

Appendix 5

Notice of Review (including Statement of Reasons for Requiring the Review) submitted by applicant Mr and Mrs Higgins

For official use: NOR/ _ _ / _ _ / _ _ _ _
 Date received by PLRB: _ _ / _ _ / _ _ _ _



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 2008
 The Town and Country Planning (Appeals) (Scotland) Regulations 2008

This notice requires to be served on the Planning Authority within 3 months of the date of the decision notice or from the date of expiry of the period allowed for determining the application which is set as 2 months following the validation date of the application

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 complete in BLOCK CAPITALS

Applicant(s)	Agent (if any)
Name: <input type="text" value="MR & MRS W. HIGGINS"/>	Name: <input type="text"/>
Address: <input type="text" value="53 WATERLOO ROAD
LANARK"/>	Address: <input type="text"/>
Postcode: <input type="text" value="ML11 7QW"/>	Postcode: <input type="text"/>
Contact Telephone 1: <input type="text"/>	Contact Telephone 1: <input type="text"/>
Contact Telephone 2: <input type="text"/>	Contact Telephone 2: <input type="text"/>
Fax No: <input type="text"/>	Fax No: <input type="text"/>
E-mail*: <input type="text"/>	E-mail*: <input type="text"/>

Mark this box to confirm that all contact should be through this representative:

* Do you agree to correspondence regarding your review being sent by e-mail? Yes No

Application reference number:

Site address:

Description of proposed development:

Validation date of application: Date of decision (if any):

Nature of application

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. 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)
- 4. Application for approval of matters specified in conditions

Reasons for requesting review

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

Review procedure

In cases where the Planning Local Review Body considers that it has sufficient information, including the Notice of Review, the decision notice, report of handling and any further representations from interested parties, it may, under Regulation 12, proceed to determine the review. It is anticipated that the majority of cases the Planning Local Review Body deals with will fall into this category.

The Planning 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 it 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 consider 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.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, 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 are necessary:

WE FEEL THAT OUR CASE HASN'T BEEN GIVEN A FAIR DECISION AND WE TRIED TO OVERCOME ANY PROBLEMS THROUGH PAF DISCUSSIONS WHICH OBVIOUSLY HASN'T BEEN TAKEN INTO ACCOUNT.

Site inspection

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

- | | | |
|--|-------------------------------------|--------------------------|
| | Yes | No |
| 1. Can the site be viewed entirely from public land? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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

Statement of reasons for requiring the review

You must state, in full, why you are requesting 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 Planning Local Review Body to consider as part of the review.

If the Planning 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 statement can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

WE FEEL THAT THIS APPLICATION WAS SUFFICIENT TO OVERCOME POINTS RAISED IN PREVIOUS APPLICATION NO:- CH/09/0065 WHICH WAS REFUSED ON 16/11/09. (COPY ENCLOSED)

THIS NEW APPLICATION IN OUR MIND MET ALL POLICIES BUT HAS BEEN REFUSED WHEN WE HAVE SITED OTHER PROPERTIES IN CLOSE PROXIMATEY WITH LESS LAND.

WE FEEL THAT THE RESPONSES BY S.L.C. IS INSUFFICIENTS AS FOLLOWS:-

POINT 2 - OBVIOUSLY THE OFFICER HAS NOT TAKEN INTO ACCOUNT THE AMOUNT OF MIXED HOUSING SURROUNDING THIS SITE.

POINT 3 - ADVERSE IMPACT & SHAPE OBVIOUSLY THE OFFICER HAS NOT TAKEN INTO ACCOUNT THE MIX OF HOUSING IN THE SURROUNDING AREA & THE ACCESS IS SUITABLE TO OTHERS.

POINT 4 - TRAFFIC SAFETY IS THE SAME AS OTHERS. GARDEN SPACE LEFT IS ADEQUATE FOR EXISTING PROPERTIES. TRADITIONAL WALL IS A SMALL WALL WITHIN THE SITE NOT EXTERNAL. HOW CAN IT BE CRAMPED IF IT MEETS STANDARD PLOT SIZE?

POINT 6 - ALL APPLICATIONS SHOULD BE ON OWN MERITS. *

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made? ^{JUDGED} Yes No

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

* WITH REGARD TO PRECEDENT SET CAN I ALSO DRAW YOUR ATTENTION TO APPLICATION NO CL/07/0221 ON WATERLOO ROAD.

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 and intend to rely on in support of your review.

1) PPRE DISCUSSION LETTER DATED 11/3/10
 2) FIRST PLANNING APPLICATION DRAWINGS
 3) REFUSAL FOR FIRST APPLICATION. 16/4/09
 4) SECOND REFUSAL DATED 4/6/10
 5) PHOTOGRAPHS SHOWING "TRADITIONAL WALL" MENTIONED IN REFUSAL REASON 4 OF 2ND APPLICATION. ALSO EXISTING BOUNDARY WALLS.

Note: A copy of the Notice of Review, the review documents and any notice of the procedure of the review will be made available for inspection by prior appointment (Phone: 08457 406080) at the office of Planning and Building Standards Services, Montrose House, 154 Montrose Crescent, Hamilton ML3 6LB until such time as the review is determined. It may also be made available on the Council's website.

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 requiring a review
- 2 copies** of all documents, materials and evidence which you intend to rely on (eg planning application form, plans and drawings, decision notice or other documents) which are now the subject of this review.

Note. Where the review relates to a further application, eg 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 [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed: [Redacted Signature] Date: 13/8/10

This form and 2 copies of all supporting documents should be sent to:-

**Head of Planning and Building Standards Services
 Enterprise Resources, Montrose House, 154 Montrose Crescent, Hamilton ML3 6LB**

**Email: enterprise.hq@southlanarkshire.gov.uk
 Phone: 08457 406080**

For official use

Date stamp)

For more information or if you want this information in a different format or language, please phone 01698 455379 or send email to enterprise.hq@southlanarkshire.gov.uk

Robert Murray
The Auld School
295 Lanark Road
Auchenheath
Lanark
ML11 9UU

ORIGINAL SENT TO
GAIL RAE ON 11/3/10

Tel No. 07974 194039

Date: -11/3/10

Subject: -Pre-Discussion before submitting Planning Application

Site: -Land to rear of 53 Waterloo Road

Previous Application: - CL/09/0065

Dear Gail,

Futher to our telephone conversation with regard to the above I have attached sketches of the proposed application Mr Higgins is about to submit before his deadline Of 15/04/10.

I would appreciate your comments but preferable a site visit to discuss after you have had the chance to view these sketches.

1.I have moved the build line back to tie in with the existing house and the house to the west side of the building but this can be moved forward to create rear garden rather than all front.

2.I have taken more land from the existing house as they are still left with ample land for parking and garden area.

3.If required we can still access the neighbouring property for rear garden area if required but our proposed plot has sufficient based on a 3 bedromed unit of 40m2 per bedroom and our preference would be to keep to this area only.

4.I have created driveway with 2 parking spaces with enough land at the front garden area for turning point.

5.I have taken away the hideous boundary fence to open up the plot and created a 1m high fence which is a vast improvement to the full area.

With reference to reasons for refusal: -

Firstly this is an outline application and not the drawings that were previously submitted which I agree deserved to be refused, so I would ask that you look at this as a new application for outline planning permission which if granted any new build would need to meet your standards for that areas streetscape.

1.I feel that we have taken away the detrimental impact of the area firstly by removing the boundary fence,we have also increased the shape and size of the plot, we have also accepted that if permission was granted then a full application would determine the compatability of the new build to tie in with the existing streetscape which already consists of cottages, bungalows, semis and detached housing.

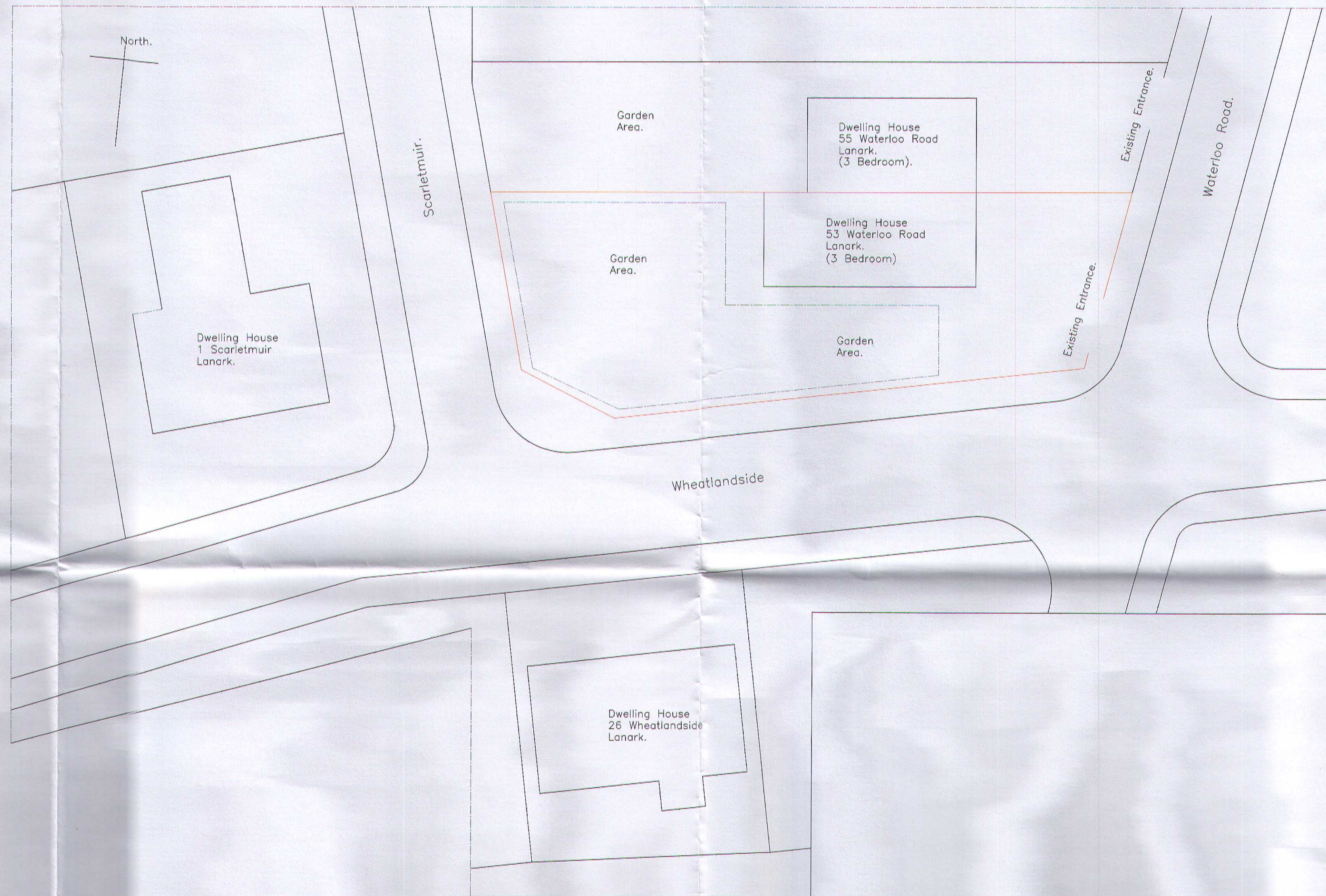
2.This is covered in point 1.

3.This is covered in point 1.

4.This is for an outline application and policy states that each application is judged on it's own merits and if you can meet the criteria then so must others before considering granting permission.

I appreciate your time Gail to look at this and I await your reply.

Thanks
Rab Murray



29 APR 2010



Mr&Mrs W Higgins
53 Waterloo Road
Lanark
Outline Planning
Application

Existing Block Plan.
Scale= 1:200 atX1

This is a true Copy of the Plans submitted in the Application

Signed:



Dated: 20/4/10



FIRST REFUSED
APPLICATION.
COM

Enterprise Resources
Executive Director Iain Urquhart
Planning and Building Standards Services – Clydesdale Area Office

Planterra
16 St Ninians
Lanark
ML11 7HX

Our Ref: CL/09/0065 ←
Your Ref:
If calling ask for: Gail Rae
Phone: 01555 673205
Date: 16 April 2009

Dear Sir/Madam

Proposal : Erection of dwellinghouse (Outline)
Site Address : Land to rear of 53 & 55 Waterloo Road
Lanark
ML11 7QW
Application No : CL/09/0065

I would advise you that the above application was refused on 16 April 2009 and I enclose the decision notice which sets out the reasons for refusal.

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 to the Scottish Ministers. Any appeal has to be made within 6 months of the date of the decision notice.

Should you have any enquiries relating to the refusal of your application or a potential amended submission, please contact Gail Rae on 01555 673205.

Yours faithfully



Head of Planning and Building Standards

Council Offices, South Vennel, Lanark ML11 7JT Phone: 08457 406080 Fax: 01555 673573
Minicom: 01698 454039 Email: Enterprise.lanark@southlanarkshire.gov.uk



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Town and Country Planning (Scotland) Act 1997

To: **Mr & Mrs W Higgins**
53 Waterloo Road
Lanark
ML11 7QW

Per: **Planterra**
16 St Ninians
Lanark
ML11 7HX

With reference to your application dated 13 February 2009 for Planning Permission under the above mentioned Act :

Description of Proposed Development :

Erection of dwellinghouse (Outline)

Site Location :

Land to rear of 53 & 55 Waterloo Road

Lanark

ML11 7QW

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

REFUSE PLANNING PERMISSSION

for the above development in accordance with the accompanying plan(s) and particulars given in the application, subject to the condition(s) listed overleaf in the paper apart. The condition(s) are imposed by the Council for the reasons detailed.

Date: 16/04/09



Colin McDowall, Head of Planning and Building Standards Services

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
Enterprise Resources
Planning and Building Standards Services

Application Number: CL/09/0065

Reason(s) for Refusal:

- 1 The proposal is contrary to Policy RES6 of the adopted South Lanarkshire Local Plan in that it would have a detrimental impact on amenity as the size and shape of the plot would not permit development of a standard compatible with existing development in the area nor would it be able to meet the requirements of the Residential Development Guide.
- 2 The proposal is contrary to Policy DC1 of the adopted South Lanarkshire Local Plan in that the proposal would have a significant adverse impact on the local environment as the size and shape of the plot would not permit development which would respect the local context nor would it make a positive contribution to the area.
- 3 The proposal is contrary to Policy DM5 of the adopted South Lanarkshire Local Plan in that it fails to meet criteria (a), (e) and (i) of said policy as the house plot is not compatible with those nearby in terms of size, shape and amenity; the plot would not allow for a dwellinghouse to be situated on the site without causing an unacceptable reduction in privacy; and the proposal would result in a development that appears cramped, visually obtrusive and would be out of keeping with the established character of the area.
- 4 If approved, the proposal would set an undesirable precedent which could encourage further similar applications for proposals which would exacerbate the problems stated above.



ENTERPRISE RESOURCES
EXECUTIVE DIRECTOR IAIN URQUHART
Planning and Building Control Services

IMPORTANT NOTES

1. COMPLIANCE WITH CONDITIONS

Under the provisions of the Town and Country Planning (Scotland) Act 1997 (Section 145), failure to comply with any condition(s) imposed on any planning permission may result in the service by the Council of a "Breach of Condition Notice" requiring compliance with the said condition(s).

There is no right of appeal against such a Notice and failure to comply with the terms of the Notice within the specified time limit will constitute a summary offence, liable on summary conviction to a fine not exceeding £1000.

2. PROCEDURE FOR APPEAL TO THE SCOTTISH MINISTERS

- (a) If the applicant is aggrieved by the decision of the planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Scottish Ministers in accordance with Section 47 of the Town and Country Planning (Scotland) Act 1997, within six months of this Notice. The Scottish Ministers have power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Scottish Ministers are not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements to the provisions of the development order, and to any directions given under the order.
- (b) If permission to develop land is refused or granted subject to conditions, whether by the Local Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the planning authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of the Town and Country Planning (Scotland) Act 1997.

If you wish to make an appeal you should contact:

The Scottish Executive Inquiry Reporters Unit
4 The Courtyard , Callendar Business Park
Callendar Road
FALKIRK FK1 1XR

To obtain the appropriate forms:



A copy of the notice of appeal should be sent to the planning authority

Council Offices, South Vennel, Lanark ML11 7JT
Telephone: 08457 406080 Fax: 01555 673573
e-mail: Enterprise.lanark@southlanarkshire.gov.uk



DESIGN STATEMENT

ERECTION OF DWELLINGHOUSE IN OUTLINE

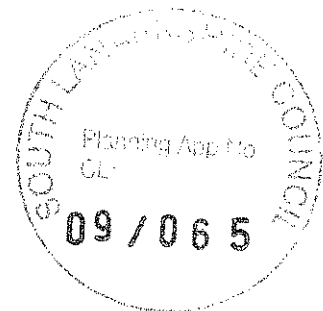
LAND TO THE REAR OF 53 & 55 WATERLOO ROAD LANARK

1. The application site is presently used as garden ground and is within the general residential zoning in the current Local Plan.
2. The site area of 246 m² is suitable for the erection of a three-bedroom house with associated garden ground.
3. The application boundary to the east has been carefully assessed in order to retain sufficient garden ground for the two existing properties. It is intended that there will be no windows to habitable rooms on this boundary.
4. The notional house position shows the front wall lining through with the established building line of no1 Scarletmuir.
5. Two parking spaces have been indicated, accessed via a new dropped kerb from Scarletmuir - a quiet adopted cul-de- sac. This provision is consistent with the requirements of Roads & Transportation Services for a three-bedroom house.

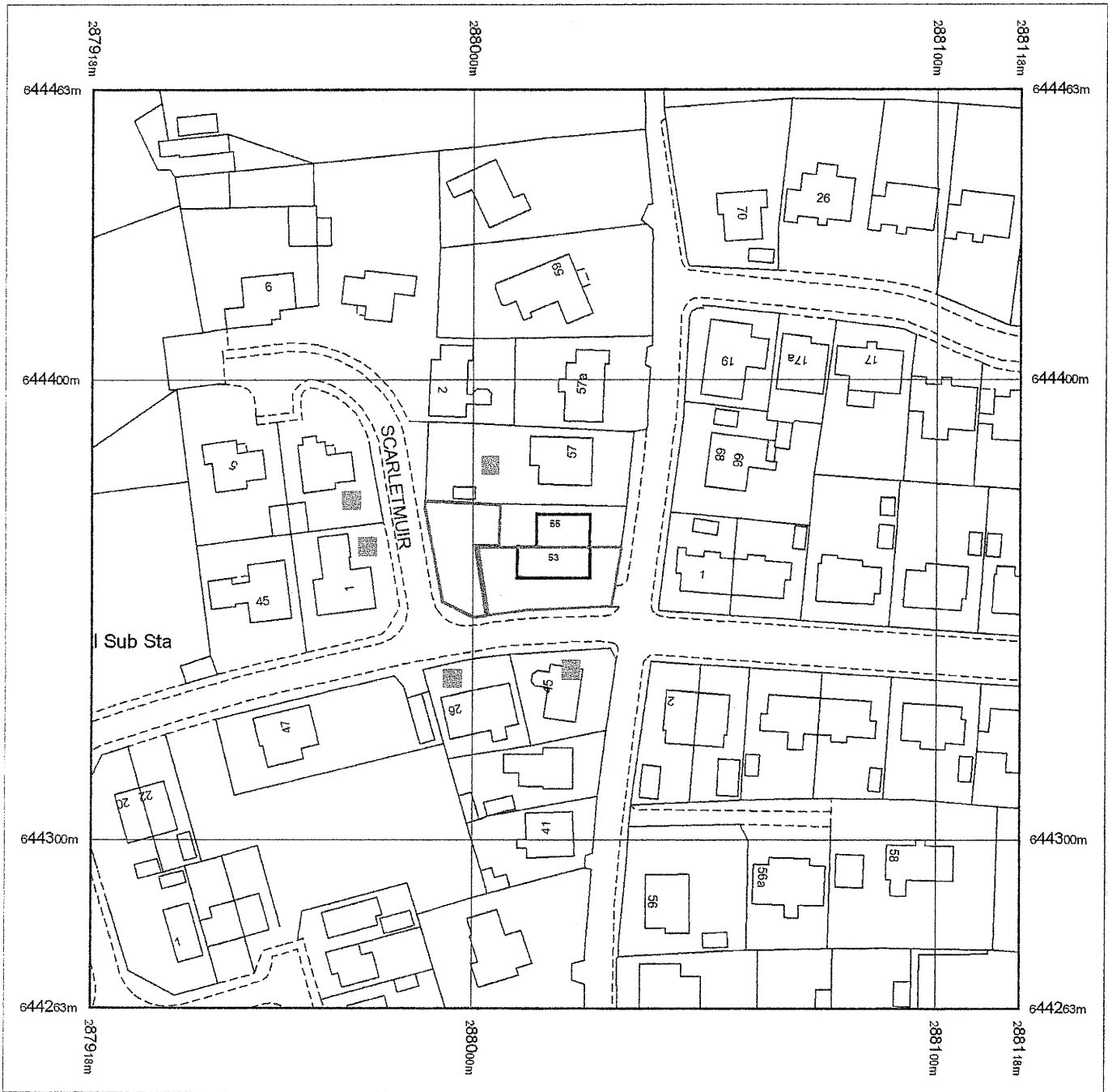
SOUTH LANARKSHIRE COUNCIL
Town & Country Planning (Scotland) Acts
APPLICATION REFUSED

16 APR 2009

Colin McDowall
Head of Planning and Building Standards
Services



WR/Planterra 5/2/09



 NOTIFIED NEIGHBOURS

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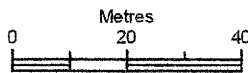
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Scale 1:1250

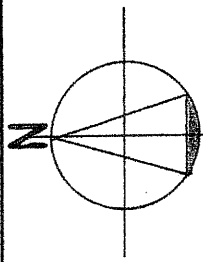
Supplied by: **The Glasgow Map Centre**
 Serial number: 02291600
 Centre coordinates: 288018 644363

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www.ordnancesurvey.co.uk

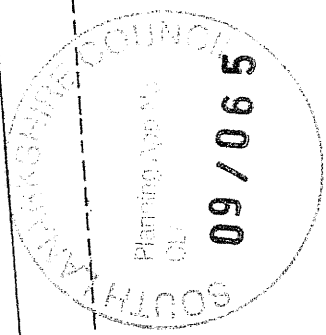
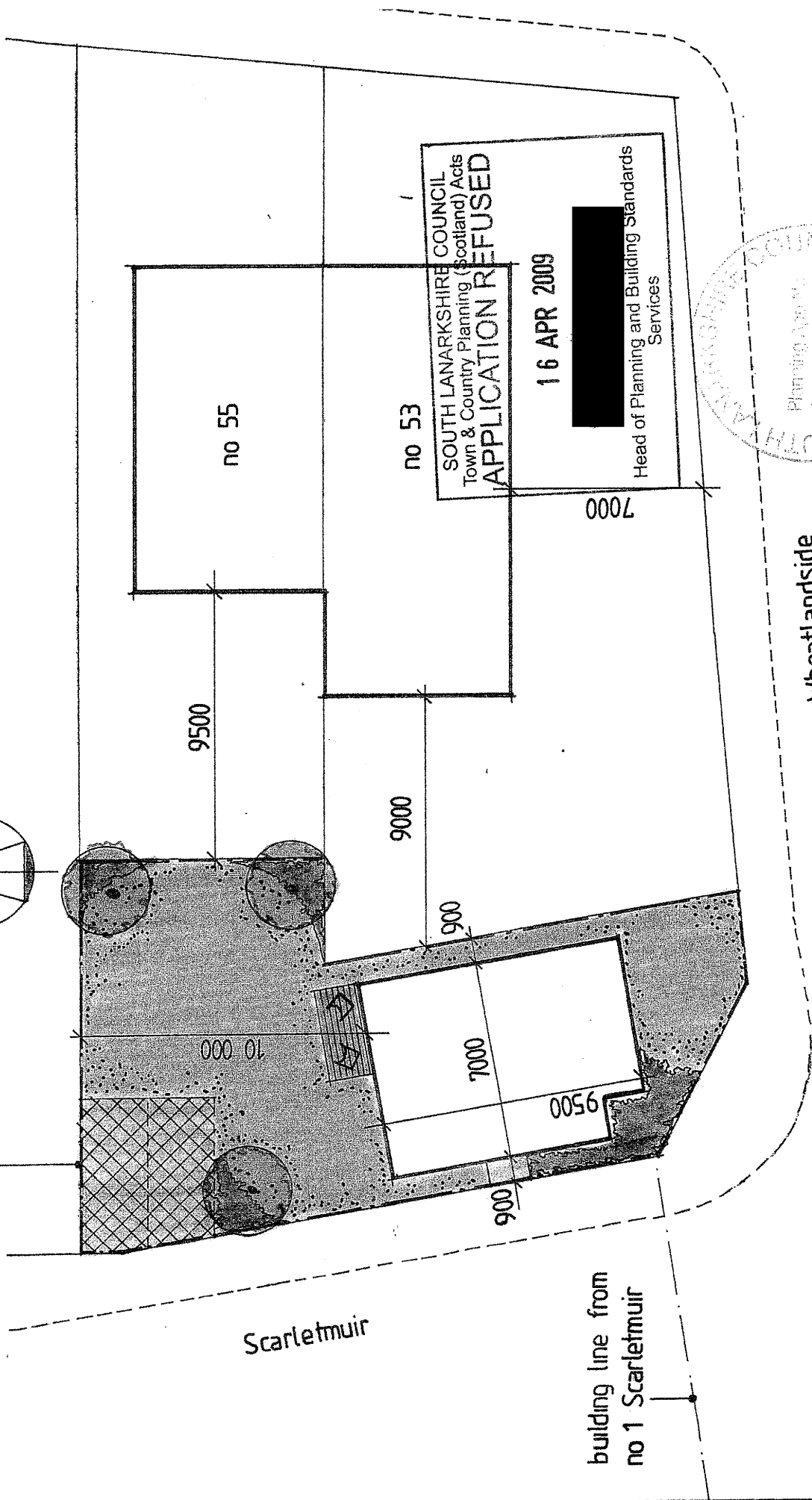
Mr W Higgins

Erection of Dwellinghouse in Outline
 Land to the rear of 53&55
 Waterloo Road Lanark

Location Plan 1:1250



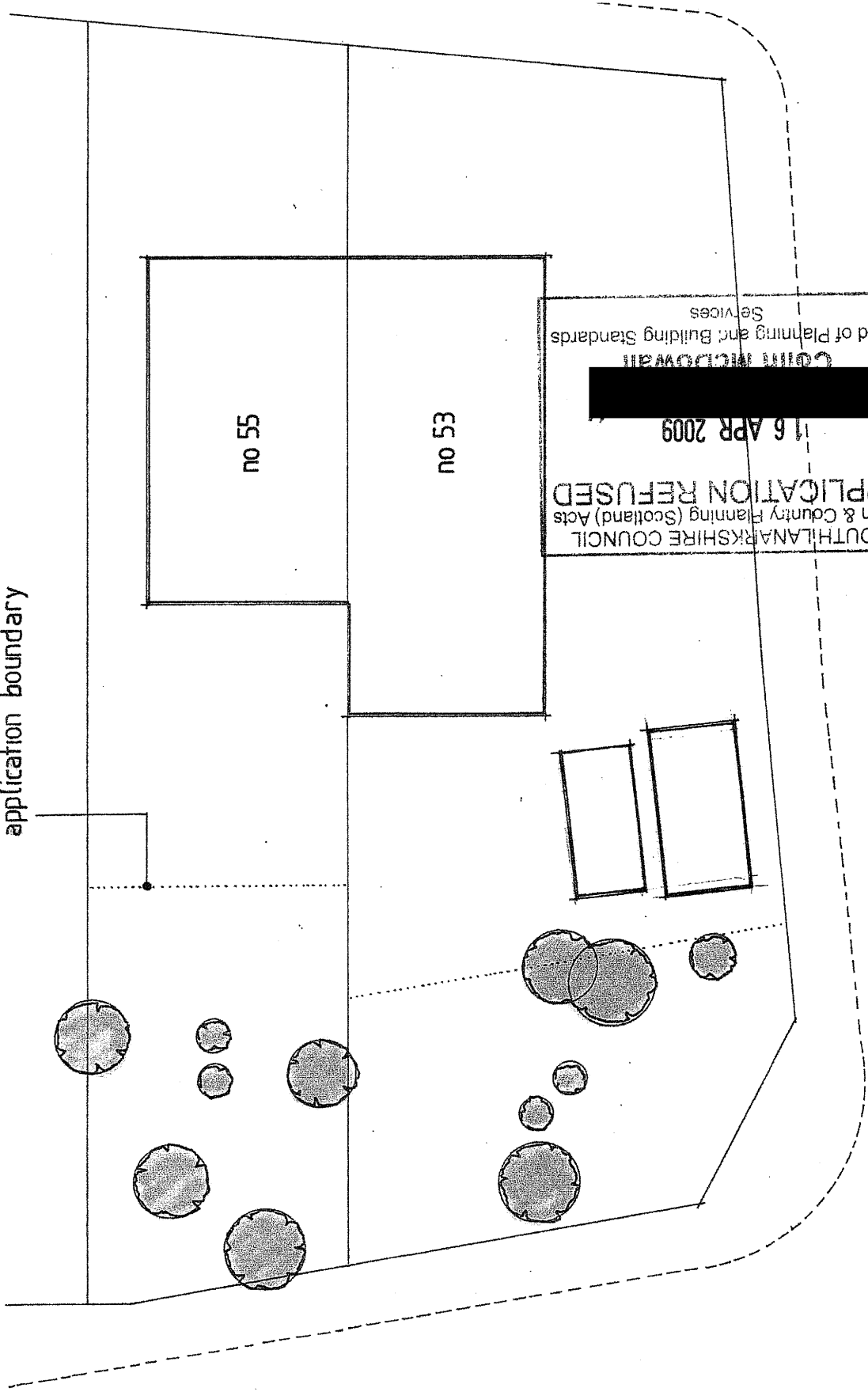
2 parking spaces



203/02

block plan 1: 200

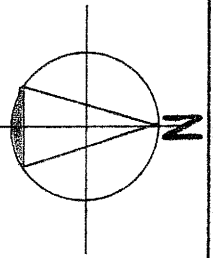
application boundary



block plan as existing 1:200

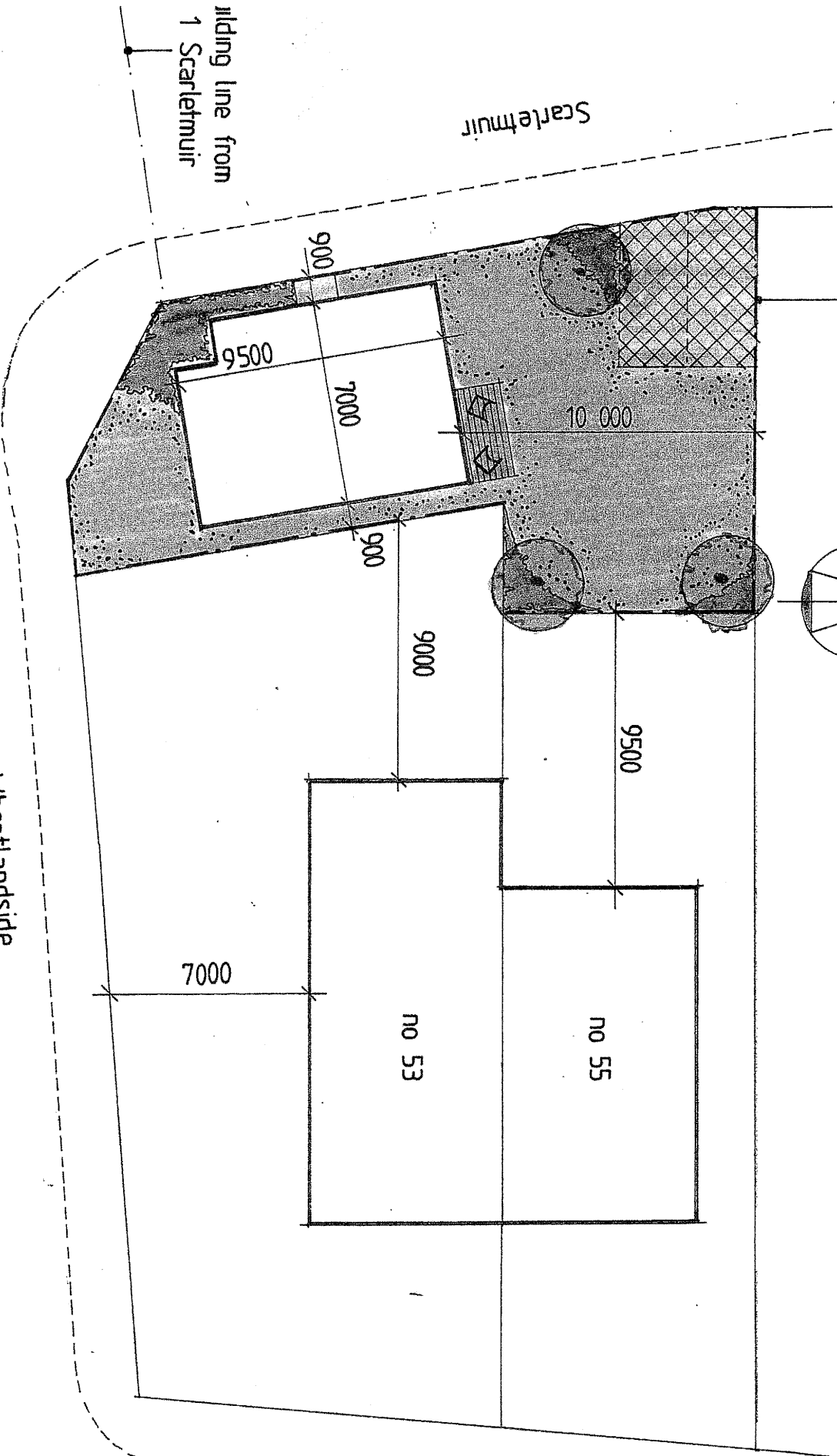
203/03

2 parking spaces



Scarletmuir

Building line from
1 Scarletmuir



Wheatlandside

Block plan 1: 200

203/02



2ND REFUSAL
COPY

Enterprise Resources
Executive Director Colin McDowall
Planning and Building Standards Services – Clydesdale Area Office

Mr & Mrs W Higgins
53 Waterloo Road
Lanark
ML11 7QW

Our Ref: CL/10/0189 ←
Your Ref:
If calling ask for: Gail Rae
Phone: 01555 673205
Date: 04 May 2010

Dear Sir/Madam

Town and Country Planning (Scotland) Act 1997
Acknowledgement of Planning Application

Proposal : Subdivision of garden ground and erection of dwellinghouse
(planning permission in principle)
Site Address : Land to rear of 53 & 55 Waterloo Road
Lanark
ML11 7QW
Application No : CL/10/0189

Thank you for your recent application which was received on 15 April 2010 and has now been registered as detailed above.

Description of Proposal

Please note that the way you describe the proposal on the form might have been changed. This is to make it more precise and legally correct in terms of planning legislation. If you wish to discuss how the proposal has been described please contact us within seven days of receiving this letter. If we do not hear from you within seven days, we will assume that you agree with the description. It is important to have your agreement as it will appear on your Decision Notice when your application has been decided.

Timescale for a Decision

The Council has until 29 June 2010 to determine your application.

Right of Appeal

If a decision is not given to you within the statutory period above, then you have a right of appeal which can be exercised in two ways. You may appeal to the Scottish Ministers under section 47 of the Town and Country Planning (Scotland) Act 1997 or through a review by the Planning Local Review Body under section 43A(8) of the Act. The relevant appeal route will be dependent on whether your application is determined by a committee or whether it is a local development dealt with under delegated powers. As the application's final route of determination will not be known

Council Offices, South Vennel, Lanark ML11 7JT Phone: 08457 406080 Fax: 01555 673573
Minicom: 01698 454039 Email: Enterprise.lanark@southlanarkshire.gov.uk



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until later in the process, then you should contact the case officer below if you require further information on this matter.

The appeal notice must be sent within three months of the expiry of the statutory period or the agreed extended date, unless South Lanarkshire Council had already referred the application to the Scottish Ministers.

If you wish to make an appeal to the Scottish Ministers, you should contact the Directorate for Planning and Environmental Appeals, 4 The Courtyard, Callendar Business Park, Callendar Road, Falkirk FK1 1XR or alternatively, DPEA can be contacted on 01324 696 400 or at dpea@scotland.gsi.gov.uk

If your appeal is through the Planning Local Review Body, then please contact Administration Services, Council Headquarters, Almada Street, Hamilton ML3 0AA on 01698 454 198 or at pauline.macrae@southlanarkshire.gov.uk.

Important Contact Details

If calling or writing in relation to your application please contact **Gail Rae** on **01555 673205** and quote your planning application reference **CL/10/0189**. Please note that our office hours are 8:45 am to 4:45 pm Monday to Thursday, 4:15 pm on Fridays.

If the case officer is not available, a duty officer is always available during these hours to deal with general enquiries in relation to the planning application process. Please note Duty officers may not be able to answer specific queries in relation to your application.

If you wish to discuss your application with your case officer you should call and arrange a suitable appointment. Please do not visit our offices without pre-arranged appointment as planning officers are often on site visits. Information on your application can be viewed on the Council's planning portal on our website at www.southlanarkshire.gov.uk

Please note that if you have any general enquiries, our Customer Service Centre is open from 8am to 6pm Monday to Friday and can be contacted at our general enquiry number 08457 40 60 80. If a Customer Service Assistant is unable to answer your enquiry, they will forward details to the area office and a planning officer will contact you within one working day.

Please retain this letter for future reference as it contains important details, including the planning officer's name, address and telephone contacts and your planning application reference which will be of assistance if you need to contact us at any time.

Yours faithfully



Head of Planning and Building Standards



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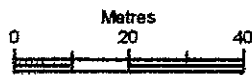
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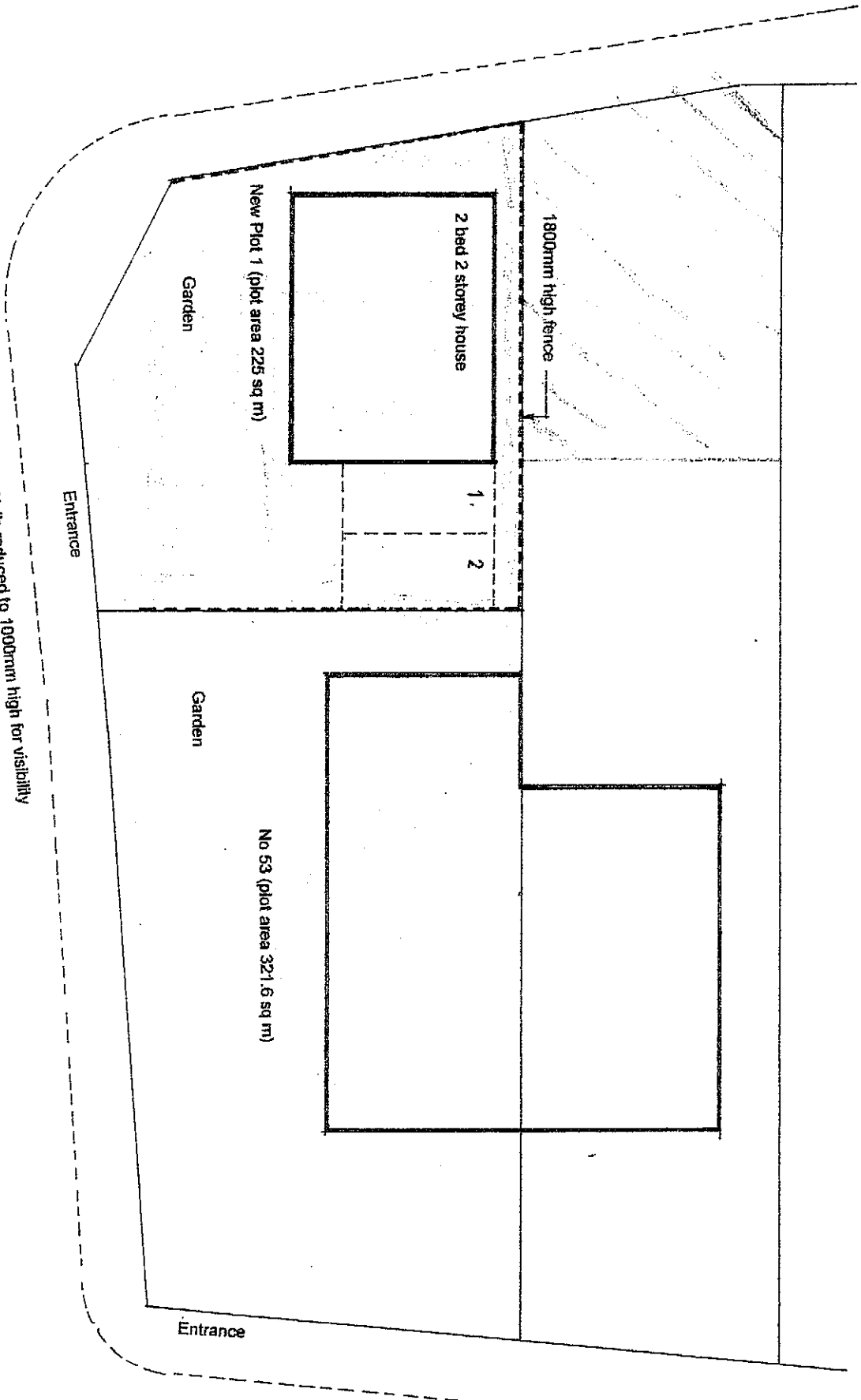


Scale 1:1250

Supplied by: **The Glasgow Map Centre**
 Serial number: 02291600
 Centre coordinates: 288018 644363

Further information can be found on the OS Sitemap information leaflet or the Ordnance Survey web site:
www.ordnancesurvey.co.uk

block plan 1:200



203/02



Enterprise Resources
Executive Director **Colin McDowall**
Planning and Building Standards Services – Clydesdale Area Office

Mr & Mrs W Higgins
53 Waterloo Road
Lanark
ML11 7QW

Our Ref: CL/10/0189
Your Ref:
If calling ask for: Gail Rae
Phone: 01555 673205
Date: 04 June 2010

Dear Sir/Madam

Proposal : Subdivision of garden ground and erection of dwellinghouse
(planning permission in principle)
Site Address : Land to rear of 53 & 55 Waterloo Road
Lanark
ML11 7QW
Application No : CL/10/0189

I would advise you that the above application was refused on 04 June 2010 and I enclose the decision notice which sets out the reasons for refusal.

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 Gail Rae on 01555 673205.

Yours faithfully



Head of Planning and Building Standards

Council Offices, South Vennel, Lanark ML11 7JT Phone: 08457 406080 Fax: 01555 673573
Minicom: 01698 454039 Email: Enterprise.lanark@southlanarkshire.gov.uk



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

To: **Mr & Mrs W Higgins**
53 Waterloo Road
Lanark
ML11 7QW

Per :

With reference to your application dated 13 April 2010 for planning permission in principle under the above mentioned Act :

Description of Proposed Development :

Subdivision of garden ground and erection of dwellinghouse (planning permission in principle)

Site Location :

Land to rear of 53 & 55 Waterloo Road
Lanark
ML11 7QW

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

REFUSE PLANNING PERMISSSION IN PRINCIPLE

for the above development in accordance with the accompanying plan(s) and particulars given in the application, subject to the condition(s) listed overleaf in the paper apart. The condition(s) are imposed by the Council for the reasons detailed.

Date: 04/06/10



Michael McGlynn, Head of Planning and Building Standards Services

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
Enterprise Resources
Planning and Building Standards Services

refuse planning permission in principle

Application Number: CL/10/0189

Reason(s) for Refusal:

- 1 This decision relates to drawing numbers: 1, 2, 3, 4

- 2 The proposal is contrary to Policy RES6 of the adopted South Lanarkshire Local Plan in that it would have a detrimental impact on amenity as the size and shape of the plot would not permit development of a standard compatible with existing development in the area nor would it be able to meet the requirements of the Residential Development Guide. In addition the proposal would have an adverse impact on public safety given the proximity of the proposed vehicular access with the junction of Scarletmuir.

- 3 The proposal is contrary to Policy DM1 of the adopted South Lanarkshire Local Plan in that the proposal would have a significant adverse impact on the local environment as the size and shape of the plot would not permit development which would respect the local context nor would it make a positive contribution to the area. In addition the development would not provide a suitable access resulting in adverse implications for public safety.

- 4 The proposal is contrary to Policy DM5 of the adopted South Lanarkshire Local Plan in that it fails to meet criteria (a), (c), (d), (e), (h) and (i) of said policy as the house plot and that remaining to the existing houses are not comparable with those nearby in terms of size, shape and amenity; the position of the proposed vehicular access will have adverse implications for traffic safety; the garden space remaining for the existing dwellings is not sufficient for the recreational, amenity and drying needs of the occupants; the plot would not allow for a dwellinghouse to be situated on the site without causing an unacceptable reduction in privacy; the proposed parking facilities for the existing house at 53 Waterloo Road would result in the loss of a traditional wall and creation of parking to the front of the house which would be harmful to the established character and amenity of the area, and the proposal would result in a development that appears cramped, visually obtrusive and would be out of keeping with the established character of the area.

- 5 The submitted plans are not accurate and insufficient as the dimensions are incorrect and they do not accurately show the existing situation on site.

- 6 If approved, the proposal would set an undesirable precedent which could encourage further similar applications for proposals which would exacerbate the problems stated above.



ENTERPRISE RESOURCES
EXECUTIVE DIRECTOR **Colin McDowall**
Planning and Building Standards Services

Important notes

Town and Country Planning (Scotland) Act 1997

1. Compliance with conditions

Under the provisions of the Town and Country Planning (Scotland) Act 1997 (Section 145), failure to comply with any condition(s) imposed on any planning permission may result in the service by the Council of a "Breach of Condition Notice" requiring compliance with the said condition(s).

There is no right of appeal against such a Notice and failure to comply with the terms of the Notice within the specified time limit will constitute a summary offence, liable on summary conviction to a fine not exceeding £1000.

2. Procedure for appeal to the planning authority

- (a) If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997, within three months from the date of this notice. The notice of review should be addressed to:

Executive Director (Corporate Resources)
Council Headquarters
Almada Street
Hamilton
ML3 0AA

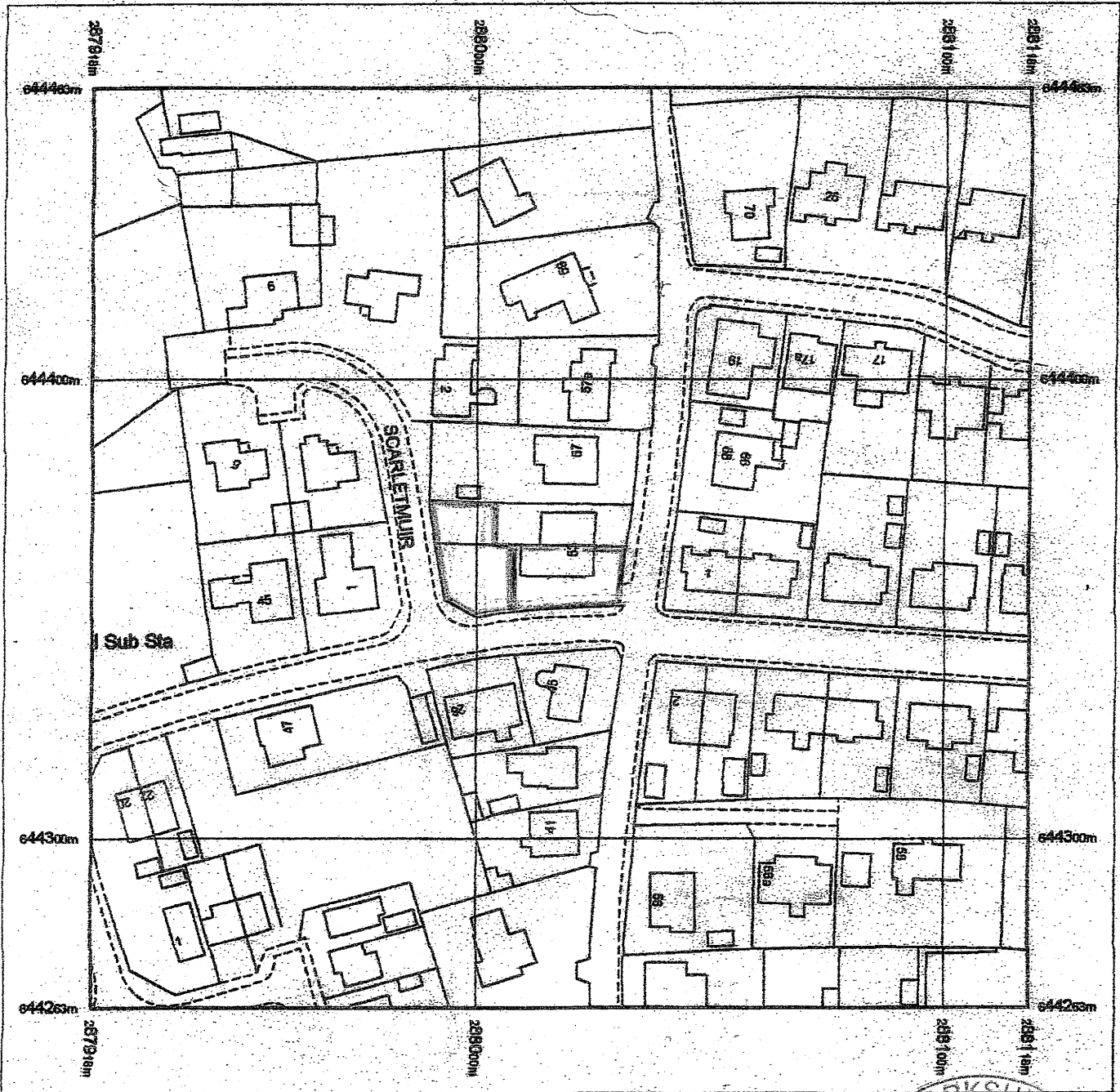
To obtain the appropriate forms:

Administrative Services at the above address.

Telephone:

E-mail:

- (b) If permission to develop land is refused or granted subject to conditions, whether by the planning authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered incapable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the planning authority a purchase notice requiring the purchase of his interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.



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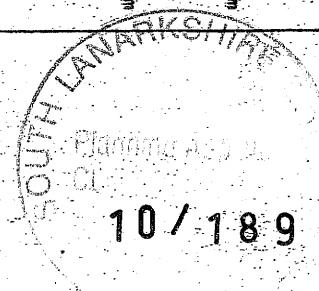
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The representation of features as lines is no evidence of a property boundary.

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APPLICATION REFUSED

04 JUN 2010

Michael McGlynn
 Head of Planning and Building Standards Services

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KNOW DRIVEWAY ACCESS TO
53 WATERLOO ROAD

Existing Boundary Wall
- PROPOSED MOVE/UPGRADE

Existing Small
'ADDITIONAL' WALL
INTERNAL TO SITE
- PROPOSED REMOVAL.

