Appendix 5

Notice of Review (including Statement of Reasons for Requiring the Review) submitted by applicant Mr Jim Ward

LANARKSHIRE				
Montrose House 154 Mor	ntrose Crescent Hamilton ML3 6LB Tel: 03	03 123 1015 Email: pl	anning@southlanarkshire.gov.uk	
Applications cannot be va	alidated until all the necessary documentation	on has been submitted	and the required fee has been paid.	
Thank you for completing	this application form:			
ONLINE REFERENCE	100150160-001			
	e unique reference for your online form onlease quote this reference if you need to cor		ority will allocate an Application Number when ority about this application.	
Applicant or A	Agent Details			
	n agent? * (An agent is an architect, consul in connection with this application)	tant or someone else a	Applicant 🗵 Agent	
Agent Details				
Please enter Agent details	S			
Company/Organisation:	929 DESIGN LTD			
Ref. Number:		You must enter a B	uilding Name or Number, or both: *	
First Name: *	Stuart	Building Name:		
Last Name: *	Veitch	Building Number:	22	
Telephone Number: *		Address 1 (Street): *	Greenlady Walk	
Extension Number:		Address 2:		
Mobile Number:		Town/City: *	Lanark	
Fax Number:		Country: *	South Lanarkshire	
		Postcode: *	ML11 7EP	
Email Address: *				
Is the applicant an individual or an organisation/corporate entity? *				
☑ Individual ☐ Organisation/Corporate entity				

Applicant Details				
Please enter Applicant details				
Title:	Mr	You must enter a Bu	uilding Name or Number, or both: *	
Other Title:		Building Name:		
First Name: *	Jim	Building Number:	4	
Last Name: *	Ward	Address 1 (Street): *	St Patrick's Court	
Company/Organisation		Address 2:		
Telephone Number: *		Town/City: *	Lanark	
Extension Number:		Country: *	South Lanarkshire	
Mobile Number:		Postcode: *	ML11 9ES	
Fax Number:				
Email Address: *				
Site Address	s Details			
Planning Authority:	South Lanarkshire Council			
Full postal address of th	ne site (including postcode where available)):		
Address 1:				
Address 2:				
Address 3:				
Address 4:				
Address 5:				
Town/City/Settlement:				
Post Code:	ML11 9EH			
Please identify/describe the location of the site or sites				
Northing	643688	Easting	287475	

Description of Proposal				
Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: * (Max 500 characters)				
refusal of planning permission in principle for a new house plot 55M Nnw of 16 St Patrick's Road, St Patrick's Road, Lanark, South Lanarkshire.				
Type of Application				
What type of application did you submit to the planning authority? *				
Application for planning permission (including householder application but excluding application to work minerals).				
Application for planning permission in principle.				
Further application.				
Application for approval of matters specified in conditions.				
What does your review relate to? *				
⊠ Refusal Notice.				
Grant of permission with Conditions imposed.				
No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.				
Statement of reasons for seeking review				
You must state in full, why you are a seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)				
Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.				
You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.				
review of the refusal based upon the site not being considered as a gap site and the location of the possible positioning of any single house on the site. Refer to 'supporting documents' for full statement.				
Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *				
If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)				

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)			
review document and appendix 1 to 8.			
Application Details			
Please provide details of the application and decision.			_
What is the application reference number? *	P/18/0245		
What date was the application submitted to the planning authority? *	13/03/2018		
What date was the decision issued by the planning authority? *	29/10/2018		
Review Procedure			
The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.			
Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. * Yes No			
Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.			
Please select a further procedure *			
By means of inspection of the land to which the review relates			
Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)			
an inspection of the site would allow the review panel to full appreciate the street scape, surrounding properties and the reasons for positioning the proposed house further back in the site away from the build line (existing historic spring and existing Scottish water infrastructure).			
In the event that the Local Review Body appointed to consider your application decides to in	spect the site, in your op	inion:	
Can the site be clearly seen from a road or public land? *			
Is it possible for the site to be accessed safely and without barriers to entry? *			

Checklist – Application for Notice of Review				
Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.				
Have you provided the name	and address of the applicant?. *	X Yes No		
Have you provided the date a review? *	nd reference number of the application which is the subject of this	X Yes □ No		
, , , , ,	behalf of the applicant, have you provided details of your name nether any notice or correspondence required in connection with the or the applicant? *	Yes □ No □ N/A		
, ,	nt setting out your reasons for requiring a review and by what procedures) you wish the review to be conducted? *	X Yes □ No		
Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.				
	cuments, material and evidence which you intend to rely on ich are now the subject of this review *	X Yes □ No		
Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.				
Declare - Notice of Review				
I/We the applicant/agent certify that this is an application for review on the grounds stated.				
Declaration Name:	Mr Stuart Veitch			
Declaration Date:	Declaration Date: 14/01/2019			

NOTICE OF REVIEW

FORMATION OF HOUSE PLOT (PLANNING PERMISSION IN PRINCIPLE) P/18/0245

Planning proposal: Formation of house plot (planning permission in principle) – ref: P/18/0245

Application Type : Permission in principle

Applicant: Mr Jim Ward

Location : Land 55M Nnw Of 16 St Patricks Road

St Patricks Road

Lanark

South Lanarkshire

Decision: Application refused

APPENDIX:

Appendix 1 – e-mail from planner Lynda Dickson.

Appendix 2 – e-mail from planner Lynda Dickson.

Appendix 3 – Design Statement.

Appendix 4 - The Supplementary Guidance 2: Green Belt and Rural Area, Chapter 3, Green Belt and approved contemporary house design of the plot between Limewood and Rubislaw.

Appendix 5 - Supplementary Guidance 2: Green Belt and Rural Area, Chapter 5, Rural Housing Development, Development of gap sites, Policy GBRA5 Development of gaps sites.

Appendix 6 – Scottish Water Infrastructure Plan.

Appendix 7 – Street Scape drawing.

Appendix 8 – Submitted Planning drawings.

Introduction:

This application for a 'Notice of Review' has been submitted in respect to the Refusal of Planning Permission in Principle issued by South Lanarkshire Council on the 29th October 2018, for a single house plot at the above location.

The applicant now seeks a review of the determination of the refusal by the Planning Local Review Body (RLRB).

Background History:

The applicant initially made contact to SLC planning department back in September 2014 through his then agent Planterra to request comments on the possibility of development on the land either side 'Limewood', 16 St. Patricks Road, Lanark to form a single house plot on each.

Response to this enquiry was provided via e-mail from the Planning Team Leader – Lynda Dickson intimating that 'the principle of developing these <u>gap sites</u> may be acceptable but only if suitable access arrangements can be achieved' - (see appendix 1).

Based upon on the above comments provide form SLC Planning department the applicant appointed 929 DESIGN LTD to act as his agent to progress a planning application submission for one of the gap sites between 'Limewood', 16 St Patrick's Road and

'Rubislaw', 14 St Partrick's Road, Lanark to which SLC Planning granted in October 2015 Planning in Principle for a single house plot incorporating alterations to existing access driveway and ground re-grading works - ref: CL/15/0159.

A further planning application was submitted in respect to formation of the driveway access associated with the above consent to which SLC Planning also granted consent in March 2017 'Grant Conditional Planning Permission' for the formation of new access, erection of retaining structures and associated ground regrading - ref: CL/16/0359.

On the basis of the granting of the planning consents for the first gap site the applicant then instructed 929 DESIGN LTD to proceed with consultations in respect to the second gap site between 'Limewood', 16 St Patrick's Road and 'Clydesholm Braes', 18 St Partrick's Road, Lanark.

Initial pre-planning consultation was sought from SLC Planning as to the suitability of this gap site to which the Planning Team Leader — Lynda Dickson provide the following comments 'In terms of St Patrick's Road, I would agree that as a gap site the principle of a dwelling would be acceptable but so long as the existing building line was respected. The suggested siting further up the slope would not be considered favourably given the relationship with existing properties on St Patrick's road coupled with the landscape impact of tree loss and prominence of longer views from the south. The siting of any house on the site would obviously have to take cognisance of the well. Access arrangements would also have to meet the requirements of SLC Roads and Transportation and given the topography of this site and the standard of the access road, arrangements for construction etc would also need to be submitted and approved, as per the Limewood plot.'- (see appendix 2).

The received comment was a more expanded response to that issued by Lynda Dickson back in 2014 where only the comments in respect to access arrangements that were to be considered.

On the basis of the above response the applicant instructed 929 DESIGN LTD to proceed with a formal submission for Planning in Principle for a new single house on this gap site – application submission date March 2018.

Application Timescale: The following timeline has been listed to illustrate the lengthy timescale taken by SLC Planning to make the formal decision on this application.

- · online planning application submitted on the 12th March 2018.
- · invalid application letter received on the 4th April 2018.
- · additional information submitted to planning on the 8th May 2018.
- · letter confirming registration of application received on the 14th May 2018.
- · letter requesting advertisement letter received 14th May 2018.
- · advertisement cheque posted 23 submitted 21st May 2018.
- · letter requesting an extension to time until the 23rd July 2018 to determine the application received 2nd July 2018.
- \cdot e-mail confirmation of applicants agreement to the extension of time sent 4th July 2018.
- e-mail to planner on the 22nd August 2018 requesting update on the status of the application as the extension of time had lapsed and it had been 1 month since the date of 23rd July 2018.
- · reply e-mail from the planner on the 23rd August 2018, giving apologies for the delay and now requesting further additional information.
- · reply to planners e-mail of the 23rd August 2018 on the 23rd August 2018 confirming various points, additional drawings with confirmation that the applicant wishes to proceed with the application.
- · e-mail from the planner on the 28th August 2018 requesting amended drawing indicating visibility splays.
- further e-mail from the planner on the 28th August 2018, intimating that any questions in respect to the observations made by Roads and Transport should be directed to Craig Lattimer.
- amended drawings in respect to visibility space requirement requested by Roads and Transportation sent via e-mail to Craig Lattimer on the 29th August 2018 who confirmed on the 11th September 2018 that he had sent his further comment to the planner.
- e-mail to the planner on the 11th September 2018 requesting an update on the progress of the application no response.
- e-mail to the planner on the 19th September 2018 requesting an update on the progress of the application no response.
- e-mail to the planner on the 25th September 2018 recording that there has been no response to the previous e-mails of the 11th and 19th September 2018.
- e-mail from the planner on the 25th September 2018 intimating that I must have not received the out of office messages and that the planner has been on holiday from the 30th August 2018 until the 25th September 2018.
- e-mail to the planner on the 10th October 2018 requesting an update on the progress of the application.
- e-mail from the planner on the 11th October 2018 intimating that works will recommence on this application today with requests that Roads and Transportation update their formal consultation in respect to the visibility splay.
- · e-mail from the planner on the 29th October 2018 giving formal notification of the refusal of the application.

All e-mail correspondence in respect to the full contents of the e-mails listed above can be submitted if so requested by the Planning Local Review Body.

The timeline above has been provided to give a clear outline of the timescale involved in respect to this application which has taken from date of submission to refusal decision, some 30 weeks or 22 weeks from date of registration. As outlined below this type of application should have been given a decision after a 2 month period (8 weeks) however even with the agreed 2 week extension to the time period until the 23rd July 2018, the application still took approximately two and a half times longer than the statutory guidelines set out in the 'Scottish Planning Series Circular 4 2009: Development Management Procedures'

Scottish Planning Series Circular 4 2009: Development Management

TIME PERIODS FOR DETERMINATION

(Regulation 14 and 26)

4.81 The planning authority has 4 months to determine applications for planning permission for national developments or major developments and 2 months to determine applications for planning permission for local developments. Applications for approval of matters specified in conditions attached to planning permission in principle are subject to a 2 month time period. These time periods run from the date the last piece of information required by the regulations on content of applications is received, i.e. the validation date.

Appeal:

The applicant is aggrieved by the decision of the planning authority to refuse permission for the erection of a single dwelling house on the afore mentioned gap site and in that respect we requested that the following observations on the reasons for refusal be reviewed by the Planning Local Review Body.

Reason 01 of the planning refusal notice:

'The proposed development on the site would be contrary to Policy 3: Green Belt and Rural Area of the South Lanarkshire Local Development Plan and the associated Green Belt and Rural Area Supplementary Guidance, as it would be an unacceptable development in the countryside in that it does not involve an identifiable infill or gap site, and would not involve the consolidation of an existing building group.'

The following extracts taken from the South Lanarkshire Council Local Development Plan 2, Supplementary Guidance 2 are those we consider to be appropriate to the application and which can be met by the development of a single house on the gap site;

The Supplementary Guidance 2: Green Belt and Rural Area, Chapter 3, Green Belt, item 3.5 states that 'new housing development in the Green Belt will be supported in the following circumstances, subject to appropriate criteria being met: '.
 One of the circumstances is 'limited development within clearly identifiable gap sites.'

As intimated within the Background History, pre-planning correspondence with the planning department resulted in confirmation that the application site was considered to be a gap site and therefore all measures were taken to meet all criteria associated with gap sites prior to the submission of a formal application. The other gap site as identified in 'appendix 1' between Limewood and Rubislaw was also subject to a formal planning application which was granted planning consent for a single house plot and new access of St Patrick's Road. A further planning application was made by others for a large modern and contemporary split level house on this site which was also granted full consent.

 Chapter 3, Rural Area, item 3.7 states that 'small scale housing development in the right places and of a high environmental and design quality mat also be supported. In addition to the circumstances outlined in paragraph 3.5, in the rural area this can also included:'.

There are three criteria listed in this section to which we consider appropriate to this development;

- The limited expansion of an existing settlement where the proposal would be proportionate to the existing scale and built form of the settlement.
- · Extension to existing clusters and groups.
- · Proposals for individually designed, contemporary or innovative houses.

As the application was for Planning in Principle the positioning / location of the proposed new house on the site was only indicative in position / scale and that the house design, position / scale etc would be subject of a fully detailed planning application. The full design of the new house would also be subject to full discussions with the planning department however it would appear that the planners have not recognised this and have made their decision on the indicative position / scale on the application drawings.

We would also consider that the infill of this gap site is in keeping with the existing development of single detached houses along St Patrick's Road and the recently approved new house plot between Limewood and Rubislaw and will be contained within this existing cluster / group of houses.

As the application was for Planning in Principle there were no detailed house designs drawings submitted with the application as this would be provided within a full planning application. The submitted Design Statement (see appendix 3) outlined that:

'the dwelling would be of a contemporary design and would be constructed using the highest levels of craftmanship in conjunction with modern efficient and sustainable materials to blend in with the surrounding area. The house design would also be designed with an efficient heating system coupled with mechanical and heat recovery systems to aid in the delivery of modern home whilst having a minimal environmental impact.'

The proposed design of the house would be to meet the criteria of 'Proposals for individually designed, contemporary or innovative houses.' As outlined in Chapter 3, Rural Area, item 3.7. The design of a contemporary house on this gap site would not be out of character with the area or would adversely impact the rural character of the area. This can be justified by the approval of the contemporary house design on the gap site between Limewood and Rubislaw (see appendix 4) for visual images of approved house design.

Reason 02 of the planning refusal notice:

'The proposal is contrary to Policy GBRA5 of the South Lanarkshire Local Development Plan in that the application site does not constitute a gap site that would be in keeping with the siting, frontage and curtilage of dwelling houses in the immediate vicinity. In addition the site's topography and other characteristics would result in a development which would adversely impact on the rural character of the area.'

The Supplementary Guidance 2: Green Belt and Rural Area, Chapter 5, Rural Housing Development, Development of gap sites, Policy GBRA5 Development of gaps sites outlines a number of criteria to which we consider applicable to this application and these can be read with the extract of The Supplementary Guidance 2: Green Belt and Rural Area, Chapter 5 (see appendix 5).

In respect to the statement that the application site does not constitute a gap site, we would refer you back to the previous justification of a gap site provided within the above context of Reason 1 and within appendix 1.

As to the siting, frontage and curtilage of the dwelling house we would state that positioning of the proposed house, back form the existing frontage / build line of the existing properties is as a result of St Partrick's Spring which is a natural and local feature and the applicant wished to maintain this local feature. The house positioning to the rear of the site is also a result of the Scottish Water infrastructure that runs through the site and therefore the indicative position of the house was so positioned to avoid the infrastructure. Both St Partrick's Spring and the Scottish Water infrastructure were instrumental to the positioning of the house and restricted the house from being positioned to the existing frontage / building line of the existing properties – (see appendix 6).

The planners also intimated that the topography and other characteristics would result in a development would adversely impact on the rural area. The topography of the site is of a sloping site to which the neighbouring houses are built into and the proposed house would also require to be designed accordingly, however as no full design drawings form are part of the application i.e. Planning in Principle, therefore the full impact on the rural character of the area can not be fully justified by the planners until full design drawings have been submitted. The submitted Design Statement intimated that the house design would be of a contemporary split level design and that the submitted design drawings were only indicative, indicating that the proposed house would be built into the sloping thus minimising the visual impact.

The indicative location of the proposed house would also meet with the criteria of GBRA5 in respect that it would not compromise the landscape character. The position of the house would be within a natural bowl (land form) and would not affect the natural tree belt to the rear of the site. There are a few small seeded trees to the front of the site between the proposed house and St Patrick's road which have been considered and would be retained were appropriate. As the application was for Planning in Principle there was no landscape plan submitted or requested to allow any adverse impact to be determined and any detailed landscaping proposal would be subject to a full planning application. As an indication of intent only at this time it would be intention to fully landscape the frontage of the site with all necessary tree planting etc which would assist with avoiding any adverse impact on the rural character of the area and allow the new house to blend into the natural environment.

Reason 03 of the planning refusal notice:

'The proposal is contrary to Policies 4 and NHE16 of the South Lanarkshire Local Development Plan in that the proposal, if approved, would adversely impact on the landscape character of the area.'

The application site falls within the Rural Area and the New Lanark World Heritage Site Buffer as indicated on the South Lanarkshire Local Development Plan – Settlement Map.

The refusal notice also makes reference to NHE16 of the South Lanarkshire Local Development Plan in that the proposal would adversely impact on the landscape character of the area. As intimated in the last paragraph of Reason 02 all existing landscape features would be retained i.e. the tree belt to the rear of the site with additional new landscaping to the front of the development site which would maintain and enhance the landscape character of the area.

The Supplementary Guidance 2: Natural and Historic Environment, Chapter 4, Natural Environment, Policy NHE16 Landscape, Special Landscape Areas, states that 'development proposals within the Special Landscape Areas (SLA) identified on the Strategy Map will only be permitted if they satisfy the requirements of LDP Policy 3 Green Belt and Rural Area and can be accommodated without significantly and adversely affecting the landscape character, scenic qualities and features for the area has been designated.'

Chapter 4 also continues to indicate that under 'Landscape Protection and Enhancement', within the SLA's and the wider landscape of South Lanarkshire, development proposals should maintain and enhance landscape character including the following criteria;

- the pattern, scale and design of development within the landscape.
- the setting of settlements and buildings within the landscape.
- the pattern of wood land, fields, trees, hedgerows, waterbodies and other features, particularly where they define / create a positive settlement / urban edge.
- · the historical qualities of the area and its sensitivity to change.
- · skyline and hill features, including key views.

As noted previously the development would not adversely impact the natural landscape of the area with existing tree belts to the rear of the site being maintained with enhanced landscaping proposals to the front of the site.

The access to the site will require the upgrading of an existing vehicle field entrance gate and the modification of the existing hedgerow / low level stone walls either side to form a new vehicle access to meet the requirements of Roads and Transportation, these modifications would be carried out to comply with the above criteria.

The application also takes into consideration the historical qualities of the area in respect to the St Patrick's natural spring with proposals to protect and main this natural feature with open access to the public.

In terms of skyline, it is noted that the proposed house position will be higher on the site than the adjoining properties, however to roof ridge line has so been designed to be no higher than that of the neighbouring properties i.e. the new house proposed on the site between Limewood and Rubislaw and this has been indicated on the streetscape drawing submitted with the planning application – (see appendix 7).

As noted in the planners Delegated Report point 3.6 states the following:

'Views into the application site are primarily from the Kirkfieldbank area to the west and north-west, while bends in the valley of the Clyde and distance mean that there would be no effect on the New Lanark World Heritage Site's outstanding universal value. The formation of a plot would therefore be acceptable in the context of Policy 15 - Natural and Historic Environment.'

We consider that the streetscape view from St Patricks Road would not adversely affect the visual aspect of the area with a new house being positioned in the location indicted on the application drawings. We would also intimate that at a full planning submission, computer visual would be submitted to highlight the visual impact on the street view with the surrounding properties and associated landscaping.

Reason(s) for decision:

'The proposed house plot would not be comparable with those nearby in terms of size and road frontage, and it would be unable to be developed with a dwelling position which reflected 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.'

The reason for the decision intimates that the size of house plot would not be comparable with those nearby in terms of size and road frontage, however the road frontage is that of the existing boundaries between that of Limewood, 16 St Partick's Road and Clydesholm Braes, 18 St Partrick's Road. In terms of the size of the plot, this extends slightly further back in the site to allow the positioning of the proposed house all to maintain the St Patrick's natural spring and to avoid the Scottish Water infrastructure that runs through the front of the site. We believe that should a house plot be approved for this site we could full demonstrate that any design would be able to meet with the criteria set out in Policy 3 and GBRA5 of the adopted South Lanarkshire Local Development Plan and its associated supplementary guidance, however this could only be done during the submission of a full planning application.

As noted previously we would also disagree with the considered opinion that the proposals would not be able to comply with Policies 4 and NHE16 in that it would adversely affect the landscape character and rural nature of the area. Again this could only be demonstrated during a full planning application or could have been justified if this had been requested by the planner during the planning determination period.

We would also note that we do not consider the justification that the proposed house would not be in keeping with the dwelling houses in the immediate vicinity. Our justification for this is that no house design was submitted with this application as the application was for Planning Consent in principle only and the full design of the house would be part of a full Planning application, therefore we cannot see why the planners would deem the design to be a consideration at this time.

In terms of any house design on the site being appropriately designed to match the adjoining properties, we would draw your attention to the recently approved planning consent for the single modern contemporary house on the earlier mentioned gap site between Limewood and Rubislaw. As this house design is modern contemporary then again we would consider that any house design on this site could be of a similar design as the president has been set for the site between Limewood and Rubislaw – (see appendix 4).

In terms of the not constituting a gap site, we would again disagree with the planners as the application was submitted on the back of pre-planning consultations where the planners confirmed via e-mail that this section of lands could be deemed as a gap site as it fell between two existing properties.

The planners have also stated that in their view any new house on this site would adversely affect the landscape character and rural nature of the area. We would disagree with this statement as any new house on the site would be sympathetically designed to blend in with the character and topography of the site, however until a full application and design has been submitted for the house, we cannot understand how the planners can justify this statement as being part of their refusal. As intimated above the house given approval between Limewood and Rusilaw is of a modern contemporary design as was deemed to meet with the requirements of Policy 4 and NHE16 of the South Lanarkshire Local Development Plan and associated supplementary guidance. As this gap site is no further than 500 yards from the approved gap site between Limewood and Rubislaw we cannot understand why the planners would have a negative view in terms of policy 4 and NHE16 in respect to this application site.

The following are extracts for the planners report for the approved gap site between Limewood and Rubislaw – reference CL/17/0044.

- 6.2 The adopted South Lanarkshire Local Development Plan identifies the application site as lying in the rural area, close to the Lanark settlement boundary where Policy 3 Green Belt and Rural Area applies. This policy directs that the focus for new developments should be within settlements or at the settlement edge. It also states that scope may exist to allow housing on gap sites and on sites which consolidate existing building groups. With respect to this policy, it is considered that the site meets the definition of a gap site in that it is bounded on both sides (east and west) by properties and is fronted by a road. On this basis the principle of development has previously been established under the earlier consent (CL/15/0159) for the formation of a house plot.
- 6.3 Both Policy 4 Development Management and Placemaking and the associated supplementary guidance require the design details of development proposals to be considered to ensure that there are no significant adverse impacts on the local streetscape, landscape character or adjacent buildings. Though mature trees along the existing driveway will be removed the proposal will not dilute the rural character of the area which arises partly due to the narrowness and undulations

of St Patricks Road and the mature landscape in the vicinity of the site. Given the distance that existing properties and the proposed dwelling are set back from the road it is considered that the proposed house reflects the scale, orientation and building-to-garden ratio of the immediately adjacent properties. As a result the proposal would not affect the streetscape or character of the area. The design of the house is single storey but by utilizing the variations in ground levels a double garage is incorporated beneath the living accommodation. Utilising mono-pitched roofs are a more contemporary approach to the building's rectangular form and reduce the visual volume of the house when viewed within its landscape context. In addition the proposals will not adversely affect residential amenity in terms of overshadowing or loss of privacy. In terms of impact on traffic and pedestrian safety, the application includes the formation of a new access entrance with visibility splays which meet the Roads and Transportation Service's requirements. The layout also demonstrates that the requisite parking spaces are fully contained within the application site thereby not blocking the road. The proposal therefore raises no concerns in this regard.

6.4 Policy 15: Natural and Historic Environment is also relevant given the site's location within the New Lanark World Heritage Site buffer zone, as well as being within a Special Landscape Area and being just beyond The Falls of Clyde Historic Garden and Designed Landscape. St Patrick's Road also forms part of the Clyde walkway. The policy states that development should protect, preserve and enhance the character, integrity and quality of the world heritage site and overall quality of the designated landscape area. Development will only be permitted where the integrity of these protected resources would not be significantly undermined. Views of the site are seen in the context to the surrounding landscape and topography, and the site is mostly screened due to the mature trees that exist in the surrounding plots and the wider area. The site is not visible from within the New Lanark World Heritage Site itself. Given this, it is considered that the proposed development of the site would not impact on the merits or value of the World Heritage Site and Special Landscape Area.

Conclusion:

- 1. We feel that the original application relates to gap site as intimated within the e-mails from the Area Planning Manager Lynda Dickson (see appendix 1 and 2) and that the proposed house meets with all the necessary planning guidelines and policies and that that this site constitutes a gap site bounded on two sides by adjoining properties.
- 2. As intimated within the first e-mail form Area Planning Manager Lynda Dickson (see appendix 1) it was stated that the access to the gap site would require to be overcome complying with the SLC Roads and Transportation guidelines. Full direct discussions were held with SLC Roads and Transportation and access into the gap site was designed and agreed with SLC Roads and Transportation.
- 3. The positioning of the proposed house further up the site away for the building line of the existing houses was so considered to retain and protect St Patrick spring which lies to the front of the site and is a local feature to the area. The positioning of the house also was so considered to avoid the Scottish Water infrastructure that runs through the site.

4. Although no full house design was submitted the planners intimated that the design of the house would not match the style of the adjoining properties. We can not understand why this would be a reason for refusal as no house design was submitted, application for Outline Planning only. Any house design for the site would be designed to provide an un intrusive visual appearance to the street scape using natural materials to minimise the impact on its surroundings. It should also noted that full planning consent was approved for a modern contemporary house on the gap site on the other side of 16 St Patrick's Road between Limewood and Rubislaw and therefore we can not see why the planners would intimate that the proposed house should match the design of the adjoining properties.

Based up the above we would be pleased if the Planning Local Review Body (RLRB) could take into the considerations the points raised above as a justification for overturning the planning refusal for a proposed dwelling house on this site.

Signed: Stuart Veitch – 929 DESIGN LTD on behalf of Mr J. Ward (applicant).

From: Jim Ward

Sent: 10 December 2018 17:57

Stuart Veitch To:

Subject: Fwd: Pre App Enquiry

Stuart

Please see below email re Plots at Limewood, from Lynda Dickson

I think you got something similar

Regards

Jim

Begin forwarded message:

From: William Reilly

Subject: FW: RE: Pre App Enquiry Date: 24 September 2014 at 18:40:22 BST

To: Jim Ward

Jim

Looks fairly optimistic - would need to look at access arrangements in more detail

W Reilly Planterra

Sent from my Sony Xperia Z Ultra on O2

---- Original Message ----Subject: RE: Pre App Enquiry Sent: 24 Sep 2014 18:31

From: "Dickson, Lynda" < Lynda.Dickson@southlanarkshire.gcsx.gov.uk >

To:

Cc:

William – the principle of developing these gap sites may be acceptable but only if suitable access arrangements can be achieved. You will be aware that application no CL/14/246 was recently withdrawn due to difficulties in providing the requisite information to demonstrate satisfactory access provision. I would suggest that this aspect is fully explored before taking the proposal forward.

Planning Team Leader
South Lanarkshire Council
South Vennel, Lanark
Tel 01555 673185
Email: lynda.dickson@southlanarkshire.gov.uk
Natural and the second of the
From: Sent: 17 September 2014 15:44 To: Dickson, Lynda Subject: Pre App Enquiry
Limewood
16 St Patricks Road
Lanark
Lynda
Please find attached sketch plan in connection with the above
Basically we are looking at the prospect of 2 new houses, one either side of the existing house called Limweood
We would view this proposal as infilling gap sites and consolidating the grouping in the area but would appreciate your views prior to taking there project further

Lynda Dickson

Regards

William

William Reilly Director

PLANterra

Chartered Building Consultants & Designers

Office 1 16 St Ninians Lanark ML11 7HX



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stuart@929design.co.uk

From: Dickson, Lynda < Lynda.Dickson@southlanarkshire.gcsx.gov.uk >

Sent: 31 October 2017 12:04

To:

Subject: FW: PRE PLANNING DISCUSSIONS **Attachments:** Lockhart Mill, Lanark (46.6 KB)

Stuart

Tony has passed me your enquiry and I would respond as follows.

In terms of the site known as 'The Points', the policy position as advised previously (see attached email) has not altered and we would be unable to support the development of this site for residential purposes.

In terms of St Patrick's Road, I would agree that as a gap site the principle of a dwelling would be acceptable but so long as the existing building line was respected. The suggested siting further up the slope would not be considered favourably given the relationship with existing properties on St Patrick's road coupled with the landscape impact of tree loss and prominence of longer views from the south. The siting of any house on the site would obviously have to take cognisance of the well. Access arrangements would also have to meet the requirements of SLC Roads and Transportation and given the topography of this site and the standard of the access road, arrangements for construction etc would also need to be submitted and approved, as per the Limewood plot.

These comments are offered on an informal basis, the only means of ascertaining the council's formal view being via the submission of an application.

Regards

Lynda Dickson BA (Hons) MRTPI Lanark Area Planning Team Leader South Lanarkshire Council Montrose House, Hamilton

Tel 01698 455108

Email: <u>lynda.dickson@southlanarkshire.gov.uk</u>



From: Stuart

Sent: 16 October 2017 20:57

To: Finn, Tony

Subject: PRE PLANNING DISCUSSIONS

I have a couple of clients who are looking at potential new build detached house on each selected site, however these sites have their own particular issues.

I was wondering if it would be possible to arrange a meeting with you to discuss these to ascertain your thoughts prior to advising my clients further.

The sites in question are ones we have spoken about previously, namely 'the points' for Mr Bill Lewis of Lockhart Mill and the gap site to the left hand side of Limewood, St Patrick's Road. Alternatively if your schedule is full then a possible phone call to discuss.

Regards

Stuart Veitch - MCIAT, Director



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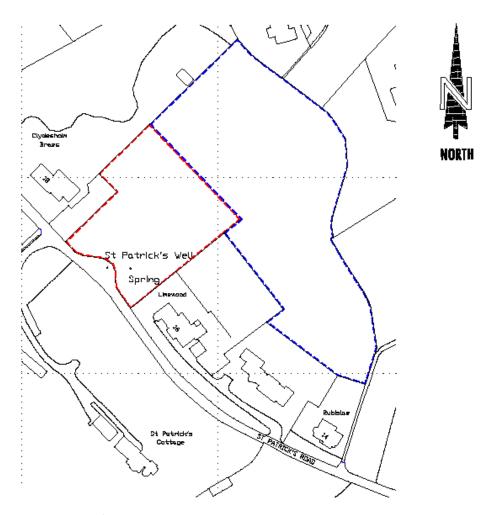
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DESIGN STATEMENT

HOUSE PLOT

GAP SITE BETWEEN LIMEWOOD 16 ST PATRICK'S ROAD AND

CLYDESHOLM BRAE – 18 ST PATRICK'S ROAD, LANARK.



Location Plan

1.0 INTRODUCTION

The application is for Planning in Principle to erect a split level single house together with a detached garage.

The dwelling would be of a contemporary design and would be constructed using the highest levels of craftmanship in conjunction with modern efficient and sustainable materials to blend in with the surrounding area.

The house design would also be designed with an efficient heating system coupled with mechanical and heat recovery systems to aid in the delivery of modern home whilst having a minimal environmental impact.

1.1 SITE

The site, measuring approximately 3960 sq.m. or thereabout is located in a residential area of Lanark and accessed off St Patrick's Road.

The site slopes 15m down to St Patrick's Road and is bound either side by Limewood – 16 St Patrick's Road and Clydesholm Brae – 18 St Patrick's Road with a field to the rear which is in the ownership of the applicant.

1.2 ACCESS

There is an existing vehicle access gate to the site off St Patrick's Road which has been utilised to maintain the field in the past and present. It is the intention to upgrade this access to form a new residential driveway providing access off St Patrick's Road to a new detached garage servicing the new house.

1.3 LAND OWNERSHIP

The application site is currently in the ownership of the applicant including the land to the rear of the site that is outlined in blue on the application drawings.

1.4 SITE PHOTOGRAPHS



Aerial View of site location.



View of neighbouring property – Limewood, 16 St Patrick's Road, Lanark.



View of neighbouring property – Clydesholm Brae, 18 St Patrick's Road, Lanark.

2.0 SITE LAYOUT AND ACCESS

The proposed layout of the development site would be to have a detached garage accessed off St Patrick's Road which in turn would provide pedestrian access to a split level detached house located future up the slope of the site.

The indicative dwelling house would be constructed into the hillside to minimise the visual impact of the house on the surrounding area while maintaining a high level of the existing mature trees and shrubs.

The positioning of the proposed house would be so located to allow the existing local landmark – St Patrick's Spring / Well to be retained and to avoid the existing main Scottish Water foul and surface drainage lines that run through the site.

2.1 PLANNING POLICIES & GUIDANCE

Our proposals have taken into account the Development Plan for the area, which comprises the South Lanarkshire Local Development Plan and Supplementary Planning Guidance: Residential Design Guide.

3.0 CONCLUSION

We feel that the proposal utilises the existing gap site and we hope that this Design Statement and all other supporting information will see the proposal looked upon favourably by the planning department.

The Green Belt and the Rural Area



3.0 The Green Belt and the Rural Area

3.1 Managing development in the Green Belt and rural area is a key aim of the Council. SPP requires development plans to promote a pattern of development that is appropriate to the character of the particular rural area and the challenges it faces. It considers that rural areas can be categorised as 'pressurised', 'intermediate' and 'remote and fragile' and different policy approaches should be developed for each of these. The Council applied this type of approach in the South Lanarkshire Local Plan but it did not prove successful. Policy 3 in SLLDP, therefore, reverted to a single rural area definition for areas beyond the Green Belt.

Green Belt

- **3.2** SPP states that the purpose of Green Belt designation in the development plan as part of the settlement strategy for an area is to;
- direct planned growth to the most appropriate locations and support regeneration,
- protect and enhance the quality, character, landscape setting and identity of towns and cities; and
- protect and give access to open space within and around towns and cities.
- **3.3** Pressure for development within the Green Belt is strong, although this varies from one type of development to the next and also from one part of the Green Belt to the other, across South Lanarkshire. However, recent evidence suggests that pressure is greater on the edges of the established urban centres than the more rural part of the Green Belt.
- **3.4** Any development proposal in the Green Belt which can be demonstrated to be necessary and required for the furtherance of agriculture, horticulture, forestry, recreation or other appropriate Green Belt uses, or where development forms part of a larger proposal for the rehabilitation or change of use of disused or redundant traditional buildings where this consolidates such groups, will generally be supported subject to appropriate criteria being met. Appendix 2 lists the types of uses that may be acceptable in a Green Belt location, where a specific locational requirement can be demonstrated.
- 3.5 New housing development in the Green Belt will be supported in the following circumstances, subject to appropriate criteria being met:
- Countryside workers and houses required to support existing or proposed businesses.

The Green Belt and the Rural Area

Replacement houses.

Chapter 3

- The conversion of traditional redundant buildings to residential use. Limited new build in association with conversions may also be acceptable where proposals are considered capable of achieving a net environmental gain and will result in a cohesive grouping.
- The redevelopment of derelict/redundant buildings where proposals of a limited scale are considered capable of achieving a net environmental gain and other Green Belt objectives are not compromised.
- Limited development within clearly identifiable gap sites.

Rural area

- Beyond the Green Belt, the Council seeks to take a positive approach to new development, with the aim of encouraging prosperous and sustainable communities through the promotion of economic activity and diversification.
- 3.7 Small scale housing development in the right places and of a high environmental and design quality may also be supported. In addition to the circumstances outlined in paragraph 3.5, in the rural area this can also include:
- The formation of new clusters and groups.
- The limited expansion of an existing settlement where the proposal would be proportionate to the existing scale and built form of the settlement.
- Extensions to existing clusters and groups.
- Proposals for individually designed, contemporary or innovative houses.

- Holiday homes and buildings for temporary recreational occupation.
- Housing which is linked to rural businesses or would support the formation of new businesses or the expansion/diversification of new businesses by providing funding.
- Detailed guidance on all of the above forms of development proposed in the Green Belt and rural area is found in sections 4 (Economy/Business related developments) and 5 (Rural Housing Development) and in the associated appendices. All development proposals must also accord with other relevant policies and proposals in the development plan and other appropriate supplementary guidance. Proposals should protect the recreational qualities and interests of the area.

Conversion of farm outbuildings to form tourist accommodation





PROPOSED HOUSE VIEWS FROM SW NEW DRIVEWAY



PROPOSED HOUSE ELEVATION VIEW



PROPOSED HOUSE VIEWS FROM SE NEW DRIVEWAY



PROPOSED HOUSE ENTRANCE VIEW

SOUTH LANARKSHIRE COUNCIL Town & Country Planning (Scotland) Acts APPROVED IN TERMS OF CONSENT OF 15 Aug 2017 Head of Planning and Building Standards Services

naterials amended	IP.	29/05/17	
EVERON	DITTAL	DATE	SUFFIX
Allan Corfield Architects			
KEITH & SYLVIA VALENTINE			
OJECT AND BETWEEN NO 14&16 ST PATRICK'S ROAD, ANARK, ML 11 9EH			

195 - PA 06	
A	
LEWIS HOUSE, UNIT 213, EAST WAY	
HILLEND IND EST, DUNFERMLINE	
FIFE, KY11 BUF, SCOTLAND	
t • 01383 737101 e - info@acarchitects.biz	
e - iniogyacarchitects.oiz	

ACC

PROPOSED HOUSE VIEWS STAGE 2

1:50 27/10/16

Chapter 5

Rural housing development

Policy GBRA4 Small scale settlement extensions

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.

Further detailed guidance is contained in Appendix 1.

Development of gap sites

5.9 The development of gap sites within a recognisable cohesive group of houses in the countryside may be acceptable where it would not damage the character of the group or the wider countryside. The suitability of a site for this form of development will also depend on the character of the surroundings and the number of such groups in the area in order to avoid cumulative impact.

A rural gap site between a modern and an older property



5.10 The development of gap sites will not normally be acceptable in locations characterised by a scattering of houses or outbuildings/other buildings in the open countryside or where the development would result in the extension of an existing ribbon form of development or contribute to the coalescence with another building group.

Rural housing development

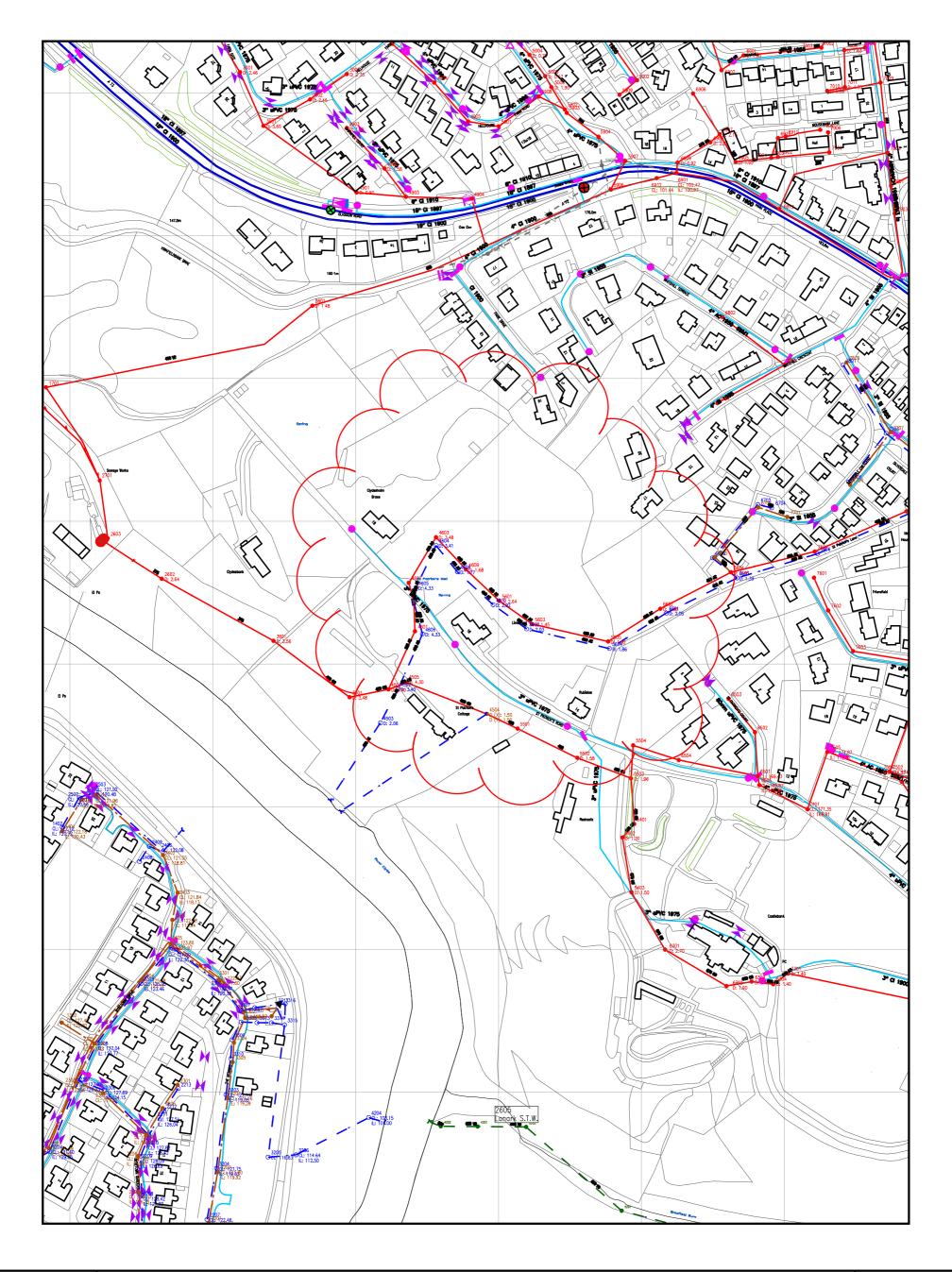
Policy GBRA5 Development of gap sites

To be favourably considered, proposals involving the development of gap sites should satisfy all the following criteria:

- The building group should form a clearly identifiable nucleus with strong visual cohesion. The site should be bounded on at least two sides by habitable houses or other buildings that are either in use or capable of being brought back into use.
- The distance between the buildings should be no more than that needed to allow the formation of a maximum of two plots of a size in keeping with the curtilage and frontage of the existing group. The garden area of an existing property can be included providing sufficient amenity space is retained to serve that property and the size of the resulting plot is in keeping with that of the existing group.
- An extension to a building group will not normally be acceptable where it would result in ribbon development or coalescence with another building group. Exceptionally, the layout of the existing group of houses may allow the infill of a small area up to a natural boundary, for example, an established tree belt or other landscaping feature, a physical feature such as a boundary wall or road, or the land form.
- New housing should be well related in scale and siting to the
 existing adjoining development, reflect local distinctiveness and
 respect the existing built form, the landform and the local
 landscape character. The proposal must have regard to the
 existing character of the built frontage, for example, a two
 storey house if the built frontage comprises of two storey
 houses.

- The location, siting and design of the new houses should meet existing rural design guidelines and advice provided in Appendix 1. Generally, the design, appearance and the materials of the proposed house should be complementary to the character of the existing built frontage.
- Provision must be made for a private amenity space for the house comparable to adjoining properties in the built up frontage.
- The house size to plot ratio and separation distances between houses should be comparable to adjoining properties in the built up frontage.
- The landscape character of the area must not be compromised by the development and proposals should have regard to the landscape backdrop, topographical features and levels. Trees, woodland and boundary features such as hedgerows, particularly beech and hawthorn, and stone dykes should be retained. 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.

Further detailed guidance is contained in Appendix 1.





The representation of physical assets and the boundaries of areas in which Scottish Water and others have an interest does not necessarily imply their true positions. For further details contact the appropriate District Office.

Date Plotted: 05/11/2014

OP/RSMTB372

Water and Wastewater

170 metres

Scale: 1:2500

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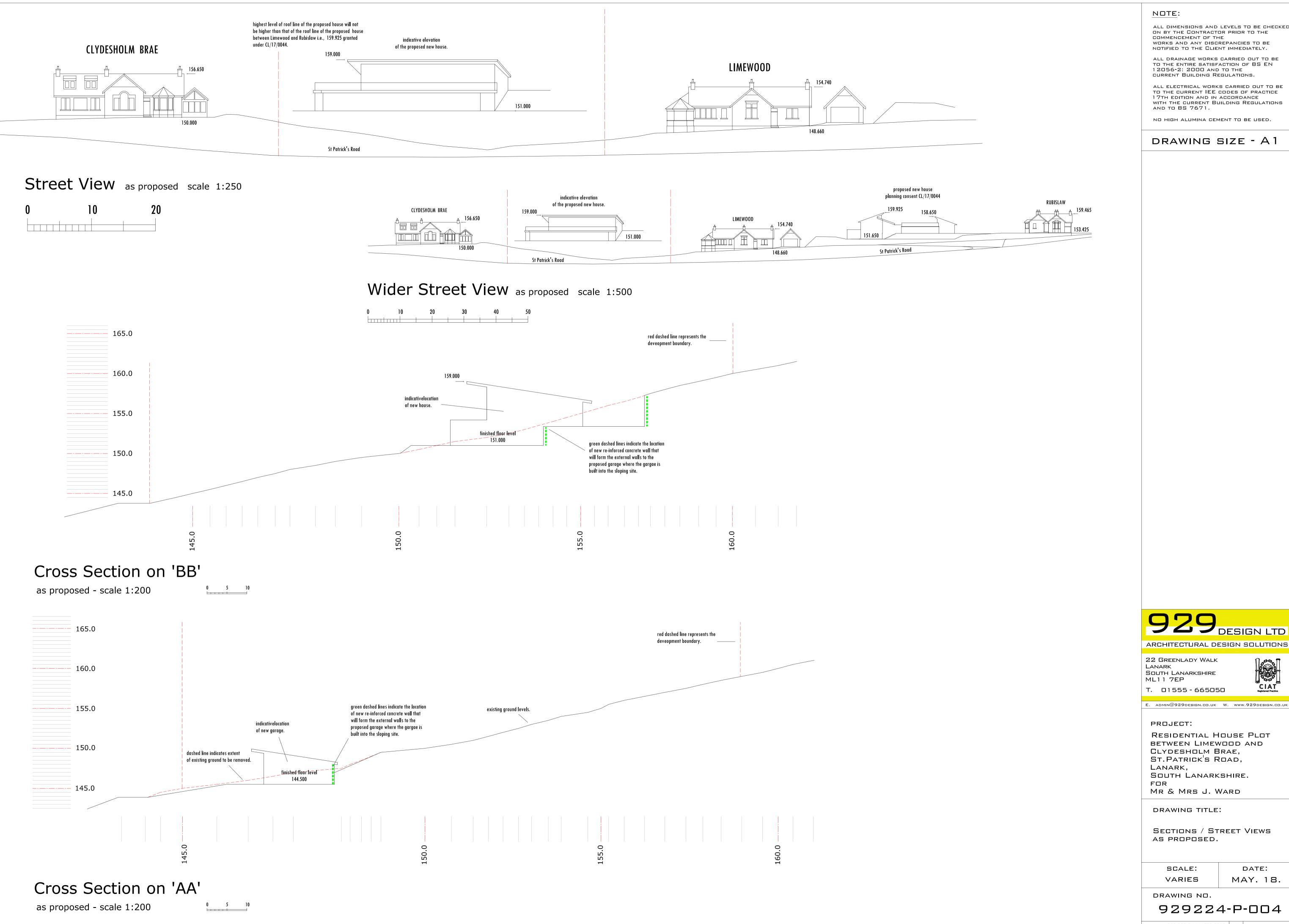
Plotted By:

Scottish Water

Always serving Scotland

Castle House,
6 Castle Drive,
Dunfermline,
KY11 8GG

Tel No: 0845 601 8855



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929 DESIGN LTD

22 GREENLADY WALK LANARK

T. 01555 - 665050

E. ADMIN@929DESIGN.CO.UK W. WWW.929DESIGN.CO.UK

PROJECT:

RESIDENTIAL HOUSE PLOT BETWEEN LIMEWOOD AND CLYDESHOLM BRAE, ST.PATRICK'S ROAD, LANARK, SOUTH LANARKSHIRE.

MR & MRS J. WARD

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SECTIONS / STREET VIEWS AS PROPOSED.

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22 GREENLADY WALK LANARK SOUTH LANARKSHIRE ML11 7EP

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PROJECT:

RESIDENTIAL HOUSE PLOT BETWEEN LIMEWOOD AND CLYDESHOLM BRAE, ST.PATRICK'S ROAD, LANARK, SOUTH LANARKSHIRE.

MR & MRS J. WARD

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LOCATION PLAN / SITE PLAN AS EXISTING.

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DATE: 1:500/1250 MAR. 18.

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scale 1:1250

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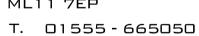
'A' 7th May 2018 - location of new vehicle access to development site amended including visiblity spaly.

'B' 23rd Aug 2018 - location of site entrance amended.

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PROJECT:

RESIDENTIAL HOUSE PLOT BETWEEN LIMEWOOD AND CLYDESHOLM BRAE, ST.PATRICK'S ROAD, LANARK, SOUTH LANARKSHIRE.

MR & MRS J. WARD

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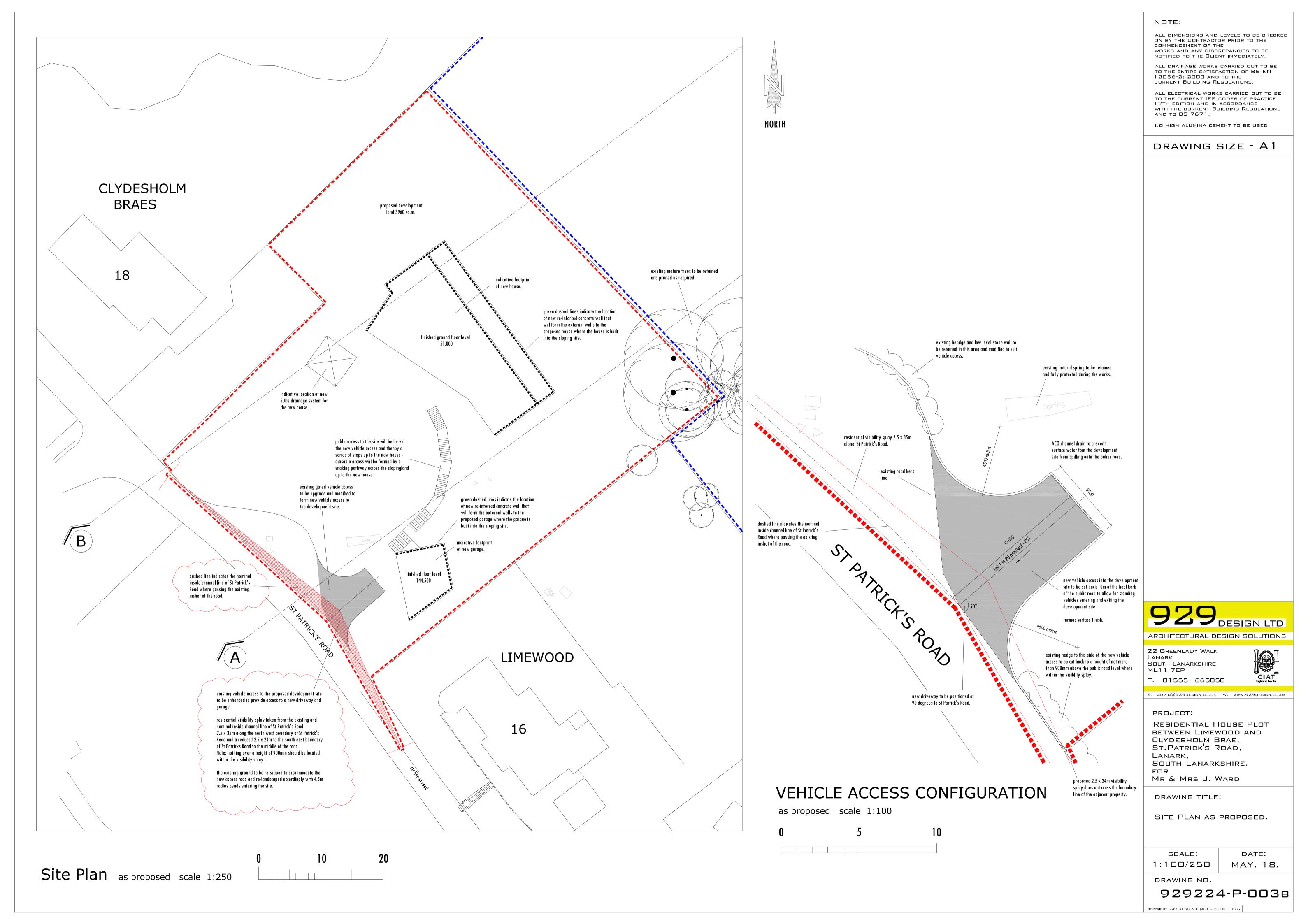
LOCATION PLAN / SITE PLAN AS PROPOSED.

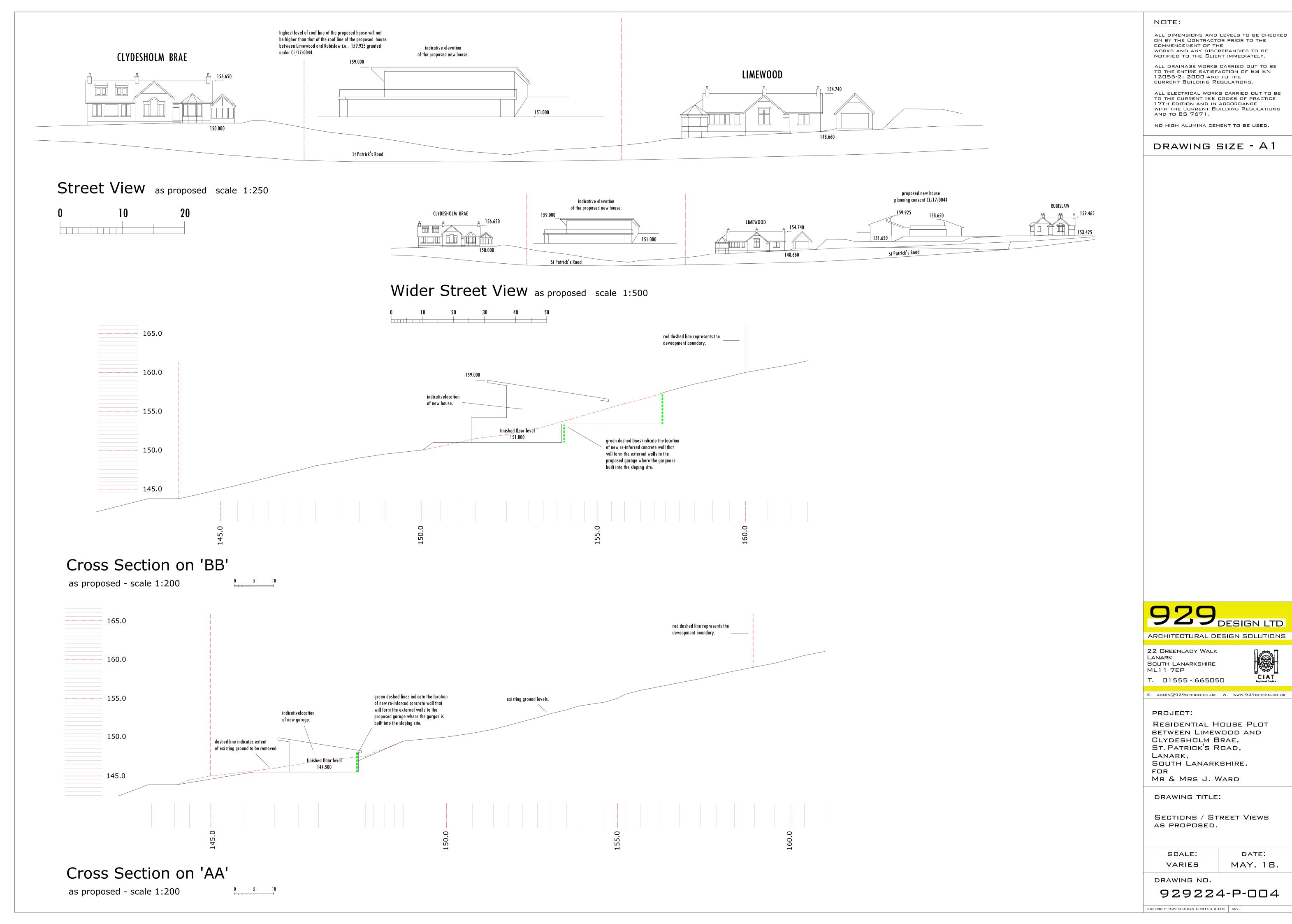
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