

# Appendix 6

## Further Representations

### Further Representation From

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



## **STATEMENT OF OBSERVATIONS**

**Planning Application No: P/18/0245**

**Formation of House Plot**

**Land north-west of 16 St Patricks Road, Lanark**

### **1.0 Planning Background**

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

### **2.0 Assessment against the development plan and other relevant policies**

- 2.1 Section 25 of the Town and Country Planning (Scotland) Act 1997, as amended requires that an application for planning permission is determined in accordance with the Development Plan unless material considerations indicate otherwise. The development plan in this instance comprises the adopted South Lanarkshire Local Plan and an assessment of the development proposal against the relevant policies is detailed in the Officer Report, dated 26 October 2018.

### **3.0 Other Material Considerations**

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

### **4.0 Observations on applicants 'Notice of Review'**

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

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

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

## **5.0 Conclusions**

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

Dear Ms McRae,

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

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

1) Opinion Prior to Formal Planning Application:

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

2) Location of Proposed House:

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

3) House Type:

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

4) Proposal to Defer Detailed Plans:

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

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

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

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

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

Regards,  
**Chris Whitehead**

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

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

On the specific appeal points I have the following comments:

1) House location.

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

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

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

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

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

2) House type.

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

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

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

3) Determination at detailed planning application stage.

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

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

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

Jean Sanders

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

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

Yours Sincerely

Steven Laing  
Valerie Laing