – development management and placemaking
 - ◆ Policy 7 - employment
 - ◆ Industrial and Commercial Development Supplementary Guidance - Policy ICD2 (other employment land use areas)
- ◆ the relevant policies contained in the Proposed South Lanarkshire Local Development Plan 2:-
 - ◆ Policy 5 – development management and placemaking
 - ◆ Policy 8 – employment
 - ◆ Policy ICD3 – other employment land use areas

Following its review of the information and after discussion, the PLRB concluded that, while the development was contrary to Policy 4 of the Adopted South Lanarkshire Local Development Plan, Policy 7 and Policy ICD2 of the associated Supplementary Guidance encouraged flexibility within areas designated as Other Employment Land Use. Given the imposition of a condition restricting planning consent to an initial period of one year and the specification of hours of operation, a departure from the Development Plan could be justified for the following reasons:-

- ◆ the consent was for a temporary period only which would allow the operation of the business to be monitored
- ◆ the hours of operation were restricted to outwith the main operational hours of the industrial users within the estate

The PLRB decided:

that the decision taken by officers, in terms of the Scheme of Delegation, to refuse planning permission for planning application P/19/0060 by C Curran for the change of use of an industrial unit to a dance studio at 12 Whin Place, East Kilbride be reversed and that planning permission be granted for the proposal subject to the conditions specified by the PLRB, attached as an appendix to this minute.

5 Urgent Business

There were no items of urgent business.

Application Number P/19/0060

Change of Use of Industrial Unit to Dance Studio at 12 Whin Place, East Kilbride

Conditions

1. That this permission shall operate for the benefit of Claire Curran only and for no other person and on the discontinuance of the occupation of the site by the said person, the hereby approved use shall cease to the satisfaction of the Council as Planning Authority.

Reason: To retain effective planning control.

2. That the permission hereby granted is for a temporary period only and shall expire on 31 August 2020.

Reason: In order to retain effective planning control

3. That notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any such order revoking or re-enacting that order), the use of the unit shall be restricted to use as a dance studio; and for no other purpose within Class 11 as defined in the Schedule to the Town and Country Planning (Use Classes) (Scotland) Order 1997, without the prior written consent of the Council as Planning Authority.

Reason: To ensure that the Council retains control over future developments on the site.

4. That the permission hereby granted relates to a change of use only and notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 (or any other such order revoking or re-enacting that order) no alterations shall be made to the external appearance of the building without the prior written consent of the Council as Planning Authority.

Reason: To ensure that the Council retains control over future developments on the site.

5. The use of the premises shall be restricted to a maximum of 10 students per class with the following hours of operation:

Tuesdays, Thursdays and Fridays: Between 6pm and 9.30pm

Saturdays: Between 11am and 9.30pm

Sundays: Between 11am and 9.30pm

Reason: To minimise conflict with existing users of the estate.

Report

3

Report to:	Planning Local Review Body
Date of Meeting:	7 October 2019
Report by:	Executive Director (Finance and Corporate Resources)

Subject:	Review of Case – Application P/19/0158 – Residential Development Including Formation of Vehicular Access (Planning Permission in Principle)
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1. Purpose of Report

1.1. The purpose of the report is to present the information currently available to allow a review of the decision taken by officers, in terms of the Scheme of Delegation, on the following application:-

1.2. *Summary Application Information*

Application Type:	Planning Permission in Principle
Applicant:	Douglas Collins
Proposal:	Residential Development Including Formation of Vehicular Access
Location:	Land 50 Metres Northwest of 3 Millburn Road, Ashgill, Larkhall
Council Area/Ward:	20 Larkhall

1.3. *Reason for Requesting Review*

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

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

- (1) consider whether it has sufficient information to allow it to proceed to determine the review without further procedure and, if so, that:-
 - (a) it proceeds to determine whether the decision taken in respect of the application under review should be upheld, reversed or varied
 - (b) in the event that the decision is reversed or varied, the reasons and the detailed conditions to be attached to the decision letter are agreed
- (2) in the event that further procedure is required to allow it to determine the review, consider:-
 - (a) what further information is required, which parties are to be asked to provide the information and the date by which this is to be provided

- (b) what procedure or combination of procedures are to be followed in determining the review

3. Background

- 3.1. The Council operates a Scheme of Delegation that enables Council officers to determine a range of planning applications without the need for them to be referred to Area Committees or the Planning Committee for a decision.
- 3.2. In terms of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act 2006, and the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013, where an application for planning permission relates to a proposal that falls within the category of "local development" and has been or could have been determined under the Scheme of Delegation, the applicant is entitled to request that the determination be reviewed by the Planning Local Review Body.

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

- 4.1. In submitting their Notice of Review, the applicant has stated their reasons for requiring a review of the determination in respect of their application. **(Refer Appendix 5)**
- 4.2. The applicant is entitled to state a preference for procedure (or combination of procedures) to be followed and has indicated that their stated preference is as follows:-

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

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

5. Information Available to Allow Review of Application

- 5.1. Section 43B of the Planning etc (Scotland) Act 2006 restricts the ability of parties to introduce new material at the review stage. The focus of the review should, therefore, be on the material which was before the officer who dealt with the application under the Scheme of Delegation.
- 5.2. The following information is appended to this report to assist the Planning Local Review Body in its review of the decision taken by officers:-
- ◆ Planning Application Form **(Appendix 1)**
 - ◆ Report of Handling by the Planning Officer under the Scheme of Delegation **(Appendix 2(a))**
 - ◆ Copies of submissions from statutory consultees **(Appendix 2(b))**
 - ◆ Copies of representations **(Appendix 2(c))**
 - ◆ Site photographs and location plan **(Appendix 3)**
 - ◆ Decision notice **(Appendix 4)**
 - ◆ Notice of Review including statement of reasons for requiring the review **(Appendix 5)**

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

6. Notice of Review Consultation Process

6.1. 3 further submissions, including a Statement of Observations from the Planning Officer on the Applicant's Notice of Review, were received in the course of the 14 day period from the date on which notification of the request for a review of the case was given. These are listed at and attached as **Appendix 6**.

6.2 The applicant had the opportunity to comment on the further representations received. Comments from the applicant's agent are contained in the submission attached as **Appendix 7**

Paul Manning

Executive Director (Finance and Corporate Resources)

24 September 2019

Link(s) to Council Values/Ambitions/Objectives

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

Previous References

None

List of Background Papers

- ◆ Guide to the Planning Local Review Body

Contact for Further Information

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

Pauline MacRae, Administration Officer

Ext: 4108 (Tel: 01698 454108)

E-mail: pauline.macrae@southlanarkshire.gov.uk

Appendix 1

3a

Planning Application Form

01 FEB 2019

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" value="REDACTED"/>
Fax	<input type="text"/>	Fax	<input type="text"/>
Email	<input type="text"/>	Email	<input type="text" value="REDACTED"/>

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 checked="" 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: Date:

**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: Date: Ref No.:

Advice given as regards policy basis against which proposals would be assessed.

7. Site Area

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

Hectares (ha): Square Metre (sq.m.)

8. Existing Use

Please describe the current or most recent use:

Land comprising section of 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/alterd 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:

1/2/19

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

LAND OWNERSHIP CERTIFICATES

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

COMMUNITY ENTERPRISE RESOURCES

Montrose House

RECEIVED:

01 FEB 2019

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:

Andrew Bennie Planning Limited

Date:

1/2/19

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) I have served notice on every person other than myself 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 served notice on every person other than myself 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 been unable to serve notice on **every** person other than myself 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 been unable to serve notice on **any** person other than myself 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 been unable to serve notice on any person other than myself 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 served notice on each of the following persons other than myself 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 _____ taken reasonable steps, as listed below, to ascertain the names and addresses of all other owners or agricultural tenants and have _____ 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 _____ 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 _____ served notice on each of the following persons other than myself _____ 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 _____ served notice on each of the following persons other than myself _____ 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 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 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 taken reasonable steps, as listed below, to ascertain the names and addresses of the other agricultural tenants and have 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.

Appendix 2(a)

3b

Report of Handling

Report dated 25 April 2019 by the Council's Authorised Officer under the Scheme of Delegation

	Delegated Report	Reference no.	P/19/0158
			3b
		Date	25 April 2019

Planning proposal:	Residential development including formation of vehicular access (Planning Permission in Principle)
Location:	Land 50M Northwest Of 3 Millburn Road Millburn Road Ashgill Larkhall South Lanarkshire

Application Type : Permission in principle

Applicant : Mr. Douglas Collins
Location : Land 50M Northwest Of 3 Millburn Road
 Millburn Road
 Ashgill
 Larkhall
 South Lanarkshire

Decision: Application refused

Report by: Area Manager (Planning & Building Standards)

Policy reference:

Policy 3 - Green Belt and Rural Area
 Policy 4 - Development Management and Place Making
 Policy 16 - Travel and Transport

Supplementary Guidance 2 – Green Belt and Rural Area (2015)

Policy GBRA4: Small Scale Settlement Extensions

Proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) (2018)

Policy 4 - Green Belt and Rural Area
 Policy 5 - Development Management and Place Making
 Policy 17 - Travel and Transport

Assessment

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

Consultations

Roads Development Management Team

Summary of response

Have recommended that a decision on the application be deferred. Whilst two car parking spaces are proposed per

dwelling it should be noted that houses with four or more bedrooms require three car parking spaces. There is a lack of detail submitted with the application to provide the evidence/comfort that twelve houses, an access road and car parking spaces, complete with turning space so that vehicles could enter and leave Millburn Road in forward gear, garden space, landscaping areas and space for refuse collection could all be fitted in to this constrained site.

Environmental Services

Have no objection to the proposal subject to a condition requiring the submission of a comprehensive Site Investigation report for the Council's approval and an informative advising the applicant of appropriate hours for audible construction activities at the site.

Scottish Water

Have no objection to the application.

Representation(s):

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

Planning Application Delegated Report

1 Application Summary

- 1.1 The applicant seeks planning permission in principle for residential development within the site including the formation of a vehicular access. As the application is for planning permission in principle no details have been submitted with the application in terms of any indicative layout or detailed design aspects. However, a supporting Planning Statement has been submitted with the application which advises that the site has the potential to accommodate a maximum of twelve residential units with the exact number of units being determined in due course.
- 1.2 The application site extends to approximately 0.36 hectares and is located on the north side of Millburn Road, Ashgill. 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. The site is raised significantly above the level of neighbouring houses which adjoin the sites southern boundary. Until recently, the site had an extensive vegetation cover including a number of mature trees. However this has been removed with the submitted Planning Statement advising that these operations were undertaken to provide potential assistance to Scottish Water in respect of proposals to install a new section of sewer pipe through part of the site.
- 1.3 The Planning Statement advises that access to the site would be taken off Millburn Road, which runs along the south eastern boundary of the site, with the formation of the access being facilitated by the demolition of the existing bridge abutment which currently demarks the boundary. It is also proposed that the ground levels within the site, which are raised due to its former use, would be reduced to bring them more in line with that of the adjoining farm land which lies to the north-east of the site. The proposed development would include the provision of new structure planting along the site's north-eastern boundary and the intention would be to submit full details at the matters specified in conditions stage.

2 Representation(s)

- 2.1 Statutory neighbour notification procedures were undertaken and the application was advertised in the Hamilton Advertiser under the headings Development Contrary to the Development Plan and Non-Notification of Neighbours. Following this publicity three letters of representation have been received. The grounds of objection are summarised below:

- a) **I would like to question the action of allowing permission in principle on a decommissioned railway line. I have never seen properties being built on such an unstable site. When we built our home here nearly 40 years ago the railway track was a green belt area; is this not still the case? These old railway lines are a lifeline to wild animals who use them as corridors to link up with other green areas. They should be kept open where possible as pathways for nature to allow wild animals a safe passage and join up with other areas where they can be safe and undisturbed.**

Response: The site is within the established greenbelt in terms of both the Adopted Local Plan and the emerging plan. On this basis the proposal is contrary to local plan policy as it would constitute new residential development in the Green Belt without appropriate justification. This is discussed in detail in Section 3 of this report.

With specific regard to former railway lines, the proposal is also considered to be contrary to Policy 16 - Travel and Transport of the adopted Plan which highlights

the need to preserve disused railway lines to provide future public access routes. In this connection the contribution of the site as a 'wildlife corridor' must be acknowledged and should not be undervalued.

- b) **Can we be assured that a survey will be carried out prior to the embankment being reduced to ground level in order to establish that the process is not going to release any harmful materials into our environment or, indeed, a plague of rats or other vermin.**

Response: As highlighted above, it is considered that the application is contrary to local plan policy and this is discussed in detail in Section 3 of this report. In relation to the potential for harmful materials being released as a result of any proposed reduction to ground levels the Council's Environmental Services raised no objection to the application subject to a condition requiring the submission of a comprehensive site investigation for the Council's approval. Accordingly the mineral and chemical composition of the embankment would be investigated and appropriate remedial action identified.

- c) **The smells emanating from the sewage works and the drains leading to them can be overwhelming at times especially in the warmer drier weather forcing us to stay indoors with the windows closed. This can only increase as it is already stretched in capacity. Can we be assured that this will not increase as a result of the barrier of the embankment being removed and the addition of further dwellings.**

Response: The Council's Environmental Services raised no adverse comments in relation to any potential increase in odours as a result of the proposed development. In this connection the waste water generated by an additional 12 houses is unlikely to be materially significant in terms of the volume of material/waste presently processed at the nearby waste water works. Any odour issues should in the first instance be reported to Scottish Water who own and operated the near-by sewage works.

It must also be acknowledged that if the 'embankment barrier' was removed it would ultimately be replaced by a number of houses which could potentially, in part, act as a 'replacement' physical barrier.

- d) **I have lived in my property for almost 17 years and have seen a considerable increase in traffic on the road including many heavy goods vehicles in excess of 30 tons or more. The road is used as a rat run for those wishing to avoid the Garrion Bridge. Can we be assured that the future safety of the road will be guaranteed should this application be granted. Another factor is the increased amount of traffic since planning permission was granted to open a fast food outlet opposite my home.**

Response: The Council's Roads Development Management Team have recommended that a decision on the application be deferred due to insufficient detailed information being submitted with the application to justify the proposal. The merits of the application are discussed in detail in Section 3 of this report.

- e) **We have no idea what the proposed layout is at this stage - how many houses, type, height or size of houses and how they will fit in with the character of the area. It is assumed there will be multiple detached homes planned for the site. The layout and design would need to be confirmed by Planning. As comments on this cannot be made at the moment we would appreciate the ability to do so if this proposal is allowed. I trust we will be afforded the opportunity to comment further as this application progresses.**

Response: If planning permission in principle was to be issued a detailed layout including the design and number of dwellings proposed would have to be

submitted for the Council's approval through the submission of a detailed or matters specified in conditions application. Such an application would require statutory neighbour notification procedures to be undertaken by the Council.

- f) **There are concerns regarding noise and disturbance. Not only during development stages but also on completion. Local sewage works can become noisy but the large embankment and tree foliage was always a natural sound proof barrier from this. Since removing the trees, and ultimately the entire railway, there will no doubt be increased noise and smell from the sewage works.**

Response: The Council's Environmental Services raised no objection to the application subject to a condition requiring the submission of a comprehensive site investigation report for the Council's approval and an informative advising the applicant of appropriate hours for audible construction activities at the site. As discussed above, they have raised no adverse comments in relation to any potential increase in odours as a result of the proposed development.

- g) **The applicant has stated that the land is level and free of trees, which is clearly not the case. The applicant, without warning, proceeded to clear the old railway embankment of all mature trees and shrubs and in so doing has totally destroyed the natural habitat for countless insects, birds and small mammals. There may have been protected species among them and his actions were nothing short of criminal. Mr Collins made it very clear he was selling all trees for profit and planning to sell this site to a developer for houses.**

Response: Whilst it is unfortunate that the vegetation was removed from the site planning permission was not required for the work undertaken. The submitted Planning Statement advises that the clearance works were initiated to provide potential assistance to Scottish Water in respect of proposals to install a new section of sewer pipe through part of the site. There is no recorded information confirming the presence of protected species at the site.

- h) **The applicant is attempting to get approval for totally monetary gain at the expense and inconvenience of all the people who live here. He showed he does not care for the environment by totally devastating the area of flora and fauna. Mr Collins did this without a by your leave to any adjoining neighbours and with no considerations for the local wildlife and trees. I have seen all kinds of wildlife and birds which depended on this area and now it is gone thanks to Mr Collins. There are also bats a protected species who hibernate in the Stone railway bridge over winter and live in it during the summer. If the wall is removed it will kill them all.**

Response: As discussed, whilst it is unfortunate that the vegetation was removed from the site planning permission was not required for the works undertaken. In addition in terms of the alleged presence of bats their protection could be addressed by the imposition of a suitable condition should the application be determined favourably. The merits of the application are discussed in detail in Section 3 of this report.

- i) **From the destruction of all the trees and even before this date I have had to put up with chain saws going most dry days as Mr Collins is selling all the trees he cut down to men who come in with their trucks and saw up the wood. He has turned the place into a business trying to get rid of all the trees he cut down.**

Response: The Planning Service has visited the site on several occasions in relation to the above matter. However, no business as described was operating from the site at the time these visits were undertaken.

- j) **Scottish Water say once they know how many dwelling are allowed they will investigate if the present water works can cope with more. Millburn Road drainage system is already struggling to cope with all the usage in the area because most days there is a distinct smell of raw sewage in the air coming from the drains running down the road. We have a clay drainage pipe which lies below the proposed site. This drainage pipe prevents flooding of our home and garage, and has played an essential role for 35 years. We fear this pipe may be damaged or broken by the removal of this earth causing mass flooding to our home. We have been in contact with Scottish Water and the Council regarding this concern and we will hold the developer accountable for any flooding to our home as a result of this pipe being blocked, damaged etc.**
Response: Scottish Water were consulted on the application and have advised that they have no objections to the application. Any damage to property would be a legal matter which would require to be resolved by the parties involved. In addition should the drainage pipe run through the site there should be a formal wayleave agreement confirming its presence and maintenance/repair obligations.
- k) **An increase in housing means an increase in traffic generation. Millburn road is a small, narrow road with poor street lighting. If permission is given a properly developed road should be put in place with roadside drainage, street lighting, pavements and road signs continued much further down Millburn Road and the blind corner issue addressed. The corner where the servicing road to the area is proposed is a blind corner which although should be 30 miles an hour cars travel far faster and do not slow until they get to the junction of Millburn Road and Ashgillhead Road at the mini roundabout. Local road users give no regard for dog walkers, cyclists or pedestrians. This site would have to be made safe for residents, road users and works traffic. There is currently no pavement or road markings with drivers taking this bend at speed. The proposal could also lead to vehicles overhanging the highway at a bend to the detriment to other road users. Conflict will occur between pedestrians, cyclists, farm traffic and road users.**
Response: The Council's Roads Development Management Team have recommended that a decision on the application be deferred due to insufficient detailed information being submitted with the application to justify the proposal.
- l) **The pavement has been destroyed down Millburn Road at the proposed site by the parking of heavy machinery and trucks on the pavement and it has sunk under all the heavy machines this developer parks up there. It is now a muck hole that forces people to walk on the road at a dangerous blind corner.**
Response: As discussed above, the Council's Roads Development Management Team have recommended that a decision on the application be deferred due to insufficient detailed information being submitted with the application to justify the proposal.
- m) **Damage to cars parked in the area, stolen cars, burnt-out vehicles and drunk drivers use this quiet country road to disguise their illegal actions. An increase in traffic will only exacerbate the problem.**
Response: The above issues are matters for Police Scotland to address where appropriate.
- n) **The proposed removal of the sandstone railway bridge and bank of material covering the whole site will be a massive disruption due to the huge amount**

of material involved. With noise, road closures, traffic disruption and access problems for residents.

Response: These matters have generally been addressed above. The merits of the application are discussed in detail in Section 3 of this report.

- o) The site will have to be tested for contamination due to it being a decommissioned railway line as no one knows what substances lie below this large mound of earth which could be a health hazard. The area is littered with old coal mines. From experience, specialist and expensive foundations are needed in this area when building houses and subsidence/demolition has been a problem in the past.**

Response: Whilst Coal Authority records highlight that areas of coal and other mineral extraction are present within the surrounding area the application site is not located within a Development High Risk referral area which has the potential for instability or a degree of risk to the surface from the legacy of coal mining operations. If planning permission in principle was to be granted for the proposal the permission would incorporate a condition requiring the submission of a comprehensive site investigation and geotechnical report for the Council's approval.

- p) I would like Planning to consider if the use of heavy machinery trucks etc. could cause damage to the foundations of our home if there is a danger of old mine workings here. The reason we got to build here nearly 40 years ago was because of the demolition of previous house due to subsidence. The applicant should get a report from the Coal Board and have the area tested by machinery to make sure there are no workings in the area.**

Response: As discussed, the site is not located within a Coal Authority Development High Risk referral area. Whilst it is considered that the proposal is contrary to local plan policy it should be noted that any damage caused to individual properties by the proposed development would be a legal matter which would have to be resolved between the parties concerned. In addition with appropriate site investigations and engineering design solutions, especially in relation to foundations, it should be possible to develop the site should consent be issued.

- q) Tonnes of earth were used to build up this land to allow for the bridge crossing at Millburn Road. The overlooking of our property and loss of privacy in our garden is a major concern. Our home is on one level and there would be overlooking issues if two storey houses were constructed on the site.**

Response: Whilst it is considered that the proposal is contrary to local plan policy any form of residential development would have to ensure that there was no significant adverse impact on the amenity of adjacent properties in terms of overlooking and loss of privacy.

- r) The security and privacy of our home is also at risk. We have been subject to break-ins and crime previously with damage to our home and injury to our pets. This mound of earth has already been used by local youths to throw stones, sticks and dirt into our garden and onto our roofs. We have faced harassment in the past and damage to our cars and fence line, not to mention the broken glass, littering, drunken actions and arsonist actions which have needed the assistance of local fire units and police to control. We have been unable to enjoy our back garden due to verbal abuse and insults being directed at us from people on the embankment. This makes it impossible to enjoy our outdoor activities with our family and friends in**

addition to general duties such as washing the car, maintaining the garden and generally enjoying the outdoors.

Response: Matters relating to security and anti-social behaviour are for Police Scotland to address where appropriate. The planning system cannot control or regulate such behaviour.

- s) **Visual impact is also an unknown at the moment with the possible reduction in sunlight and overshadowing as site is right next to my home. If this mound of earth is not levelled; prospective new houses will ultimately be overshadowing our entire back garden, garage and driveway reducing sunlight enormously. I would suggest if permission is given the dwellings are limited to one storey to fit in with existing homes in the area.**

Response: Whilst it is considered that the proposal is contrary to local plan policy any development approved would have to ensure that there was no significant adverse impact on the amenity of adjacent properties in terms of overshadowing and loss of daylight.

- t) **The large sandstone wall may have been listed due to age and interest and this is certainly a factor that will have to be considered before development commences.**

Response: The wall referred to is not a listed structure.

- u) **We have already lost views of woodland and our wildlife. We do not wish to lose views to a large brick wall or overbearing dwelling.**

Response: Loss of view is not a valid planning consideration.

- v) **There is insufficient parking due to Millburn Road only being a small narrow minor road. If cars park here they park on the pavements to the detriment of local residents who cannot get space to turn into and out of their driveways. If cars park on the road it causes issues with traffic as there is not enough room to safely pass. More houses can only exaggerate this problem. The road would preferably have to be widened to allow so much more traffic.**

Response: The Council's Roads Development Management Team have recommended that a decision on the application be deferred due to insufficient detailed information being submitted with the application to justify the proposal.

3 Assessment and Conclusions

- 3.1 The applicant seeks planning permission in principle for residential development including the formation of a vehicular access. The determining issues in consideration of this application are its compliance with local plan policy and its impact on the visual amenity of the area and on the local road network.
- 3.2 As discussed above, the application site comprises a section of former railway embankment which is raised significantly above the level of neighbouring houses. Until recently, the site had an extensive vegetation cover including a number of mature trees. The vegetation on the site has now been removed and the submitted Planning Statement advises that these operations were undertaken 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. The supporting Planning Statement also advises that the proposed development represents an opportunity to round off the boundary of the settlement of Ashgill at this location, that the scale of the development is proportionate to the size and character of the existing settlement and that the proposal would represent a logical extension to the village of Ashgill.
- 3.3 In terms of local plan policy, the application site is located within the Green Belt in the adopted South Lanarkshire Local Development Plan and is covered by Policy 3 - Green

Green Belt and Rural Area. This policy states that the Green Belt and the rural area function primarily for agriculture, forestry, recreation and other uses appropriate to the countryside. Development which does not require to locate in the countryside will be expected to be accommodated within the settlements identified on the proposals map, other than in the following circumstances:

- 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.

3.4 The policy goes on to say that in both the Green Belt and rural area isolated and sporadic development will not be supported. In addition to the above, Policy GBRA4: Small Scale Settlement Extensions of Supplementary Guidance 2: Green Belt and Rural Area is relevant to the assessment of the application. Proposals for new houses on sites adjoining existing settlements will be required to meet the following criteria:

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

3.5 In terms of the assessment of the application it is considered that the proposal for residential development on the site does not accord with Policy 3 - Green Belt and Rural Area of the

adopted Local Development Plan as it cannot be justified under any of the circumstances listed. It has not been demonstrated that there is a specific locational requirement and established need for the proposal; the proposal does not involve the redevelopment of derelict or redundant land, it is not for the conversion of traditional buildings nor is it for limited development within clearly identifiable infill, gap site and existing building groups and it does not relate to an extension of existing premises or uses. The proposal is therefore clearly and irrefutably contrary to Policy 3. In addition the proposal is also considered to be contrary to Policy 16 - Travel and Transport of the adopted Plan which requires the preservation of disused railway lines to provide future public access routes.

- 3.6 Similarly, the proposal is not considered to be in accordance with Policy GBRA4: Small Scale Settlement Extensions of Supplementary Guidance 2: Green Belt and Rural Area as it would not meet the criteria listed. As the application is for permission in principle not all of the criteria listed within this policy is relevant to the assessment of this type of application e.g. in relation to listed buildings and conservation areas and some of the criteria listed is more relevant to the assessment of a detailed planning application. However, in terms of the sites Green Belt designation it is considered that the proposal is contrary to the criteria listed as the proposal would involve the removal of an existing physically strong and defensible Green Belt boundary with limited scope for its replacement with substantial boundary landscaping within such a narrow site. In terms of the access, parking and road safety requirements it should be noted that Roads Development Management have raised concerns regarding the lack of detail submitted with the application to provide the evidence/comfort that twelve houses, an access road and car parking spaces, complete with turning space so that vehicles could enter and leave Millburn Road in forward gear, garden space, landscaping areas and space for refuse collection could all be fitted in to this constrained site.
- 3.7 Notwithstanding the above, it should be noted that the applicant has submitted a representation to the South Lanarkshire Local Development Plan 2 objecting to the current settlement boundary of Ashgill and that he is seeking the inclusion of this Green Belt land as an opportunity to round off the settlement boundary at this location. In this regard, the site was assessed by the Council at the call for sites stage and was not found to accord with strategy. As discussed above, the site comprises a section of former railway embankment which is raised significantly above the level of neighbouring houses and until recently the site had extensive vegetation cover, including a number of mature trees. It is considered that the site provides a clearly defined physical settlement boundary to Ashgill. The Call for Sites assessment noted that road access to the site would be difficult to achieve due to its limited frontage.
- 3.8 The site was subject to strategic environmental assessment (SEA) which found that it would have significant environmental effects, particularly in relation to biodiversity, flooding and landscape. The site was also considered at the Examination of the South Lanarkshire Local Development Plan (2015) where the Reporter did not consider that it should be released from the Green Belt concluding that 'its location and configuration as a very narrow strip of land would not represent a logical extension to the settlement'. The Council considers that this conclusion is still applicable and valid as there has been no material change in planning considerations and that the site should remain in the Green Belt. The Council is currently preparing 'Schedule 4' documents of unresolved representations. These will be submitted to the Planning and Environmental Appeals Division (DPEA) this month with a view to a Reporter being assigned to carry out an examination. This site is subject to a Schedule 4 since it is an unresolved representation to Local Development Plan 2.
- 3.9 In view of all of the above and the legal requirement to determine and assess all planning applications in terms of the provisions of the development plan, it is considered that the proposal is contrary to local plan policy as it would constitute new residential development

in the Green Belt without appropriate justification. As such, it is considered that planning permission should be refused for the reasons stated below.

4 Reason for decision

- 4.1 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 (2018).

Delegating Officer: Steven Clark

Date: 26 April 2019

Previous References

None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Supplementary Guidance 2 - Green Belt and Rural Area (2015)
- ▶ Proposed South Lanarkshire Local Development Plan 2 (2018)
- ▶ Supporting Planning Statement dated January 2019
- ▶ Neighbour notification letter dated 07.02.2019
- ▶ Press advertisement, Hamilton Advertiser dated 21.02.2019

▶ Consultations

Roads Development Management Team	15.03.2019
Environmental Services	05.03.2019
Scottish Water	12.02.2019

▶ Representations

Mr. Derek Taylor, 1 Millburn Road, Ashgill, Larkhall, South Lanarkshire, ML9 3BG	Dated: 28.02.2019
Mrs. Jean Smith, 3 Millburn Road, Ashgill, Larkhall, South Lanarkshire, ML9 3BG	Dated: 21.02.2019
Mr. and Mrs. Strachan, The Annex, 3 Millburn Road, Ashgill, ML9 3BG,	Dated: 27.02.2019

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, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 453657

Email: jim.blake@southlanarkshire.gov.uk

Planning Application

Application number: P/19/0158

Reasons 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.

Informatives

01. This decision relates to drawing numbers:

Reference	Version No:	Plan Status
Application Site Boundary		Refused

Appendix 2(b)

3c

Consultation Responses

- ♦ Response dated 11 February 2019 from Scottish Water
- ♦ Response dated 1 March 2019 from Environmental Services
- ♦ Response dated 13 March 2019 from Roads and Transportation Services

11th February 2019

South Lanarkshire Council
Council Offices Almada Street
Hamilton
ML3 0AA



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

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

Dear Local Planner

ML9 Ashgill Millburn Road Land To North
PLANNING APPLICATION NUMBER: P/19/0158
OUR REFERENCE: 772886
PROPOSAL: Residential development including formation of vehicular access
(Planning Permission in Principle).

Please quote our reference in all future correspondence

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

Water

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

Foul

- This proposed development will be serviced by ASHGILL Waste Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity at this time so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water. The applicant can download a copy of our PDE Application Form, and other useful guides, from Scottish Water's website at the following link
www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms/pre-development-application

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

Infrastructure within boundary

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

The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team directly at service.relocation@scottishwater.co.uk.

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

Scottish Water Disclaimer

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."

Surface Water

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

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification taking account of various factors including legal, physical, and technical challenges. However it may still be deemed that a combined connection will not be accepted. Greenfield sites will not be considered and a connection to the combined network will be refused.

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

General notes:

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

Site Investigation Services (UK) Ltd

Tel: 0333 123 1223
Email: sw@sisplan.co.uk
www.sisplan.co.uk

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

Next Steps:

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

For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a Pre-Development Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

- **10 or more domestic dwellings:**

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

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

- **Non Domestic/Commercial Property:**

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

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

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

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

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

For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

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

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

Yours sincerely

Pamela Strachan

Planning Consultations Administrator



3c

Community & Enterprise Resources
Executive Director Michael McGlynn
Fleet and Environmental Services

To:	Planning & Building Standards Services	Our Ref.	BXS/388694
		Your Ref.	P/19/0158
		If Calling Ask for	Brian Sim
CC:	Jim Blake	Phone	01698 454024
From:	Brian Sim	Date.	1 March 2019

Subject:	Application Ref:	P/19/0158
	Address:	Millburn Road
		Ashgill
		Larkhall
	Proposed Development:	Residential development including formation of vehicular access.

I refer to the above planning application consultation and would comment as follows;

We have no objections to the proposal subject to the following conditions;

01. Contaminated Land – Site Investigation

(a) The applicant should 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 advice given in the following:

- Planning Advice Note 33 (2000) and Part IIA of the Environmental Protection Act 1990 (as inserted by section 57 of the Environment Act 1995)
- Contaminated Land Report 11 – ‘Model Procedures for the Management of Land Contamination (CLR 11)’ – issued by DEFRA and the Environment Agency
- BS 10175:2011 – 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.

Reason: historical records suggest that the proposed site was formerly used as a Railway.

I would also request that if the application is approved, then the following advisory notes are attached to the decision notice for the applicant’s information;

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





**Community & Enterprise Resources
Executive Director Michael McGlynn
Fleet and Environmental Services**

ADV NOTE 03 Construction and Demolition (BS 5228)

The applicant is advised that all works carried out on site must be carried out in accordance with the current BS5228, Code of Practice for Noise and Vibration Control on Construction and Open Sites. The applicant is further advised that audible construction activities should be limited to, Monday to Friday 8.00am to 7.00pm, Saturday 8.00am to 1.00pm and Sunday – No audible activity when assessed at the site boundary.

The applicant is advised that Environmental Services may consider formally imposing these hours of operation by way of statutory notice should complaints be received relating to audible construction activity outwith these recommended hours and should such complaints may be justified by Officers from this Service.

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

ADV NOTE 4 Formal action may be taken if nuisance occurs.

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

Regards,

**Brian Sim
Environmental Health Officer.**

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

3c

Planning Application No: P/19/0158

Dated: 01 February 2019

Received: 13/3/19

Applicant: Douglas Collins

Contact: Mark Wilkie

Proposed Development: Up to 12 houses

Ext: 4293

Location: Land 50m North-west of 3 Millburn Road, Ashgill

Case officer – Jim Blake

Type of Consent: PPiP

No(s) of drg(s) submitted: As per portal

Proposals Acceptable?	Y or N
-----------------------	--------

1. EXISTING ROADS

(a) General Impact of Development	N
(b) Type of Connection(s) (road junction/footway crossing)	Y
(c) Location(s) of Connection(s)	Y
(d) Sightlines (.....)	Y
(e) Pedestrian Provision	N

2. NEW ROADS

(a) Width(s) (.....)	N/A
(b) Layout (horizontal/vertical alignment)	N/A
(c) Junction Details (locations/radii/sightlines)	N/A
(d) Turning Facilities (circles/hammerheads)	N
(e) Pedestrian Provision	N
(f) Provision for PU Services	N/A

3. SERVICING & CAR PARKING

(a) Servicing Arrangements/Driveways	N/A
(b) Car Parking Provision (.....)	Y
(C) Layout of Parking Bays/Garages	N/A

4. RECOMMENDATION

(a) No Objections	
(b) No Objections Subject to Conditions	
(c) Refuse	
(d) Defer Decision	Y
(e) SOID to advise	

Item ref	Comments
	<p>The proposal is to construct up to 12 dwellings, which would be served by a new access onto Millburn Road. The north-west footway along the frontage of the suite would need to be brought up to adoptable standard, and street lighting and 30mph limits would need to be extended to the north-east corner of the site.</p> <p>Whilst 2 car parking spaces are proposed per dwelling, it should be noted that houses with 4 or more bedrooms require 3 car parking spaces. Centre of site is c.200m from bus stops on Auldton Terrace.</p> <p>However, there is a lack of detail shown within the site to provide the evidence/comfort that 12 houses, an access road and car parking spaces, complete with turning space so that vehicles could enter and leave Millburn Road in forward gear, garden space, landscaping areas and space for refuse collection could all be fitted in to this constrained site.</p>

THE APPLICANT MUST BE ADVISED OF THE FOLLOWING: -

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

* Relevant Section of the Roads (Scotland) Act 1984

Signed: _____
Roads Area Manager

Date: _____

**SOUTH LANARKSHIRE COUNCIL
ROADS AND TRANSPORTATION SERVICES**

**OBSERVATIONS ON PLANNING APPLICATION
CONTINUATION SHEET**

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

Dated:

Contact:

Item Ref	Comments

Signed: _____
Roads Area Manager

Date: _____

Appendix 2(c)

3d

Representations

Representation From

- ♦ Mr and Mrs Strachan, The Annex, 3 Millburn Road, Ashgill ML9 3BG
- ♦ Mrs Jean Smith, by email
- ♦ Mr Derek Taylor, by email

Dated

20/02/19

28/02/19

To whom it may concern,

I have listed my considerations below, along with a brief description explaining my reasons why.

I am sure you will consider each point, but please feel free to contact me if clarity is necessary.

Initial considerations are:

1. **Overlooking** - The recent removal of all trees and foliage (**10th Jan 2019**), has left our embankment bare. This embankment was developed to serve the local railway line; therefore it sits proud above ground level by some 10-12 feet of earth.
Our 6 foot fence is engulfed by this mass of earth and makes for an idyllic '*perch*' for local youths and potential thieves. This embankment offers a clear '*Birdseye view*' of our homes, gardens, sheds and vehicles. This has caused us some concern and we are now looking to install CCTV for security, and to deter any unlawful activity.
2. **Overshadowing/Overbearing**- If this mound of earth is not levelled; prospective new houses will ultimately be overshadowing our entire back garden, garage and driveway reducing sunlight enormously.
3. **Loss of Privacy**- As previously explained, this site was an ex- railway line. Hundreds of tons of earth were used to build up this land to allow for the bridge crossing at Millburn Road. This substantial mound of earth has already been used in recent weeks by local youths to throw stones, sticks and dirt into our garden and onto our roofs.

Previously, this was a '*hot-spot*' for young people to socialise. We have faced harassment in the past and damage to our cars, fence line, not to mention the broken glass, littering, drunken actions and arsonist actions which have needed the assistance of local fire units and police to control.

We have been unable to enjoy our back garden due to verbal abuse and insults being directed at us from people on the embankment. This makes it impossible to enjoy our outdoor activities with our family, friends and pets... plus general duties such as washing the car, maintaining the garden and enjoying outdoor evening dinners in the spring/summer.

4. **Traffic generation**- Increase in housing means an increase in traffic.
 Millburn road is a small, narrow road with poor street lighting. Heavy farm machinery uses this road on a daily basis, and blind corners on 60 mph roads means this road can be treacherous for other road users.
 Millburn road is dark and quiet with a history of problems. Damage to cars parked in the area, stolen cars, burnt-out vehicles and drunk drivers use this quiet country road to disguise their illegal actions.
 An increase in traffic will only exacerbating the problem.
(When approaching Millburn Road from Ashgillhead Road): The first 50 meter stretch of Millburn Road is 30mph, but unfortunately it is not treated as such. Drivers are well tuned into the fast approaching 60 mph road that lies just round the bend and often increase their speed regardless of the 30mph enforcement.
 In the opposite direction, **(Approaching from Dalsarf)**, Millburn road runs directly into a 30mph zone and drivers fail to reduce their speed in time before approaching our home. Speeds of 40-60 mph are frequently seen, with complete disregard for the 30 mph enforcement.
 In addition, there is a blind corner which drivers often take at speed and without caution. To increase traffic at this precarious bend is a worry and I firmly believe this is a road safety issue that needs to be address.
5. **Noise and disturbance**- Not only during development stages but also on completion.
 Local sewage works can become noisy, but the large embankment and tree foliage was always a natural sound proof barrier from this. Since removing the trees, and ultimately the entire railway, there will no doubt be increased noise and smell from the sewage works.
6. **Loss of trees**- As previously mentioned, Mr Collins removed all trees, foliage, bushes and brambles week commencing 10th Jan 2019. Previous to this, the site was an enriched area for wildlife, with an array of trees and shrubs. Mr Collins made it very clear he was selling all trees for profit and planning to sell this site'' **to a developer for houses''**.
7. **Listed building**- As I mentioned before, this site was a railway line. There is a large brick structure directly next to our home which has stood for many years, (presumably one side of the rail way bridge). I am unsure if this is a listed site, however this is certainly a factor that will have to be considered before development commences.
8. **Layout of building**-We have not been made aware of the projected plans for this site? (Detached/semi? Garage?Gardens? etc). I assume there will be multiple detached homes planned for the site, but this would need to be confirmed by planning.
9. **Road access**- As previously mentioned, the site sits directly on a blind corner on a 60mph road. People's attitudes have not changed in years when driving the 'country roads'

therefore action will be needed in means of traffic control to make this blind corner safe if this is to be the new access point for the development.

10. **Proposals in the development plan-** *“free from trees and level”* (?). This site is not level. It is an old railway bridge with tons of earth to be moved. It is unknown what substances were used to build up this mound of earth therefore precaution must be taken.

The area is littered with old coal mines. It is unknown what lies below this large mound of earth, and if you are allowed to build on old railway lies?

From experience, specialist and expensive foundations are needed in this area when building houses, and subsidence/demolition has been a problem in the past.

11. **Nature conservation-** As mentioned before, there has been a large loss of trees and wildlife which has been detrimental to our area.

12. **Fear of crime-** We have been subject to break-ins and crime previously. As I explained, our 6 foot fence is swallowed by the mound of earth making it very easy for intruders to jump our fence for a quick entrance or exit. We have been broken into twice before with reports available from Police Scotland. Damage to our home and injury to our pets. This is something we are desperately trying to avoid happening again but we feel Mr Collins has been very ruthless in his approach and left this site open to any intruders or potential burglars. Local youths use the area to socialise and consume alcohol out with the eye-shot of police. Fires have been light and debris thrown on to our roofs, gardens and cars.

13. **Visual impact of the development-** There has been no details of the proposed development? We would appreciate full details of the projected plans for the site to ensure the dwellings meet the character of the area.

14. **Loss of existing views-** We have already lost views of woodland and our wildlife. We do not wish to loss views to a large brick wall or overbearing dwelling.

15. **Highway safety-** As mentioned already, this is a 60 mph road with blind corner. Local road users give no regard for dog walkers, cyclists or pedestrians. This site would have to be made safe for residents, road users and works traffic. There is currently no pavement or road markings with drivers taking this bend at speed. The proposal could also lead to vehicles overhanging the highway at a bend to the detriment to other road users.

16. **Convenience of road users-** The development would adversely affect the highway safety and convenience of road users due to issues discussed earlier.

17. **Site access**-The site access is not within acceptable standards and poses a potential safety hazard due to blind corners, no pavements, no road markings, no lighting and no traffic control.
18. **Internal circulation**- Conflict will occur between pedestrians, cyclists, farm traffic and road users .
19. **Adverse impact on the amenity of neighbouring properties**-
We have a clay drainage pipe which lies below the proposed site.
This drainage pipe prevents flooding of our home and garage, and has played an essential role for 35 years. We fear this pipe may be damaged or broken by the removal of this earth causing mass flooding to our home. We have been in contact with Scottish Water/Council regarding this concern and we will hold the developer accountable for any flooding to our home as a result of this pip being blocked, damaged etc.
20. **Car parking**- Insufficient parking space will adversely affect the amenity of surrounding properties through roadside parking on this narrow road. Parking must be considered and managed appropriately. There are currently a number of vehicles that park on the road/pavements or close to homeowner's driveways. This is a hazard for pedestrians who are forced to walk on the roads. The blind corner has no pavements, street lights or road markings, with cars often approaching this corner at speed. There would be an increased possibility of car damage due to the speed of other road users, no road markings, farm traffic and congested roads.
21. **Insufficient parking**- As explained above, this is a real concern. The local convenience store and chip shop across the street generates parking which often results across pavements and driveways. There is no doubt that this development would cause an increase in traffic and potential for incidents due to an overspill in parking.
22. **Greenbelt**- I am unaware if this site is protected green belt? But this must be taken into consideration?
23. **Specialist building requirements**- Special foundations were required to build my mother and father home. This was due to the heavy clay below our home. Subsidence was also noted at neighbours home where demolition was the only option. I hope the land owner and developer have looked into this as this site is not an optimum area for housing.

Please accept this as my main considerations to the proposal.

I look forward to hearing from you,

[Redacted signature block]

[REDACTED]

From: jean smith [REDACTED]
Sent: 20 February 2019 08:28
To: Planning; jean smith
Subject: neighbour notification response - P/19/0158

3d

20 Feb 2019

Mrs Jean Smith
3 Millburn Road
Ashgill
Lanarkshire
ML9 3BG

[REDACTED]

Material planning Considerations regarding P/19/0158

* We the neighbours concerned in this proposal only received these neighbour Notification Notices on Friday 15th February 2019 and as they have to be returned by the 28th February does not give us a lot of time to peruse all possible issues which this proposal may mean for us but I have hurriedly put some points of consideration together and I hope you will take them into consideration while investigating the possibility of giving Planning Permission in Principle. And I would appreciate the ability to add more points if and when they become evident.

1. I would first and foremost like to question the action of allowing permission in principle (outlying planning permission) on a decommissioned railway line? I have never seen properties being build on such an unstable site.

2. Nature.....The proposer is attempting to get approval for totally monetary gain at the expense and inconvenient and of all the people who live here already. He showed he cares not for the environment by totally devastating the area of flora and fauna which it has been since the railway stopped using it 70 or so years ago. Mr Collins did this without a by your leave to any adjoining neighbours and with no considerations for the local wildlife and trees. I have seen all kinds of wildlife and birds which depended on this area and now it is gone thanks to Mr Collins. [REDACTED]
[REDACTED]

3. Nature and Noise/ Disturbance....As the trees etc have been removed and sold off for wood burners and if the mound of earth is removed as well the smell from local Ashgill water Works at times during the drier weather is going to be awful. Which will prevent people enjoying their gardens and from even opening our windows as the smell goes into the houses.

From the destruction of all the trees on the 10th January 2019 and even before this date I have had to put up with chain saws going most dry days as Mr Collins is selling all the trees he cut down off to men who come in with there trucks and saw up the wood. He has turned the place into a business trying to get rid of all the trees he cut down.

4. The Water Board..... has been up for a look regarding putting in service and I had to point out we have since our home was build had use of an old clay drainage pipe at the back door of our property and if they flatten or break this our garden will become prone to flooding. My daughter converted a garage at the rear of our property and this and our garage will flood if this drainage pipe is blocked or broken. There is also a bad smell from treatment works especially in the warmer drier weather and this can only increase as it is already stretched in capacity. The water board say once they know how many dwelling are allowed they will investigate if the present water works can cope with more. Millburn Road drainage system is already struggling to cope with all the usage in the area because most days there is a distinct smell of raw sewage in the air coming from the drains running down the road.

5. Security and privacy..... of our home is also at risk. I have already had local youths running up and down this embankment whereas before the deforestation the trees and especially the Brambles kept them all off it but now we are open to abuse, stones being thrown at our cars and roofs and pets. They set fires, drink alcohol and hang around looking and watching everything we do and I am afraid to leave in case of people entering our property over the wall which is really not high enough now to keep and potential burglars out. Mr Collins has opened us up to a world of potential trouble we all could do well without.

6. Street lighting/ pavements and Road signs..... will have to be continued much further down Millburn Road along with road signs etc. The corner where the servicing road to the area is a blind corner which although should be 30

miles an hour cars travel far faster and do not slow until they get to the junction of Millburn road and Ashgillhead Road at the mini roundabout. The narrow country road is also unsuitable which is shown when there is a accident or event on the Garrion Bridge Road as our road then becomes very busy and choked with traffic trying to avoid incident. The pavement has been destroyed down Millburn Road at the proposed site by the parking of heavy machinery and trucks on the pavement and the pavement has sunk under all the heavy machines this developer parks up there.. It is now a muck hole that forces people to walk on the road at a dangerous blind corner. The road itself was redone beautifully in 2017 and is smooth but this too will change as it will I imagine have to be all dug up to allow services to be put in.

7. Removal of existing bridge wall and leveling of embankment The proposed removal of the sandstone railway bridge and bank of material covering the whole proposed site will be a massive disruption as it is a massive amount of material. With noise and road closures traffic disruption access problem for residents. And when accident etc happen at Ayr Road etc cars will not be able to use Millburn Road as an 'alternative route' as they have always been able to do in the past.

8. ContaminationThe area will have to be tested for contamination due to it being a decommissioned railway line no one knows what is about to be dug up and could be a health hazard.

9. Subsidence----The reason we got to build here nearly 40 years ago was because of the demolition of previous house due to subsidence. there was talk of mine workings going under the area and there is a massive 'Bing' less than quarter of a mile away and a smaller 'Bing' within a few hundred feet of us. No one knows where these workings go and would recommend the proposer getting a report from the Coal Board and having the area tested by machinery to make sure there is no workings under the area. I would like planning also to consider if the use of heavy machinery trucks etc could cause damage to the foundations of our home if there is a danger of old mine workings here about.

10. Unknown We have not been told how many houses, type, height or size of houses Mr Collins wants to build so I cannot at this stage comment on these issues. In fact we have no idea as yet to the proposed plans.

11.Overlooking/ Privacy The overlooking of our property and loss of privacy in our garden is a major concern our home is on one level so if big two storey houses are build there will be major issues with this.

12. Visual Impact...also an unknown at the moment with possible reduction in sunlight and overshadowing and overbearing as site is right next to my home. I would suggest if permission is given the dwellings are limited to one storey to fit in with existing homes in the area.

13. Noise and Disturbance ...not only during removal of existing bridge wall and embankment material but after with increase noise from Sewage works and smell which at the moment the embankment helps prevent.

14. Listed building. The large sandstone wall I am not sure if this is listed due to age and interest in such building but this may also be a consideration.

15. Layout of new proposed buildings... we have no idea how many buildings as yet so cannot comment on this at the moment but would appreciate the ability to do so if this proposal is allowed.

16. Road Assess...proposed area sits on a blind corner with no proper access or made up road depending on the amount of houses there will have to be a proper developed road servicing these houses. Not just a monoblocked driveway which would break up and fall away causing a potential eyesore. So I ask if permission is given for a properly developed road be put in place with roadside drainage and the blind corner issue addressed.

17. Greenbelt...When we build our home here nearly 40 years ago the railway track was a green belt area is this not still the case? And that these types of area should be kept as pathways for nature with so many roads, railways lines, housing developments these old railway lines are a lifeline to wild animals who use them as corridors to link up with other green areas. these old railways should be kept open where possible for pathways for nature to allow wild animals a safe passage and join up with other areas where they can be safe and undisturbed.

18. Insufficient Parking...Due to Millburn Road only being a small narrow minor road if cars park here they park on the pavements already seen at the new Chip shop on the corner of Millburn Road and Ashgillhead Road. And to the detriment of local residence who cannot get space to turn into and out of their driveways because of pavement parking problem in area. If cars park on the road it causes issues with traffic as there is not enough room to safely pass. More houses can only exaggerate this problem. The road would preferably have to be widened to allow so much more traffic.

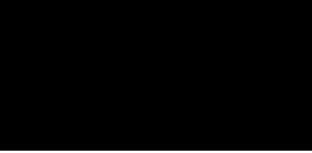
19. Specialist Building requirements....Due to previous house being demolished in this area we had to install special foundations as a precaution in case there where more mine workings which could cause damage to my property. I worry that if the surrounding area is disturbed with digging It could cause subsidence in my property as a result of heavy work.

I would highly recommend all testing be carried out before any outlying planning permission is granted ie contamination, service installation, capacity of water works drainage sewers etc. position of site (blind corner), parking, mine workings, possible subsidence and all the other issues raised due to all the problems this could cause in the area.

This is only a few of our considerations and can foresee a few more hidden problems in the future if this 'development' is allowed on a railway embankment.

Could you please acknowledge receipt of this email and send my confirmation you have received it. Thank you

Look forward to hearing from you



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From: Planning
Sent: 28 February 2019 17:24
To: Planning
Subject: Comments for Planning Application P/19/0158

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

Comments were submitted at 5:23 PM on 28 Feb 2019 from Mr Derek Taylor.

Application Summary

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

Proposal: Residential development including formation of vehicular
 acces (Planning Permission in Principle).

Case Officer: Jim Blake

[Click for further information](#)

Customer Details

Name: Mr Derek Taylor

Email: [REDACTED]

Address: 1 Millburn Road, Ashgill, Larkhall, South Lanarkshire ML9
 3BG

Comments Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Reasons for comment:

Comments: Firstly may I make it known that I concur with all of the
 comments made by my neighbours at 3 Millburn road
 and support the concerns they have raised. My main
 concerns regarding the proposed planning application are
 thus:

1. The applicant has stated that the land is level and free
 of trees, which is clearly not the case. The applicant,
 without warning, proceeded to clear the old railway
 embankment of all mature trees and shrubs and in so
 doing has totally destroyed the natural habitat for
 countless insects, birds and small mammals. I am fairly
 certain that there would have been protected species
 among them and his actions were nothing short of
 criminal.

2. Can we be assured that a survey will be carried out
 prior to the embankment being reduced to ground level
 in order to establish that the process is not going to
 release any harmful materials into our environment or,
 indeed, a plague of rats or other vermin.

3. The smells emanating from the sewage works and the drains leading to them can be overwhelming at times forcing us to stay indoors with the windows closed. Can we be assured that this will not increase as a result of the barrier of the embankment being removed and the addition of further dwellings.

4. I have lived in my property for almost 17 years and have seen a considerable increase in traffic on the road including many heavy goods vehicles in excess of 30 Tons or more. The road is used a rat run for those wishing to avoid the Garrion bridge. can we be assured that the future safety of the road will be guaranteed should this application be granted. Another factor is the increased amount of traffic since planning permission was granted to open a fast food outlet opposite my home. Customers apart, this outlet has daily deliveries by trucks in excess of 30 Tons causing damage to the footpaths and creating bottlenecks at the junction.

5. It is not made clear what types of dwellings are to be constructed on the site and how they will fit in with those currently in place. I trust we will be afforded the opportunity to comment further as this application progresses.

Appendix 3

3e

Site photographs and location plan

PHOTO 1







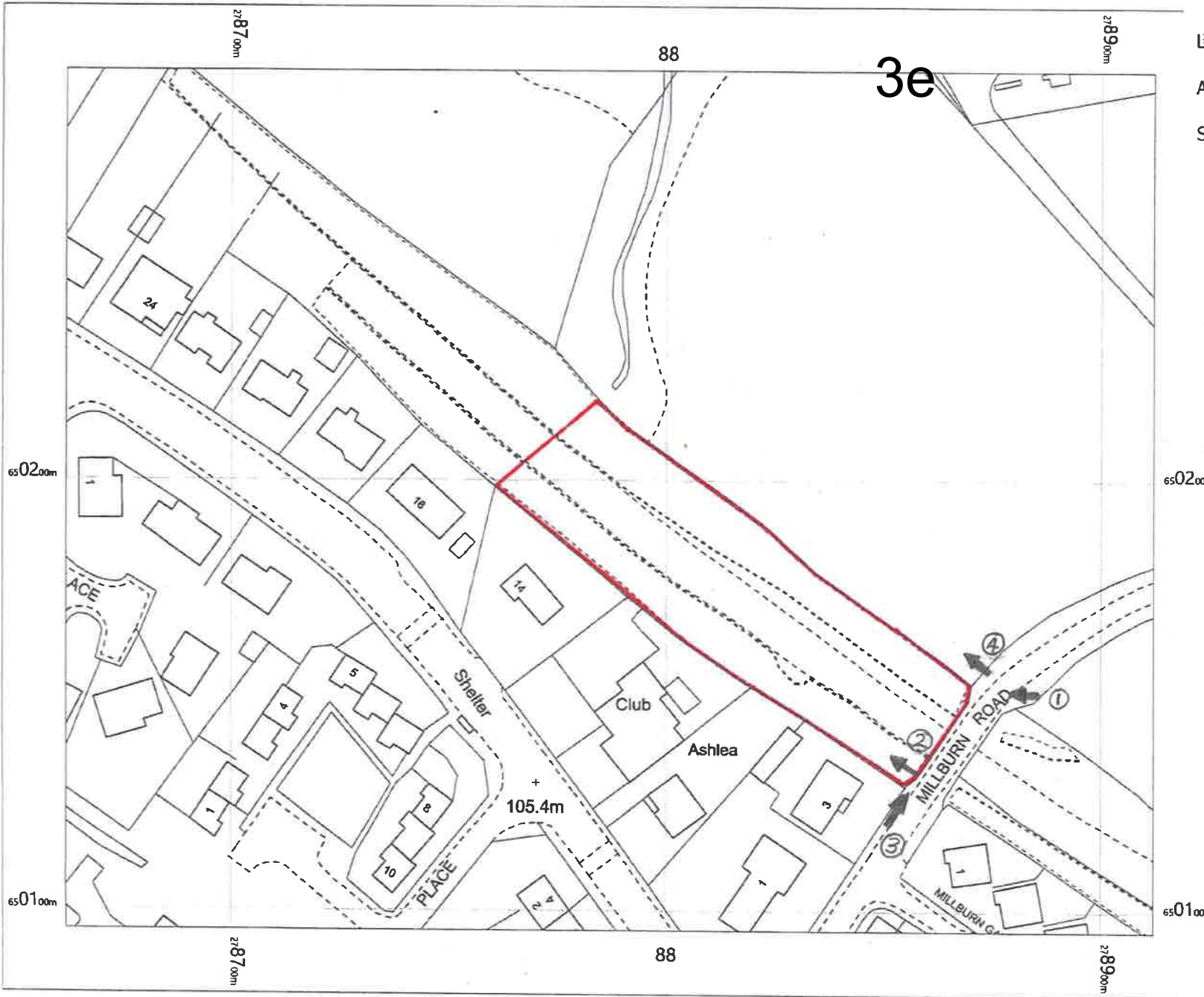


3e

Land at Millburn Road, Ashgill

Application Site Boundary

Scale 1:1,250 @ A4



OS MasterMap 1250/2500/10000
scale
Wednesday, January 23, 2019, ID:
HMC-00772145
www.themapcentre.com

1:1250 scale print at A4, Centre:
278787 E, 650195 N

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MAIL BOXES ETC.

Appendix 4

3f

Planning Decision Notice and Reasons for Refusal

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/nrtqmy6>

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

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

Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB
Email 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**

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		

Appendix 5

3g

Notice of Review (including Statement of Reasons for Requiring the Review) submitted by applicant Mr D Collins

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	<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. Application Details			
Planning authority		<input type="text" value="South Lanarkshire Council"/>	
Planning authority's application reference number		<input type="text" value="P/19/0158"/>	
Site address			
<input type="text" value="Land north of Millburn Road, Ashgill."/>			
Description of proposed development			
<input type="text" value="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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CONTENTS

- 1.0 Introduction
- 2.0 The Site and Proposals Subject to Review
- 3.0 Reasons for Requesting Review
- 4.0 Review Procedure
- 5.0 Grounds of Review
- 6.0 Summary

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
Planning Permission in Principle
Further Application*
Application for Approval of Matters Specified in Conditions*
Application for Mineral Works**

☐
☐
☐
☐
☐

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:

Date:

**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

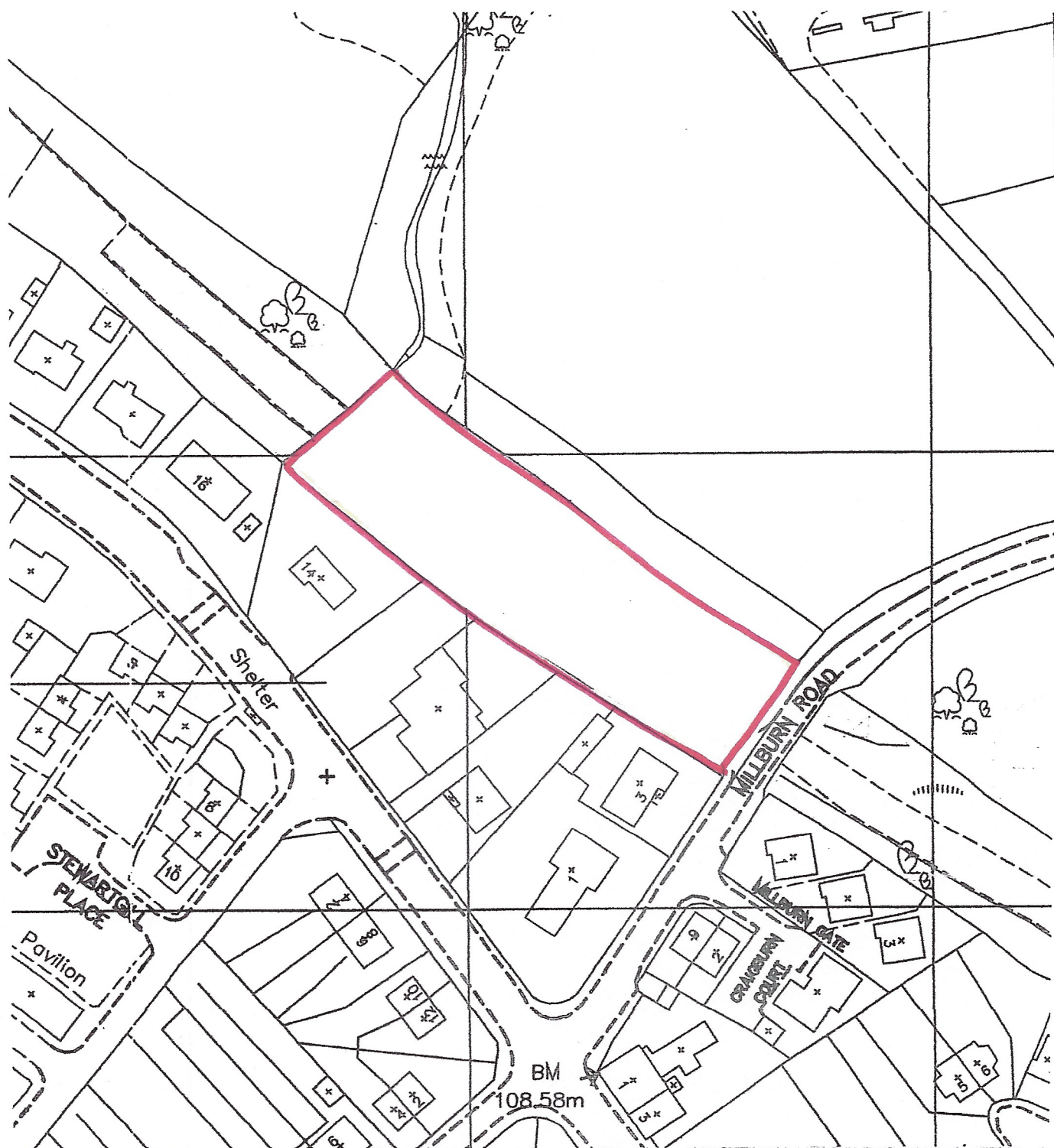
The notification of site owners and agricultural tenants regarding applications for the working and winning of underground minerals may be both onerous and complex. In addition to those owners and agricultural tenants with rights in relation to the relevant surface land, there may be other people with 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 of 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."

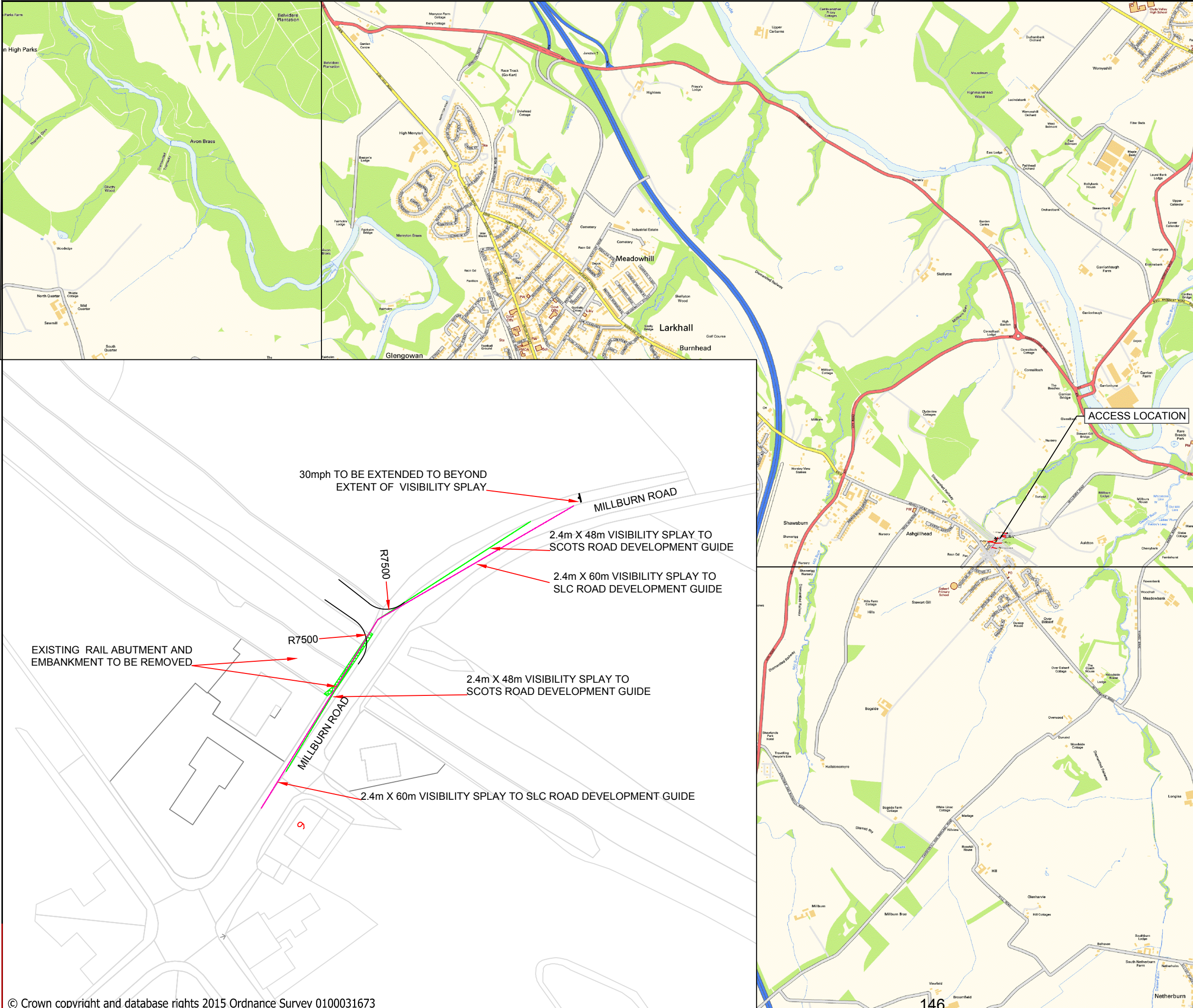
- 5.23 Neither of the above noted criterion are of relevance to the consideration of the application and as such are not considered further.
- 5.24 Having regard to the matters set out above at paragraphs 5.14 – 5.23, it is our respectful submission that the development of the Site as proposed under 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

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

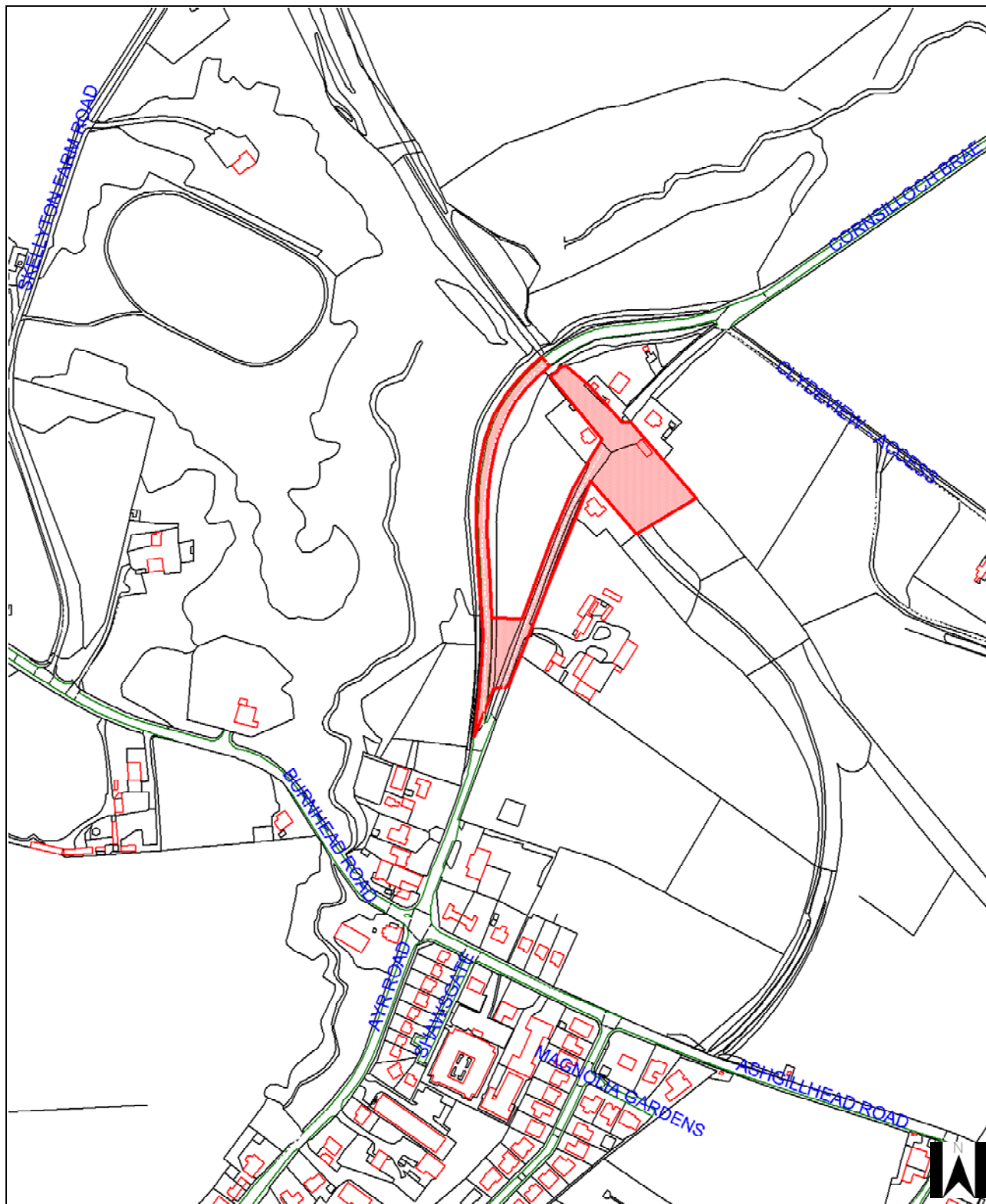
as Planning Authority. The works will require to comply with the Council's Sustainable Drainage Design Criteria and requirements.

- 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.

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



INVESTOR IN PEOPLE



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		

Appendix 6

3h

Further Representations

Further Representation From

- ◆ Statement of Observations from Planning Officer on Applicant's Notice of Review
- ◆ Jean Smith
- ◆ Nicola Strachan

**Planning application P/19/0158 - Residential development including formation of vehicular access (Planning Permission in Principle)
Land 50M Northwest Of 3 Millburn Road, Millburn Road, Ashgill.**

1 Planning Background

- 1.1 Andrew Bennie of Andrew Bennie Planning Ltd submitted a planning application (planning reference: P/19/0158) on behalf of his client Mr Douglas Collins on 1 February 2019 to South Lanarkshire Council for residential development including formation of vehicular access (planning permission in principle) at Land 50M Northwest Of 3 Millburn Road, Millburn Road, Ashgill. After due consideration of the application in terms of the Development Plan and all other material planning considerations, planning application P/19/0158 was refused by the Council under delegated powers on 1 May 2019 for the reasons listed in the decision notice and supported by a delegated report.
- 1.2 The report of handling dated 25 April 2019 explains the decision and the reasons for refusal are listed in the decision notice. These documents are available elsewhere in the papers.

2 Assessment against the development plan and other relevant policies

- 2.1 Section 25 of the Town and Country Planning (Scotland) Act 1997, as amended requires that an application for planning permission is determined in accordance with the development plan unless material considerations indicate otherwise.
- 2.2 The development plan in this instance comprises the Adopted South Lanarkshire Local Development Plan (2015) and its associated supplementary guidance. The site is identified is located within the Green Belt in the adopted South Lanarkshire Local Development Plan and is covered by Policy 3 - Green Belt and Rural Area. This policy states that the Green Belt and the rural area function primarily for agriculture, forestry, recreation and other uses appropriate to the countryside. Development which does not require to locate in the countryside will be expected to be accommodated within the settlements identified on the proposals map, other than in the following circumstances:
 - 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.

2.3 The policy goes on to say that in both the Green Belt and rural area isolated and sporadic development will not be supported. In addition to the above, Policy GBRA4: Small Scale Settlement Extensions of Supplementary Guidance 2: Green Belt and Rural Area is relevant to the assessment of the application. Proposals for new houses on sites adjoining existing settlements will be required to meet the following criteria:

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

2.4 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance Policies Policy 4 - Green Belt and Rural Area and Policy 17 - Travel and Transport are relevant.

- 2.5 As part of the planning application process, the Council's Roads Development Management Team were consulted on the application and recommended that a decision on the application be deferred. Whilst two car parking spaces are proposed per dwelling it should be noted that houses with four or more bedrooms require three car parking spaces. There is a lack of detail submitted with the application to provide the evidence/comfort that twelve houses, an access road and car parking spaces, complete with turning space so that vehicles could enter and leave Millburn Road in forward gear, garden space, landscaping areas and space for refuse collection could all be fitted in to this constrained site. Roads and Transportation Services consultation response in addition to the other consultation responses can be found within the Planning Local Review Body papers.

3 Observations of applicants 'Notice of review'

- 3.1 In the submitted 'Notice of Review' and supporting statement the applicant's agent provides detailed reasons why the appeal should be looked upon favourably. Those detailed reasons are summarized as follows:

- 1) Reason for Refusal 1 - the report of handling states that the proposal does not involve the redevelopment of derelict or redundant land but provides no justification or explanation of those considerations. The site, taking into account 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. The condition of the site detracts significantly from the amenity of the surrounding area. The vegetation which was previously on the site has been removed as a means of assistance to Scottish Water in relation to their proposals to run a new section of sewer pipe through the northern section of the site which will allow the development of allocated development sites within the settlement to come forward. 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. Through the detailed design of the proposed development it will be possible to secure significant improvements to the condition and appearance of the site to the direct benefit of the wider area.**

Council's Response: It is considered that the proposal does not involve the redevelopment of derelict or redundant land and buildings where significant environmental improvement can be shown. The application site comprises a section of former railway embankment which is raised significantly above the level of neighbouring houses and is not considered to detract significantly from the amenity of the surrounding area. The site, which previously consisted of extensive vegetation cover including a number of

mature trees, is a former railway line which is covered by Policy 16 - Travel and Transport of the adopted Plan and which highlights the need to preserve disused railway lines to provide future public access routes. In this connection the contribution of the site as a 'wildlife corridor' must be acknowledged and should not be undervalued. I would not agree with the description that the site is derelict and redundant. The site's condition is not considered to be such that residential development is necessary to improve its appearance for the direct benefit of the wider area. In relation to the removal of the vegetation on the site it should be noted that the Planning Service contacted Scottish Water in writing requesting confirmation that the clearance of the vegetation from the site is a necessary precursor to works which Scottish Water will be carrying out. However, no response was received from Scottish Water in this regard.

- 2) Reason for Refusal 2 - 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. 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 would in no way limit or constrain the ability of the Council to refuse planning permission in respect of any such applications.**

Council's response: Each application is assessed individually on its own merits. However, if approved, the proposal would represent a significant and unwarranted intrusion into the Green Belt at this location and would set an undesirable precedent which could encourage further similar applications for development prejudicial to the Green Belt designation that would be harder to resist in future.

- 3) Reason for Refusal 3 - the section of the former railway line which lies to the immediate north of the site has already been redeveloped for residential purposes and 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. 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. The redevelopment of the site would not have any further adverse impact upon the potential reuse of this former railway line for walking and cycling purposes. There is no practical prospect of this railway line ever providing a continuous connection northwards from Millburn Road and would not offend against the overall aims and objectives of the Policy.**

Council's response: Policy 16 - Travel and Transport of the adopted South Lanarkshire Local Development Plan (2015) and Policy 17 - Travel and Transport of the Proposed South Lanarkshire Local Development Plan 2 (2018) require that former railway lines are safeguarded for walking and cycling. Again in this connection, the contribution of the site as a 'wildlife corridor' must be acknowledged and should not be undervalued.

- 4) Reason for Refusal 4 – The proposal represents an opportunity to provide new structure planting along the length of the eastern boundary of the site to ensure an enhanced level of amenity and an opportunity to round off the boundary of the settlement. The scale of the development is considered to be proportionate to the size and character of the existing settlement.**

Council's response: It is considered that the approval of the application and subsequent development of the site for housing would represent a significant and unwarranted intrusion into the Green Belt at this location. The site is not considered to be suitable for rounding off settlement and would not represent a logical extension to Ashgill. Whilst the existing tree cover on the site was recently removed it is considered that the site still provides a clearly defined physical settlement boundary to Ashgill. As highlighted in the report of handling, the application is for planning permission in principle and not all of the criteria listed within Policy GBRA4 is relevant to the assessment of this type of application e.g. in relation to listed buildings and conservation areas and some of the criteria listed is more relevant to the assessment of a detailed planning application. However, in terms of the sites Green Belt designation it is considered that the proposal is contrary to the criteria listed as the proposal would involve the removal of an existing physically strong and defensible Green Belt boundary with limited scope for its replacement with substantial boundary landscaping within such a narrow site. In terms of the access, parking and road safety requirements Roads Development Management raised concerns regarding the lack of detail submitted with the application to provide the evidence/comfort that twelve houses, an access road and car parking spaces, complete with turning space so that vehicles could enter and leave Millburn Road in forward gear, garden space, landscaping areas and space for refuse collection could all be fitted in to this constrained site.

Notwithstanding the above, it should be noted that the applicant has submitted a representation to the South Lanarkshire Local Development Plan 2 objecting to the current settlement boundary of Ashgill and that he is seeking the inclusion of this Green Belt land

as an opportunity to round off the settlement boundary at this location. In this regard, the site was assessed by the Council at the call for sites stage and was not found to accord with strategy. As discussed above, the site comprises a section of former railway embankment which is raised significantly above the level of neighbouring houses and until recently the site had extensive vegetation cover, including a number of mature trees. It is considered that the site provides a clearly defined physical settlement boundary to Ashgill. The Call for Sites assessment noted that road access to the site would be difficult to achieve due to its limited frontage. The site was subject to strategic environmental assessment (SEA) which found that it would have significant environmental effects, particularly in relation to biodiversity, flooding and landscape. The site was also considered at the Examination of the South Lanarkshire Local Development Plan (2015) where the Reporter did not consider that it should be released from the Green Belt concluding that 'its location and configuration as a very narrow strip of land would not represent a logical extension to the settlement'. The Council considers that this conclusion is still applicable and valid as there has been no material change in planning considerations and that the site should remain in the Green Belt.

- 5) Reason for Refusal 5 - given the stage that the emerging Local Development Plan 2 has reached in terms of its preparation 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 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.**

Council's response: For the purposes of determining planning applications the proposed South Lanarkshire Local Development Plan 2 (LDP 2) is a material consideration. Having assessed the application, for the reasons discussed in detail above it is considered that the proposal is contrary to Policy 4 - Green Belt and Rural Area of the proposed plan as it would constitute new residential development in the Green Belt without appropriate justification.

- 6) Reason for Refusal 6 - as 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.**

Council's response: For the purposes of determining planning applications the proposed South Lanarkshire Local Development Plan 2 (LDP 2) is a material consideration. Having assessed the application, it is considered that the proposal is contrary to Policy 17 - Travel and Transport of the proposed plan which safeguards former railway lines for walking and cycling.

4 Conclusion

- 4.1 In summary, 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 (2018). Given the above, it is respectfully requested that the Planning Local Review Body dismiss the applicants request to overturn the refusal of planning permission.

From: jean smith
Sent: 16 August 2019 09:43
To: Planning LRB ; Nicola Smith; Derek Taylor
Subject: planning application review - P/19/0158

3h

Dear Pauline MacRae

Regarding application for Planning Permission in Principle Application Number P/19/0158 - (Mr Collins). I would like to add more considerations regarding Mr Collins Appeal against the SLC Planning Departments decision to refuse permission on the 1st May 2019. I would like you to consider my previous objections and add a few more for your consideration.

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.

My previous consideration to SLC Planning Department were....

1. I would first and foremost like to question the action of allowing permission in principle (outlying planning permission) on a decommissioned railway line? I have never seen properties being built on such an unstable site.

2. Nature.....The proposer is attempting to get approval for totally monetary gain at the expense and inconvenient and of all the people who live here already. He showed he cares not for the environment by totally devastating the area of flora and fauna which it has been since the railway stopped using it 70 or so years ago. Mr Collins did this without a by your leave to any adjoining neighbours and with no considerations for the local wildlife and trees. I have seen all kinds of wildlife and birds which depended on this area and now it is gone thanks to Mr Collins. There are also bats a protected species

3. Nature and Noise/ Disturbance....As the trees etc have been removed and sold off for wood burners and if the mound of earth is removed as well the smell from local Ashgill water Works at times during the drier weather is going to be awful. Which will prevent people enjoying their gardens and from even opening our windows as the smell goes into the houses.

From the destruction of all the trees on the 10th January 2019 and even before this date I have had to put up with chain saws going most dry days as Mr Collins is selling all the trees he cut down off to men who come in with their trucks and saw up the wood. He has turned the place into a business trying to get rid of all the trees he cut down.

4. The Water Board..... has been up for a look regarding putting in service and I had to point out we have since our home was build had use of an old clay drainage pipe at the back door of our property and if they flatten or break this our garden will become prone to flooding. My daughter converted a garage at the rear of our property and this and our garage will flood if this drainage pipe is blocked or broken. There is also a bad smell from treatment works especially in the warmer drier weather and this can only increase as it is already stretched in capacity. The water board say once they know how many dwelling are allowed they will investigate if the present water works can cope with more. Millburn Road drainage system is already struggling to cope with all the usage in the area because most days there is a distinct smell of raw sewage in the air coming from the drains running down the road.

5. Security and privacy..... of our home is also at risk. I have already had local youths running up and down this embankment whereas before the deforestation the trees and especially the Brambles kept them all off it but now we are open to abuse, stones being thrown at our cars and roofs and pets. They set fires, drink alcohol and hang around looking and watching everything we do and I am afraid to leave in case of people entering our property over the wall which is really not high enough now to keep and potential burglars out. Mr Collins has opened us up to a world of potential trouble we all could do well without.

6. Street lighting/ pavements and Road signs..... will have to be continued much further down Millburn Road along with road signs etc. The corner where the servicing road to the area is a blind corner which although should be 30 miles an hour cars travel far faster and do not slow until they get to the junction of Millburn road and Ashgillhead Road at the mini roundabout. The narrow country road is also unsuitable which is shown when there is a accident or event on the Garrion Bridge Road as our road then becomes very busy and choked with traffic trying to avoid incident. The pavement has been destroyed down Millburn Road at the proposed site by the parking of heavy machinery and trucks on the pavement and the pavement has sunk under all the heavy machines this developer parks up there.. It is now a muck hole that forces people to walk on the road at a dangerous blind corner. The road itself was redone beautifully in 2017 and is smooth but this too will change as it will I imagine have to be all dug up to allow services to be put in.

7. Removal of existing bridge wall and leveling of embankment The proposed removal of the sandstone railway bridge and bank of material covering the whole proposed site will be a massive disruption as it is a massive amount of material. With noise and road closures traffic disruption access problem for residents. And when accident etc happen at Ayr Road etc cars

will not be able to use Millburn Road as an 'alternative route' as they have always been able to do in the past.

8. ContaminationThe area will have to be tested for contamination due to it being a decommissioned railway line no one knows what is about to be dug up and could be a health hazard.
9. Subsidence----The reason we got to build here nearly 40 years ago was because of the demolition of previous house due to subsidence. there was talk of mine workings going under the area and there is a massive 'Bing' less than quarter of a mile away and a smaller 'Bing' within a few hundred feet of us. No one knows where these workings go and would recommend the proposer getting a report from the Coal Board and having the area tested by machinery to make sure there is no workings under the area. I would like planning also to consider if the use of heavy machinery trucks etc could cause damage to the foundations of our home if there is a danger of old mine workings here about.
10. Unknown We have not been told how many houses, type, height or size of houses Mr Collins wants to build so I cannot at this stage comment on these issues. In fact we have no idea as yet to the proposed plans.
11. Overlooking/ Privacy The overlooking of our property and loss of privacy in our garden is a major concern our home is on one level so if big two storey houses are build there will be major issues with this.
12. Visual Impact...also an unknown at the moment with possible reduction in sunlight and overshadowing and overbearing as site is right next to my home. I would suggest if permission is given the dwellings are limited to one storey to fit in with existing homes in the area.
13. Noise and Disturbance ...not only during removal of existing bridge wall and embankment material but after with increase noise from Sewage works and smell which at the moment the embankment helps prevent.
14. Listed building. The large sandstone wall I am not sure if this is listed due to age and interest in such building but this may also be a consideration.
15. Layout of new proposed buildings... we have no idea how many buildings as yet so cannot comment on this at the moment but would appreciate the ability to do so if this proposal is allowed.
16. Road Assess...proposed area sits on a blind corner with no proper access or made up road depending on the amount of houses there will have to be a proper developed road servicing these houses. Not just a monoblocked driveway which would break up and fall away causing a potential eyesore. So I ask if permission is given for a properly developed road be put in place with roadside drainage and the blind corner issue addressed.
17. Greenbelt...When we build our home here nearly 40 years ago the railway track was a green belt area is this not still the case? And that these types of area should be kept as pathways for nature with so many roads, railways lines, housing developments these old railway lines are a lifeline to wild animals who use them as corridors to link up with other green areas. these old railways should be kept open where possible for pathways for nature to allow wild animals a safe passage and join up with other areas where they can be safe and undisturbed.
18. Insufficient Parking...Due to Millburn Road only being a small narrow minor road if cars park here they park on the pavements already seen at the new Chip shop on the corner of Millburn Road and Ashgillhead Road. And to the detriment of local residence who cannot get space to turn into and out of their driveways because of pavement parking problem in area. If cars park

on the road it causes issues with traffic as there is not enough room to safely pass. More houses can only exaggerate this problem. The road would preferably have to be widened to allow so much more traffic.

19. Specialist Building requirements....Due to previous house being demolished in this area we had to install special foundations as a precaution in case there were more mine workings which could cause damage to my property. I worry that if the surrounding area is disturbed with digging It could cause subsidence in my property as a result of heavy work.

I would highly recommend all testing be carried out before any outlying planning permission is granted ie contamination, service installation, capacity of water works drainage sewers etc. position of site (blind corner), parking, mine workings, possible subsidence and all the other issues raised due to all the problems this could cause in the area.

This is only a few of our considerations and can foresee a few more hidden problems in the future if this 'development' is allowed on a railway embankment.

* I would also like to add I did report to SLC Planning when Mr Collins sent the heavy machinery in to demolish the vegetation, bushes and trees but was told they could do nothing as he is the land owner. I have been very upset by the mess Mr Collins has left the land right next to my home in it looks like a dump.

I will not live long enough to see it recover but given the chance it will recover and regenerate and provide continue to provide a much needed corridor for nature and a point of interest in the Ashgill area. This old railway has in the last 70 years or so since it was closed down been left to regenerate and was looking beautiful with native trees and bushes and wild flowers and plants. Mr Collins bulldozed the lot without a by- your- leave to anyone surely he should have needed some kind of permission to do this destruction?

I know you will be aware we are all running out of green spaces. I used to see Roe Deer, badgers. fox, squirrel, hedgehogs, pheasant, rabbit and all different species of birds using this as a corridor past Ashgill and we do not have many green spaces left here in Ashgill. Which was lovely to see. I have 6 bird boxes up around my garden and the birds are always in them but because of the scrapping of all the native trees etc. this year by Mr Collins none of the birds used my bird boxes this year. I also have a hedgehog box which is used every year but not sure if they will return now either which makes me very sad.

There could also be problems with the content of the embankment it could be contaminated because no one knows what was used in the building of it i.e. asbestos etc. and this type of material is safer left untouched in my opinion.

There is also the position of development which is on a sharp blind corner of a county road. The street lighting would have to be extended and there is no pavement on this narrow road and the roadside drainage is full of silt which would have to be cleaned to stop flooding and new pavements put in. And the road signs would have to be changed as well which I would imagine cost a lot of investment.

I also know the Ashgill Waterworks just a hundred or so yards away from this development can be very unpleasant at times and the trees and embankment protect all the home owners here from the bad smells and the plant is also noisy and the embankment deadens the noise.

So many good reasons not to allow Planning in Principle here. Hoping for a satisfactory outcome as none of these points above have changed and most of them cannot be changed.

Could you please acknowledge receipt of this email and send my confirmation you have received it. Thank you.

I have also attached some before and after photos of the area before and after Mr Collins sent in the bulldozers.

Look forward to hearing from you

YOURS FAITHFULLY
JEAN C SMITH













From: Nicola Smith
Sent: 20 August 2019 11:46
To: Planning LRB
Subject: Representation of application P/19/0158

3h

To whom it may concern,

I would like to add some additional information to my representation regarding application P/19/0158.

I am aware that the applicant (Mr D Collins) has appealed the decision to refuse planning permission for the above application.

The initial application was refused because of 6 very important reasons:

Reason 1 (Policy 3): Greenbelt and Rural Area. This proposal is not appropriate for the area and cannot be justified. It compromises the Greenbelt and Rural policy for our area.

Reason 2 (Greenbelt): If Mr Collins was granted permission to erect townhouses on this site, this would then "open the flood-gates" for many other developers (who own similar areas of land in the area), to "jump on the wagon" and start developing all across our countryside and outskirts. This would result in a vast destruction and devastation of our greenbelt and pathways for nature.

Reason 3 (Policy 16): The protection of former railways for walking, cycling and corridor for nature. This has been, and will always been an old former railway line. These areas are protected and safeguarded. Similar to Reason 2, if permission was granted, we would slowly lose these safely-guarded areas to developers.

Reason 4 (Policy GBRA4): Small Scale settlement Extensions of supplementary to Guidance 2 (Greenbelt and Rural Area) as it does not comply with the criteria listed.

Reason 5 (Policy 4): No appropriate justification to the development of new residential homes in the Green Belt and Rural Area.

Reason 6 (Policy 17): Travel and Transport. Former railway lines and protected.

Planning was refused due to the reasoning above, set out by SLC Planning service, and I trust policies haven't changed since May 1st 2019.

I want to be clear that NOTHING HAS CHANGED since the initial decision to refuse planning was made on May 1st 2019.

I believe that the 6 policies and reasoning above will be enough to ensure that planning will never be granted on this site and hope this will be the end of the matter.

This area will always be Green Belt and Rural.

It will always be a safeguarded Railway line for walking, cycling and a corridor for nature.

I hope these policies have substance and that SLC Planning Department/PLRB show integrity and responsibility to back their policies when they really matter.

Can you please send receipt of my email to ensure it has been received and considered.

I look forward to hearing from you.

Nicola Strachan

Appendix 7

3i

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

SUPPLEMENTARY 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



September 2019

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- 1.0 Introduction
- 2.0 Comments on Council Response on Review Submission
- 3.0 Comments on 3rd Party Representations

1.0 INTRODUCTION

- 1.1 This Statement has been prepared by Andrew Bennie Planning Limited on behalf of Mr. Douglas Collins in further 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 provides out response on the terms of the Council's response on the Review submission and also our response on the third party responses on the Review which have been received by the Council.
- 1.3 This Statement should be reads in conjunction with the matters set out within our substantive Review submission.

2.0 COMMENTS ON COUNCIL RESPONSE ON REVIEW SUBMISSION

- 2.1 For ease of reference, the comments set out below are referenced to the numbered paragraphs within the Council's statement to which they relate.

Paragraph 3.1

Reason for Refusal (1)

- 2.2 Whilst noting the Council's stance as regards the fact that in their view, the proposals which are subject to this Review would involve not involve the "*redevelopment of derelict or redundant land of buildings where significant environmental improvement can be shown*", it is clear that in the sense that the Site is no longer required for its original purpose, in this case a railway line, it is by definition "redundant".
- 2.3 Although it is accepted that there may well be a difference of opinion as regards the extent to which the proposed development would secure significant environmental improvements, it is again clear that the current condition and appearance of the Site detracts from the general amenity of the adjacent residential area, this being a point that has been highlighted by objectors to the application which forms the basis of this Review.
- 2.4 On this point, it is stressed that the recent removal of the vegetation on the Site was not undertaken as a precursor to the proposed development of the Site, rather, it was undertaken as a means of assisting Scottish Water in terms of their proposed sewer upgrade works.
- 2.5 It should also be noted that a number of the property owners who bound onto the Site have over the past few years requested various trees to be removed from the Site due to overhanging and safety issue and that these works have always been carried out by the landowner, at his own expense, and that the removal of the trees from the Site has provided a long term solution to the ongoing issues raised by neighbouring proprietors.
- 2.6 On the matter of the "wildlife corridor" value of the Site, it is submitted that the Site benefits from no form of statutory protection, and in this regard it simply has the same status and value as the wider area of countryside which bounds the Site to its east side, and that the applicant was fully within his rights to clear the vegetation from the Site without recourse to any form of prior approval from the Council.

- 2.7 This application requires to be assessed on its merits and in light of the prevailing condition of the Site and it is considered wholly unreasonable for the Council to infer that the proposed development is unacceptable based upon how the Site may have appeared in the past.
- 2.8 On this basis, it is and remains our position that the development of the Site as proposed under this application will secure a significant improvement to the appearance of the Site, all to the benefit of the amenity of the adjacent residential area.

Reason for Refusal (2)

- 2.9 Without prejudice to our substantive submission on the matter of the precedent that the Council has claimed would be established if planning permission were to be granted in respect of the proposed development, it is noted that the Council has previously granted planning permission for a number of residential developments which affect the route of the former railway line which forms the application site, with a number of these previous planning permissions relating to sections of the former railway line which lie to the immediate north of the Site.
- 2.10 Despite the issue of these previous planning permission, the Council has found no difficulty in seeking to refuse the application which forms the basis of this Review, this notwithstanding the clear and obvious precedent which has been established by these earlier planning permissions.
- 2.11 Given the matters set out above, it is considered wholly unreasonable on the part of the Council to cite issues of concern over establishing undesirable precedents, when their own actions clearly demonstrate their ability and willingness to refuse applications notwithstanding the precedent that has been established by earlier planning permissions granted by them.
- 2.12 It is also evident that the Council have also granted planning permission for other residential developments within the village of Ashgill which have had the effect of "rounding off" sections of the settlement boundary and the adjacent countryside.
- 2.13 Again by their actions in respect of the application which forms the basis of this Review, the Council have demonstrated that they are not bound by any notion of precedent established in relation to rounding off development within the village.

- 2.14 In summary, it is self evident that the granting of permission in respect of this application would not make it more difficult for the Council to resist future developments within the Green Belt.

Reason for Refusal (3)

- 2.15 Whilst noting the provisions Policy 17, the terms of which are both laudable and generally supported, it is and remains our position that the terms of this policy cannot be applied equally to all former railway lines and that in order for the policy to be applied fairly and properly, a degree of judgement and balance requires, of necessity, to be applied.
- 2.16 This judgement and balance requires' to address the issue as to whether there is any realistic or reasonable prospect of the railway line in question ever being developed for walking or cycling purposes. In the case of the Site which forms the basis of this Review, by the actions of the Council through the granting of planning permission, for residential development, of those sections of this former railway line which lie to the immediate north of the Site.
- 2.17 Consequently, even in the event of this Review being dismissed, it is physically impossible for this former railway line ever to be reopened for walking/cycling purposes and that in these circumstances it is both unreasonable and unjustifiable for Policy 17 to be cited as a reason for the refusal of the application which forms the basis of this Review.
- 2.18 Finally, on the issue of the extent to which the Site contributes as a "wild life corridor" it is submitted, with respect, that the Council has presented no evidence that the Site ever fulfilled such a function or that in this regard the Site ever exhibited a higher degree of biodiversity value than any land within the surrounding area.
- 2.19 If such statements are to be made by the Council, it is imperative that they are based upon verifiable evidence, which in this case, the Council either does not have or for whatever reason has chosen not to provide in support of their "position" on this matter.

Reason for Refusal (4)

- 2.20 First of all, given the limited size of the Site, it is considered to be unreasonable of the Council to state that the development of the Site would represent a significant intrusion into the Green Belt, this being on the basis that the Site is simply too small to be considered to be significant.

- 2.21 Secondly, on the "rounding off" issue, it is submitted that for a rounding off opportunity to exist, the boundary in question cannot follow a straight or direct route from one point to another, rather, some form of deviation on the routing of the boundary must be present.
- 2.22 In the case of the Site, the Green Belt Boundary to the north of the Site is delineated by the outer (eastern) edge of the former railway line, with this routing deviating to the inner (western) edge of the former railway line as it passes the Site.
- 2.23 It is important to note that the Council realigned the boundary of the Green Belt to the north of the Site from the western to eastern sides of the former railway line to reflect the consequences of planning permission granted by them for the residential development of sections of the former railway line.
- 2.24 These considerations point to the fact that the Site represents a logical opportunity to secure future residential development within the village of Ashgill.
- 2.25 In terms of the Council's comments as regards the ability of the Site to accommodate all of the stated elements of the proposed development, it is submitted that having had preliminary sketch proposals prepared on his behalf, the appellant is fully satisfied that the Site is of sufficient dimensions to accommodate all of said elements.

Reasons for Refusal (5) & (6)

- 2.26 Notwithstanding the Council's stated position on this matter, there is a considerable body of appeal case law which demonstrates that whilst the emerging LDP 2 may well be a material consideration, the weight that can be attached to it is, as we have stated, strictly limited, this being in light of the considerable uncertainties which surround the final terms and provisions of LDP 2, which will be determined in due course through the Examination of the emerging plan.

3.0 COMMENTS ON 3RD PARTY REPRESENTATIONS

3.1 Comment is only offered in respect of a small number of the points raised within the representation which has been submitted by Mrs Jean Smith.

3.2 With regards to the following numbered paragraphs within this representation, comment is offered as follows.

1: Land to the north of the Site, and on the same former railway line have already been developed for residential purposes, this being a fact that Mrs Smith, as a local residents, should be fully aware of.

2: At the express request of Mrs Smith, the appellant has over the years removed a number of trees from the Site and with regards to the recent tree removal, Mrs Smith was advised directly by the appellant that these works would be taking place.

3: None of the wood arising from the tree felling works were sold for monetary gain, rather, this wood was made available at no cost to any local residents who wanted it.

8: An appropriately worded planning condition can control any issues of concern relative to contamination associated with the previous use of the Site.

3.3 In addition to the above noted comments, it is also submitted that the former bridge parapet is not considered to represent any potential for bat roosts (due to the nature of the structure) and Mrs Smith has presented no evidence to support her comments on this matter.