

Appendix 5

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



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

05 SEP 2011

Applicant(s)	Agent (if any)
Name: ALASTAIR DOBINSON	Name: [REDACTED]
Address: 76 FRASER STREET CAMBOUSLANG	Address: [REDACTED]
Postcode: G72 7AL	Postcode: [REDACTED]
Contact Telephone 1: [REDACTED]	Contact Telephone 1: 08701
Contact Telephone 2: [REDACTED]	Contact Telephone 2: [REDACTED]
Fax No: [REDACTED]	Fax No: [REDACTED]
E-mail*: [REDACTED]	E-mail*: [REDACTED]

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: CR / 1 / 1 / 1 / 0 / 0 / 2 / 2

Site address: PLOT TO THE REAR OF 11 WHITE AVE,
CAMBOUSLANG.

Description of proposed development: ERECTION OF TWO STOREY DWELLING HOUSE
(PLANNING PERMISSION IN PRINCIPLE).

Validation date of application: [REDACTED] Date of decision (if any): 09/06/11

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 | <input type="checkbox"/> | 3. Site inspection | <input type="checkbox"/> |
| 2. One or more hearing sessions | <input type="checkbox"/> | 4. Assessment of review documents only, with no further procedure | <input checked="" type="checkbox"/> |

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:

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 type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <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.

WITH REGARD TO THE OBJECTIONS RAISED BY THE DELEGATED OFFICER, WE WOULD MAKE THE FOLLOWING COMMENTS:

1) THE ISSUE OF OVERSHADOWING WAS DISCUSSED AT A MEETING WITH THE DELEGATED OFFICER AND IT WAS AGREED THIS WAS LIKELY TO BE AN ISSUE FOR A TWO STOREY DEVELOPMENT. IT WAS HOWEVER AGREED THAT THIS WOULD NOT NECESSARILY BE THE CASE IF THE PROPOSAL WAS CHANGED TO A SINGLE STOREY DEVELOPMENT.

2) WE CONSIDER THE MATTER OF PLOT SIZE AND SHAPE TO BE SPURIOUS. WE HAVE SUBMITTED A DRAWING (COPY ATTACHED) WHICH SHOWS BOTH THE PLOT SIZE OF THE EXISTING AND PROPOSED HOUSES WOULD BE IN ^(CONS)

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made? 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.

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.

DRAWING SHOWING ADJACENT PLOT SIZES.
 PLANNING APPLICATIONS HM/10/0250 AND CL/10/0481.
 ORIGINAL WRITTEN SUBMISSION.

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: 01/09/11

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

KEEPING WITH THE SURROUNDING PROPERTIES. LIKEWISE THE SHAPE OF THE PROPOSED PLOT DOES NOT SIGNIFICANTLY DIFFER FROM THAT OF THE ADJACENT HOUSES.

3) THE DELEGATED OFFICER'S REPORT STATES THAT THE PRIMARY CONCERN IS THE ROAD FRONTAGE. WHILE WE DO NOT DISPUTE THIS ISSUE AS DISCUSSED IN OMS, WE CARRIED OUT SOME RESEARCH OF RECENT PLANNING DECISIONS PRIOR TO SUBMITTING OUR PROPOSAL. DURING 2010 SOUTH LANARKSHIRE PLANNING PAXED TWO APPLICATIONS (DETAILS ATTACHED), WHICH IN OUR OPINION, WERE IN PRINCIPAL IDENTICAL TO OUR PROPOSAL. IN BOTH THESE INSTANCES THE PROPOSED PROPERTY DID NOT HAVE A PROPER ROAD FRONTAGE. FURTHERMORE, BOTH PROPOSALS HAD SHARED ACCESS TO THE EXISTING HOUSE. WE WOULD POINT OUT THAT IN ONE INSTANCE, THE MATTER OF ROAD FRONTAGE WAS NOT DISCUSSED, WHILE FOR THE SECOND APPLICATION THE MATTER OF PROPER ROAD FRONTAGE WAS EASILY DISMISSED. WE WOULD POINT OUT OUR DECISION TO APPLY FOR PLANNING PERMISSION, AND INCUR THE NOT INCONSIDERABLE EXPENSE, WAS SIGNIFICANTLY INFLUENCED BY THESE SCHEMES WHICH RECEIVED APPROVAL. AS WE CAN SEE NO MATERIAL DIFFERENCES IN THE NATURE OF THESE SCHEMES AND OUR PROPOSAL, WE THEREFORE CONSIDER THE COUNCIL IS NOT SHOWING ANY DEGREE OF CONSISTENCY IN IT'S APPROACH TO PLANNING SUBMISSIONS. AS A RESULT, OUR PRINCIPAL OBJECTION TO THE REFUSAL OF PLANNING FOR THE PROPOSED PROPERTY IS THE LACK OF CONSISTENCY IN THE JUDGEMENT WITH PARTICULAR REFERENCE TO THE ISSUE OF PROPER ROAD FRONTAGE.

Plot to the Rear of 11 Whyte Avenue, Cambuslang

05 SEP 2011

We have viewed South Lanarkshire Council's policy of sub-division of garden ground and have prepared detailed responses to the various points. However in support of the application, we would offer some further background information.

The footprint of the proposed house lies almost wholly within an area which did not originally form part of the garden of 11 Whyte Avenue. The garden of 11 Whyte Avenue was extended circa 1980 by the present owner of the property who acquired from the local authority a portion of the vacant plot to the north of the property. Over the intervening period, this additional portion of the garden was used as a vegetable plot. However, the householder is no longer able to maintain the garden in its current size and form and therefore intends to reduce the area of the garden to its original size. As a result, the area of land proposed for development will revert to a vacant plot.

The development therefore lies predominantly within an area of land which historically has not been and in the immediate future will not be part of the garden of 11 Whyte Avenue. In this regard, it could be viewed that the application for development does not strictly fall within the category of sub-division of garden ground, but is more akin to the development of a vacant plot.

Notwithstanding this, the concerns of the Council with regard to development within existing gardens are fully understood. With this in mind, it is our opinion that no adjacent properties or indeed any properties within the surrounding area would offer a similar development opportunity.

This opinion is based principally on the fact that, as stated above, the development will be undertaken almost wholly within an area of land which did not originally form part of the garden of the existing property. In addition, although a number of adjacent houses appear to have large gardens, it should be noted that these are almost all 'four in a block' properties, and as a result similar development proposals would not be possible. Indeed, the property occupying 11 Whyte Avenue is one of only a few semi-detached bungalows in the area, and it is considered that none of remaining semi-detached properties have either a sufficient area of accompanying land or access to vacant land to support a development proposal similar to this application.

Based on the above, it is our opinion that this is a unique development opportunity which will have no adverse impact on and will be in keeping with the existing established properties. Indeed, as the area of the proposed development will in the immediate future be a vacant unkempt plot of land, we would suggest that the proposed development will enhance and improve the environs.

05 SEP 2011

Plot to the Rear of 11 Whyte Avenue, Cambuslang

With regard to the specific points raised in South Lanarkshire Council's policy on sub-division of gardens (DM5), we would offer the following responses:

- a) The proposed development would essentially result in the garden of 11 Whyte Avenue reverting to an area comparable to its original size (prior to extension of garden circa 1980). As a result it is considered the garden of 11 Whyte Avenue will be comparable with those adjacent in terms of size, shape and amenity.

With regard to the proposed plot, we have commenced preliminary discussions with South Lanarkshire Council Housing, with a view to purchasing a portion of the adjacent vacant plot. This would result in the proposed plot being comparable with those adjacent and in close proximity in terms of size and amenity. In addition, the shape of plots within the general area is highly variable and does not follow an established pattern. As a result, the shape of the proposed plot is not considered out of keeping with that existing.

- b) The frontage of the proposed and existing plots will be approximately 7 metres and 9 metres respectively. These lengths of frontages are comparable with or indeed greater than the frontages of the surrounding properties. Whilst the proposed house will not have a proper road frontage, we would suggest that by definition no houses on Whyte Avenue have a proper road frontage and therefore the proposal is considered to be in keeping with the existing curtilages.

In addition, would highlight a number of properties on Whyte Avenue (nos. 17 – 24) are offset by up 15metres from the street. Furthermore, nos. 17 - 24 all have a plot frontage less than the associated property width. Whilst our proposal is offset approximately 30metres from the street, we consider the general principle of properties being offset a distance from the road and having a limited street frontage has already been established for Whyte Avenue.

We would also draw your attention to nos 64 - 70 Fraser Street as further examples of properties in the general area which do not have a proper road frontage. Indeed these plots do not have any street frontage whatsoever, with no. 64 Fraser Street being offset some 40metres from the road.

In view of the above, we would suggest this proposal is in keeping with established development patterns.

In further support of this application, we would draw your attention to two similar applications submitted to SLC in 2010 which both received planning permission in principle (Ref MM/10/0250 and CL/10/0481). In both these applications, the absence of a proper road frontage did not have an adverse effect on the submission.

In the case of application HM/10/0250, the officer report stated 'many of the surrounding properties do not have a street frontage and therefore the proposal is considered to be in keeping with the established character of the area'. On comparing the plans for this application and our current proposal, we would suggest that in the case of application HM/10/0250 a number of properties adjacent to the proposed development do have a proper road frontage and as such it is our opinion that this proposal is less in keeping with the guidelines of DM5 in terms of road frontage than our proposal.

With regard to application CL/10/0481, the condition of a proper road frontage does not appear to have been discussed in the officer report and therefore we can only assume the

05 SEP 2011
issue was not considered to be an insurmountable hurdle to the proposal. Again, on comparing this and our proposal, there appears no material difference in the nature of the schemes.

While we accept all proposals have to be assessed on their own merits, by citing these examples of successful applications, we consider we have demonstrated there is an established precedent in terms of developments of this nature satisfying the conditions of DM5 with respect to road frontage.

- c) The proposed vehicle access for the new property will be via the existing vehicle access for 11 Whyte Avenue. As a result, there are no adverse implications for traffic safety or loss of privacy for the adjacent properties. It should be noted, this vehicle access will be solely for the new property.
- d) It is proposed to have only a minimal reduction to the original garden area of 11 Whyte Avenue. It is considered the revised garden of 11 Whyte Avenue will be comparable with the adjacent properties and will offer adequate recreational, amenity and drying garden space. As stated above, it would be the intention to extend the area of the development plot by purchasing a portion of the adjacent vacant ground, thus creating a plot size greater than most of the surrounding properties.
- e) The proposed property will be bounded to the north and west by vacant land. It is intended that no windows or doors will be formed on the east elevation of the proposed property. As a result, only the south elevation will have any impact on the privacy of the adjacent houses ie nos. 11 and 13 Whyte Avenue. It is considered that by careful design, positioning and orientation of the building and the use of fencing/screening, the impact on the privacy of these adjacent properties will be negligible. We would suggest the proposal is in keeping with the irregular layout of the properties in close proximity and the overall area. Furthermore, the proposal will offer an increased degree of privacy than many of the adjacent properties .
- f) The proposed property will be a minimum of 15 metres from any adjacent building. This distance is greater than the spacing of the existing adjacent properties. As a result, we do not consider the development will result in any loss of amenity or overshadowing.
- g) The proposed development will not result in the loss of any trees, walls or fences. A small section of hedge will be removed from the frontage of 11 Whyte Avenue to create a new off-street parking space, however this will remain in keeping with adjacent properties.
- h) As stated above, a new off-street parking space will be created within the eastern portion of the front garden of 11 Whyte Avenue. However, following the creation of this parking space the front garden of 11 Whyte Avenue will still have approximately 35 square metres of lawn. There will be sufficient parking space to the front of the proposed house for 2 vehicles.
- i) It is our opinion the proposed development will be of a design and size in keeping with the surrounding properties. It is considered the area of development is sufficient for the proposed house.

Whilst the proposed development is located towards the rear of the properties situated on Whyte Avenue, it remains within the historical development boundary of the Wellshot area. Indeed, the footprint of the proposed house will not extend beyond the existing properties located some 40metres to the west and as such the proposal appears on plan as a natural infill to a vacant plot.

- j) To our knowledge the proposal does not jeopardise any further development.

k) To our knowledge the proposal does not affect the built heritage and/or nature conservation issues.

05 SEP 2011

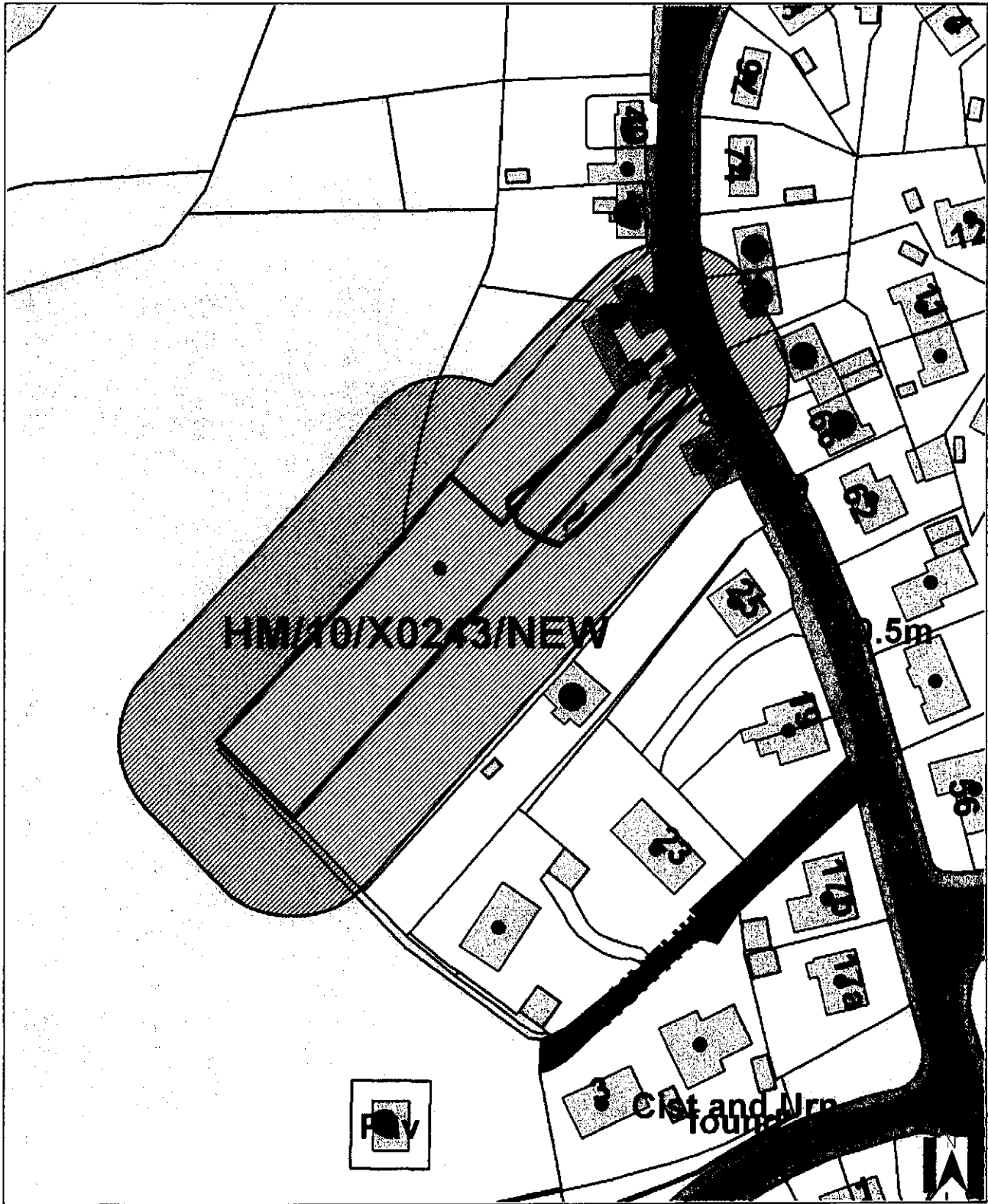
05 SEP 2011

Notification of planning application under regulation 18 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

Site address: Plot behind 43 Hunthill Road, Blantyre

Scale: 1: 1250


For information only



For information only

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05 SEP 2011

	Delegated Report	Reference No	HM/10/0250
		Date	22 July 2010

Planning proposal:	Permission in principle for erection of dwelling
Location:	Plot behind dwellinghouse 43 Hunthill Road Blantyre G72 9SR

Application Type : Permission in principle

Type :

Applicant : Mr & Mrs S. Fletcher

Representations: No

Location : Plot behind dwellinghouse
43 Hunthill Road
Blantyre
G72 9SR

Decision: Grant detailed planning permission (based on the conditions overleaf)

Report by: Area Manager (Planning & Building Standards)

Policy ref:

**Adopted South Lanarkshire
Local Plan**

Policy RES6 - Residential Land
Use

Policy DM1 - Development
Management

Policy DM5 – Sub-division of
Garden Ground

Policy ENV31 – New Housing
Development

Impact on privacy? No

Impact on sunlight/daylight? No

Impact on amenity? No

Traffic issues? No

Adheres to local plan policy? Yes

Adverse comments from consultees? No

Consultations

Roads and Transportation Services

Summary of response

Have offered no objection to the proposal, subject to the imposition of conditions relating to parking spaces and the provision of a turning space and a private vehicular access of which the first 2m metres requires to be hard surfaced.

1 Reason for Decision

- 1.1 The applicant seeks approval for planning permission in principle for the erection of a dwelling at a plot situated behind an existing house at 43 Hunthill Road, Blantyre. The application site originally comprised garden ground associated with 43 Hunthill Road. However, the original garden has been subdivided to form a smaller formalised rear garden which is used in association with the property at 43 Hunthill Road with the remainder forming the application site which essentially is a grassed area with a number of storage buildings. The proposal seeks approval for a single dwellinghouse with vehicular access to the proposed house being shared with 43 Hunthill Road.
- 1.2 Outline planning consent was granted consent on 4 October 2005 for the erection of a dwellinghouse (planning reference HM/05/0447) at the application site. Subsequently, the current planning application was submitted by the applicant as a renewal of planning consent HM/05/0447. However, this planning consent expired on 4 October 2008 and the application cannot be assessed as a renewal of consent HM/05/0447. The historical existence of this consent is however a material consideration in the assessment of this submission, especially as the land use context of the site in terms of the local plan has not changed.
- 1.3 In terms of Local Plan policy, the application site is located within an established residential area and is affected by Policy RES6 'Residential Land Use.' Subsequently, it is considered that the principle of a new dwellinghouse at the application site accords with the provisions of the adopted Local Plan. In addition, the principle of residential development at the site has been established through the provisions of the grant of outline planning consent HM/05/0447.
- 1.4 In terms of design and layout issues, Policies DM1 'Development Management Policy' and ENV31 'New Housing Development' are also relevant to the assessment of the application. These policies generally require all development to take into account the local context and built form of the area and they provide guidance as to the criteria to be adhered to. Whilst the application is for planning permission in principle a condition has been attached to the consent which requires the submission of further details in order that the detailed design and layout can be fully assessed. It should be noted that any subsequent detailed planning application would be required to comply with the adopted Local Plan policies, the Council's Residential Development Guide and be in keeping with development in the surrounding area.
- 1.5 Policy DM5 'Sub-division of Garden Ground' provides a detailed list of criteria against which such proposals require to be assessed. The position of neighbouring residential properties adjacent to and located in close proximity to the site is irregular and generally do not follow an established 'street pattern' of development. Subsequently, whilst it is noted that the proposed development will not have a proper road frontage, many of the surrounding residential properties do not have a street frontage and therefore the proposal is considered to be in keeping with the established character of the area. In accordance with the provisions of Policy DM5 the proposed dwellinghouse at the site would be comparable with other residential

properties in the vicinity in terms of its position and amenity, would not result in an impact on traffic safety and would provide sufficient garden ground for the needs of the occupants. In addition, the development will be able to provide a degree of privacy comparable to surrounding dwellings and adequate off street car parking provision for both the existing dwellinghouse at 43 Hunthill Road and proposed dwellinghouse. Therefore, the principle of residential development at the site does not raise any insurmountable issues within the context of Policy DM5.

- 1.6 Statutory neighbour notification was undertaken in relation to the proposed development and no letters of objection were received. In addition, the proposed development was advertised as 'Non-Notification of Neighbours' in the local newspaper. In terms of the statutory consultations undertaken in relation to the application Roads and Transportation Services have advised that they have no objections to the proposal, subject to the imposition of conditions. In this regard relevant conditions and advisory notes can be imposed where appropriate and justified.
- 1.7 Overall I am of the opinion that the principle of residential development will have no adverse impact on the residential amenity or the character/appearance of the area. Subsequently, the proposal complies with the provisions of Policies RES6, DM1, DM5 and ENV31 of the adopted South Lanarkshire Local Plan. Indeed the issue of consent would accord with the Council's decision in 2005 and since this time there has been no material change in planning policy or circumstances that would justify a reversal of this decision.

Signed:
(Council's authorised officer)

Date:

Previous references

- ◆ HM/05/0447

List of background papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Plan 2009
- ▶ Neighbour notification letter dated 26 May 2010
- ▶ Press advertisement, Hamilton Advertiser, 10 June 2010

Contact for further information

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

Christina Laird
(Tel :01698 453513)
E-mail: Enterprise.hamilton@southlanarkshire.gov.uk

Permission in principle

PAPER APART – APPLICATION NUMBER : HM/10/0250

CONDITIONS

- 1 Unless development commences, planning permission in principle expires 2 years from approval of the specified matters being granted, or if different matters are approved on different dates, then 2 years from the date of the last approval.
- 2 This decision relates to drawing numbers:

Drawing 1
- 3 Prior to the commencement of development on site, a further application(s) for the approval of the matters specified in this condition must be submitted to and approved by the Council as Planning Authority. These matters are as follows:
(a) the layout of the site, including all roads, footways, parking areas and open spaces;
(b) the siting, design and external appearance of all building(s) and any other structures, including plans and elevations showing their dimensions and type and colour of external materials;
(c) detailed cross-sections of existing and proposed ground levels, details of underbuilding and finished floor levels in relation to a fixed datum, preferably ordnance datum.
(d) the means of access to the site;
(e) the design and location of all boundary treatments including walls and fences;
(f) the landscaping proposals for the site, including details of existing trees and other planting to be retained together with proposals for new planting specifying number, size and species of all trees and shrubs;
(g) the means of drainage and sewage disposal.
(h) details of the phasing of development (covering all relevant aspects of development detailed in (a) above).
- 4 That the total number of dwellinghouses within the site shall be no more than one.
- 5 That the further application required under the terms of Condition 3 above shall comply with the guidance on new residential development contained in the Council's Residential Development Guide.
- 6 That no trees within the application site shall be lopped, topped, pollarded or felled, or otherwise affected, without the prior written consent of the Council as Planning Authority.
- 7 Prior to the commencement of development on site, a Flood Risk Assessment with reference made to CIRIA C624 and in accordance with the Reporting Requirements for Flood Risk Assessments issued by the Scottish Environmental Protection Agency (SEPA), shall be submitted to and approved

in writing by the Council as Planning and Roads Authority.

- 8 That the further application required under the terms of Condition 3 above shall include a detailed scheme for surface water drainage and the drainage arrangements.
- 9 That the further application required under the terms of Condition 3 above shall include written confirmation from Scottish Water to the Council as Planning Authority that the foul drainage arising from the site can be accommodated within the public sewerage system without causing detriment to the operational capabilities of the receiving sewage treatment facility or the associated sewerage infrastructure. The developer shall be responsible for all costs involved in upgrading the existing public sewerage system to serve the residential development at this site. The dwellinghouse shall not be occupied until the upgrading works have been completed to the specification and satisfaction of Scottish Water as the Water and Sewerage Authority.
- 10 That the further application required under the terms of Condition 3 above shall include drawings which illustrate the provision of a turning space within the site to enable vehicles to enter and leave the application site in forward gears at all times.
- 11 That the further application required under the terms of Condition 3 above shall include drawings which illustrate that a private vehicular access or driveway can be provided and the first 2m metres of this access from the heel of the footway/service strip shall be hard surfaced across its full width to prevent deleterious material being carried onto the road.
- 12 That the further application required under the terms of Condition 3 above shall include details of all parking provision within the site in accordance with the Council's Guidelines for Development Roads.

REASONS

- 1 To comply with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 2 For the avoidance of doubt and to specify the drawings upon which the decision was made.
- 3 To comply with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 4 To accord with the established dwellinghouse design in the area.
- 5 In the interests of amenity and in order to retain effective planning control.
- 6 To ensure the protection and maintenance of the existing mature trees within the site

- 7 To ensure that there will be no increased risk of flooding to land and properties either on-site or downstream due to impedance of flood flows, increased surface water run off and/or reduction of flood storage capacity.
- 8 To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.
- 9 To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.
- 10 In the interest of public safety
- 11 To prevent deleterious material being carried into the highway.
- 12 To ensure the provision of adequate parking facilities within the site.

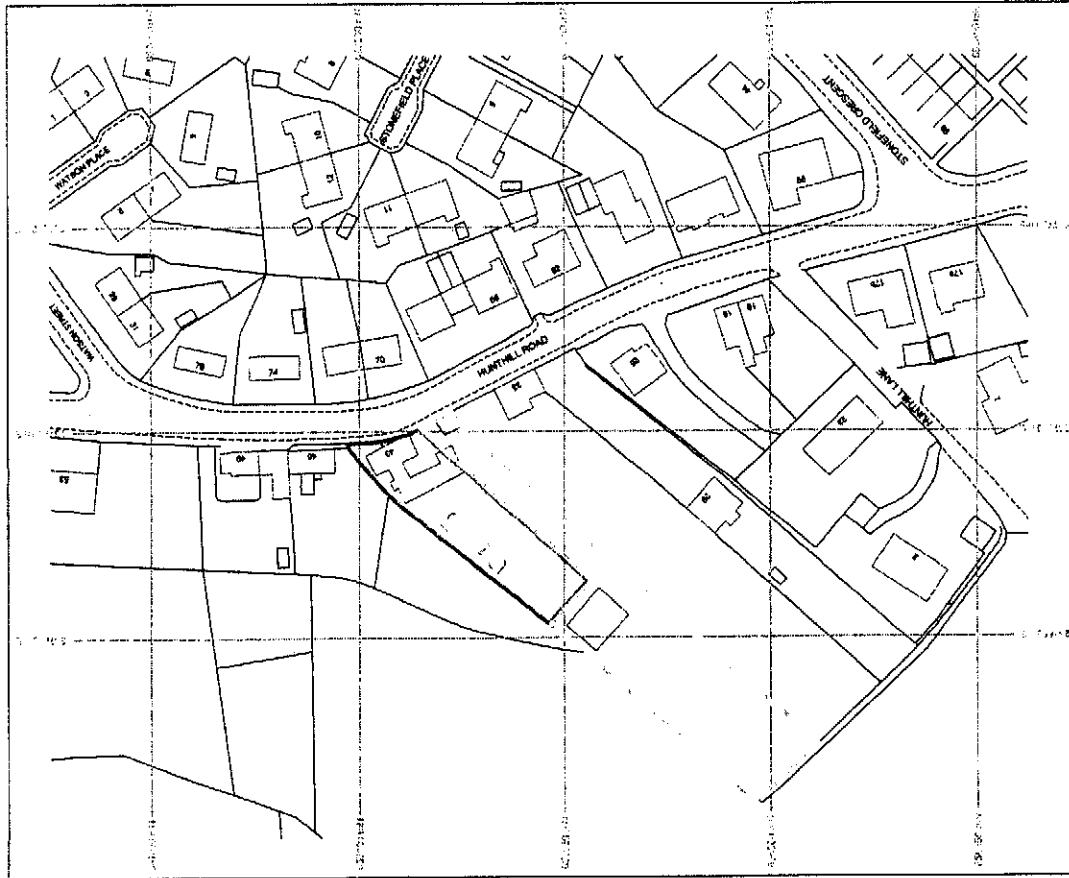
INFORMATIVES

- 1 Prior to demolition the existing structures on the site should be surveyed for the presence of materials containing asbestos. Where such materials exist, removal works and any statutory notifications should comply with current legislation and Health and Safety Executive guidance.
- 2 Failure to comply with the conditions imposed on this planning permission can result in the planning authority serving a Breach of Condition Notice and/or Enforcement Notice. If any of the requirements set out in these notices are not then complied with, a fixed penalty notice may be served seeking the payment of the sum specified in the penalty notice to the Planning Authority. The sum will be as set by The Town and Country Planning (Amount of Fixed Penalty) (Scotland) Regulations 2009.
- 3 The applicant is advised that all works carried out on site must be carried out in accordance with BS5228 Parts 1-4 1984/1986, 'Noise control on construction and open sites'.
The applicant is further advised that audible construction activities should be limited to:
Monday to Friday 8.00am to 7.00pm, Saturday 8.00am to 1.00pm and Sunday - No audible activity. The applicant is advised that Environmental Services may consider formally imposing these hours of operation by way of statutory notice should complaints be received relating to audible construction activity outwith these recommended hours and should such complaints be deemed justifiable by Officers from this Service.
Further details of this may be obtained from South Lanarkshire Council, Environmental Services, Atholl House, East Kilbride, G74 1LU. Telephone (01355) 806915

- 4 The applicant is advised that further development at the site and/or adjacent ground would not be acceptable from a Roads Engineering perspective without a proper road junction and access being formed.

**Erection of a Single House (Outline)
@ 43 Hunthill Road, High Blantyre.**

Location Plan 1:1250

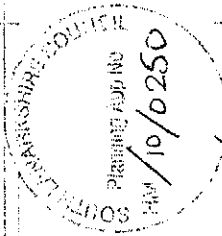


Block Plan 1:500



Part of existing house demolished to provide a shared access to SLC specification

Indicative House Position



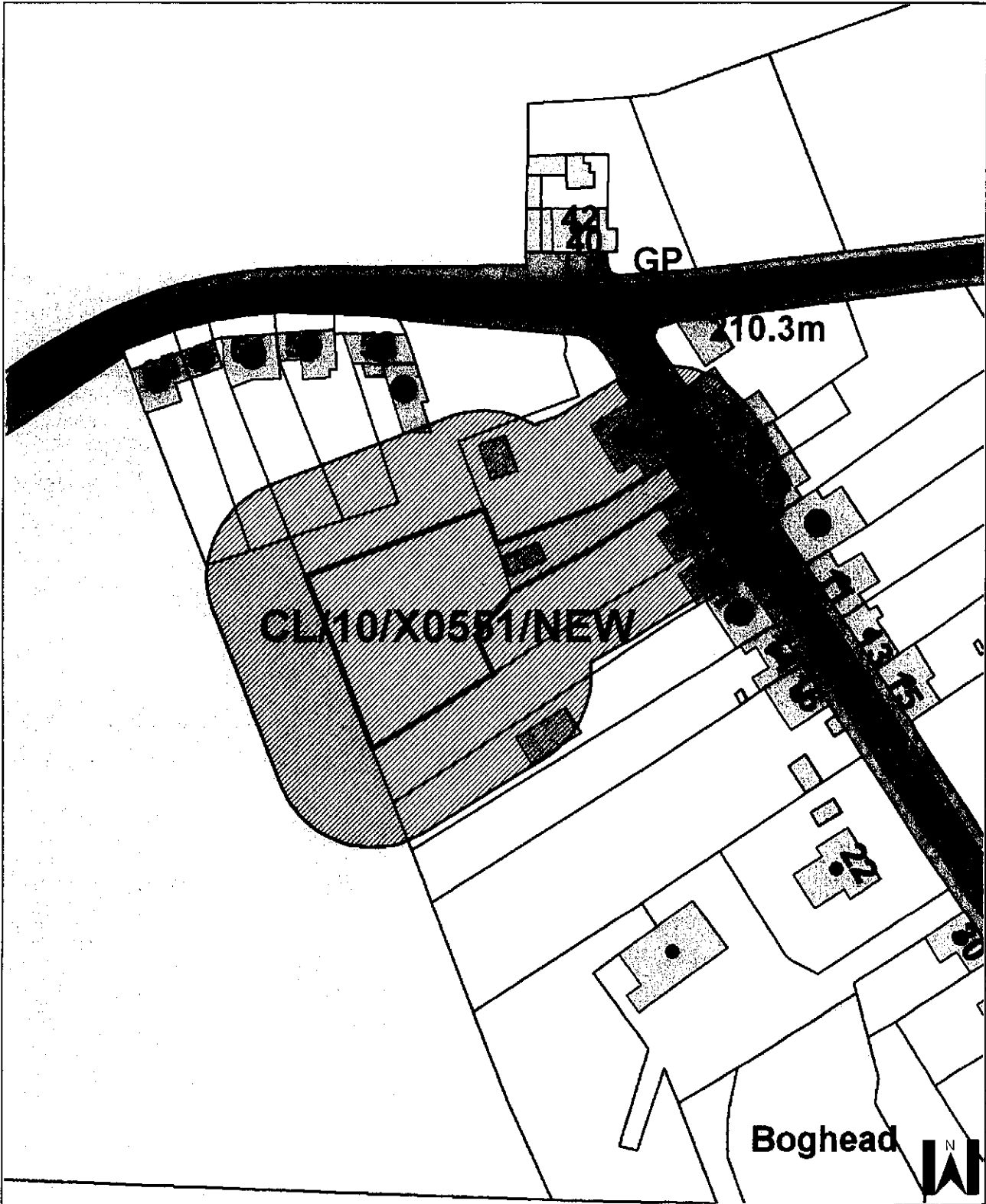
05 SEP 2011

Notification of planning application under regulation 18 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

Site address: 6 Lesmahagow Road, Boghead

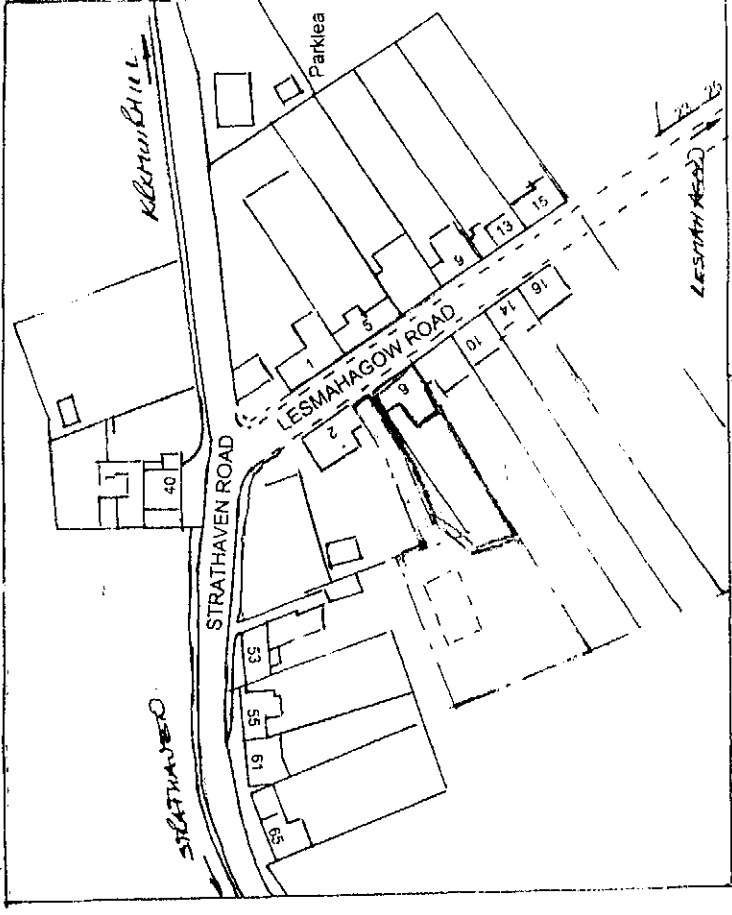
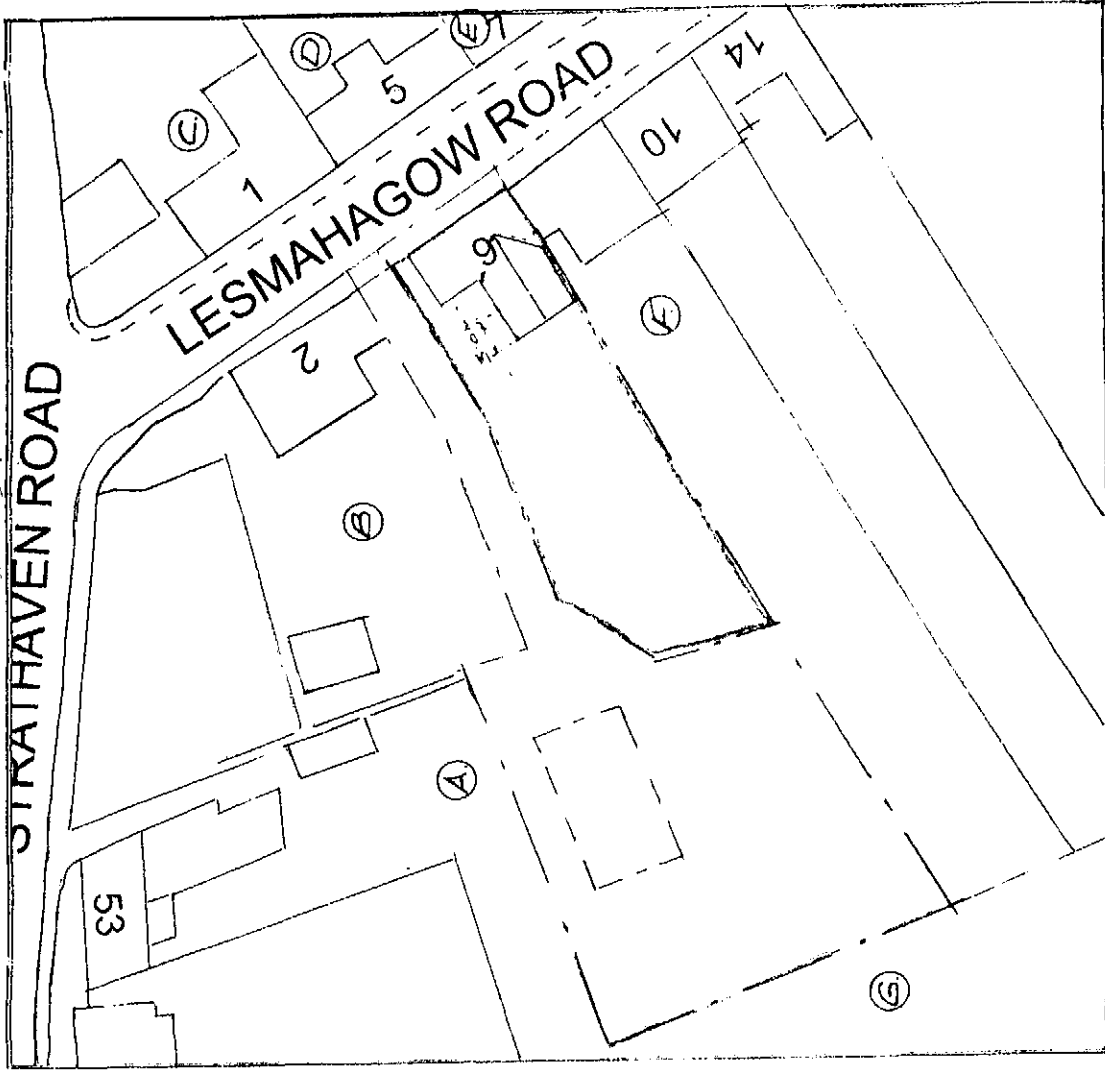
Scale: 1: 1250

For information only



For information only

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PROPOSED DWELLING HOUSE TO THE REAR OF
 NO 6 LESMAHAGOW RD., BOGHEND, LESMAHAGOW
 FOR MR & MRS D. MAGRAE

THESE ARE THE PLANS REFERRED TO IN THE
 APPLICATION FOR PLANNING CONSENT
 DATED 26/10/2010



AGENT

SOUTH LANARKSHIRE COUNCIL
 Town & Country Planning (Scotland) Acts
 APPROVED
 IN TERMS OF CONSENT OF
 15 Dec 2010
 Michael McGlynn
 Head of Planning and Building Standards
 Services

03 NOV 2010 CC/10/X0551/INVALID

Delegated Report

Report to: **Delegated Decision**
Date of Report:
Report by: **Area Manager (Planning & Building Control)**

Application No CL/10/0481
Planning Proposal: Erection of detached dwellinghouse (planning permission in principle)

1 Summary Application Information

- Application Type : Permission in principle
- Applicant : Mr & Mrs D MacRae
- Location : Plot - garden area behind no 6 Lesmahagow Road
Boghead
Lesmahagow

2 Decision

2.1 Grant detailed planning permission (based on the conditions overleaf)

2.2 Other Actions/Notes

3 Other Information

- ◆ Applicant's Agent: W J Speirs
- ◆ Council Area/Ward: 04 Clydesdale South
- ◆ Policy Reference(s): South Lanarkshire Local Plan.
RES 6: Residential Land Use
DM 5: Sub- Division of Garden Ground

- ◆ Representation(s):
 - ▶ 1 Objection Letters
 - ▶ 0 Support Letters
 - ▶ 0 Comments Letters

- ◆ Consultation(s):

Roads and Transportation Services (Clydesdale Area)

Planning Application Delegated Report

1 Material Considerations

- 1.1 The application site is located within Boghead to the rear of 6 Lesmahagow Road on ground which currently forms part of the garden. The donor house is an end terrace, one and a half storey traditionally built cottage with a rear extension, which has garden ground to the rear. It is likely that this ground is in fact a double width feu, with number 6 acquiring the site of the former cottage which adjoined 2 and 6 Lesmahagow Road
- 1.2 Planning permission in principle is sought for the erection of a dwelling. Access would be shared with the donor house and the garden ground split between the properties. The existing double garage on the site would be demolished to facilitate the development. Outline planning consent had previously been granted in August 2005 for the erection of a dwelling on the ground. The consent has expired and no works have occurred on site.
- 1.3 The main considerations in determining this application are: its compliance with local plan policy; the impact on the visual amenity and character of the surrounding area, and the impact on the residential amenity of neighbouring dwellings.

2 Consultation(s)

- 2.1 **Roads and Transportation Services** have no objection to the proposal subject to conditions relating to parking provision for the proposed house and the donor house.

Response: Noted. Suitable conditions will be attached to any consent issued.

3 Representation(s)

- 3.1 The application was advertised for the Non Notification of Neighbours. One letter of representation was received, which can be summarized as follows:

- 3.2 a) **The applicant has stated that there will not be a drainage or flooding issue, but properties nearby on Strathaven Road have suffered from flooding coming from the surrounding area**

Response: The application is in principle only, and details such as drainage and surface water treatment will be addressed at the detailed planning application stage.

b) If the dwelling was to be double storey it would impose on the privacy of neighbouring gardens.

Response: The application is in principle only; nonetheless conditions will be attached to any consent issued, restricting any future dwelling to single storey and prescribing which way the dwelling could be orientated.

c) Most of the homes on Strathaven Road are over 100 years old and any drilling nearby could unsettle their foundations.

Response: Such issues are not a planning issue, and could be covered by any subsequent building warrant.

4 Assessment and Conclusions

4.1 The applicant seeks planning permission in principle for the erection of a detached dwelling through the sub-division of garden ground at 6 Lesmahagow Road, Boghead.

4.2 The appropriate policies within the South Lanarkshire Local Plan against which the proposal is assessed, are RES 6 and DM5. The use of the site for a dwelling complies with RES 6 in that it is compatible with the neighbouring land uses, would not be detrimental to the amenity of adjoining properties due to the position of the application site and it can be adequately accessed from the public road. Detailed guidance on the sub-division of garden ground is contained in policy DM 5, and I am satisfied that the proposal will be able to maintain standards relating to separation distances, garden sizes, parking and privacy maintaining the residential amenity of the area. The application site rises to the rear (west) of the property, and the boundary is formed by conifers and mature hedges which will assist in screening any new development from adjoining agricultural land and views into Boghead from the Strathaven Road. A number of conditions will be attached to any consent issued which give guidance on scale, design and siting of the dwelling which will be the subject of a detailed planning application. In conclusion, the proposal complies with the policies of the adopted local plan.

5 Reason for Decision

5.1 The proposal is an acceptable development for the site and complies with policies RES 6 and DM5 of the adopted South Lanarkshire Local Plan. I therefore recommend that planning permission in principle be granted.

Signed:
(Council's authorised officer)

Date:

Previous References

- ◆ CL/05/0345

List of Background Papers

- ▶ Application Form
- ▶ Application Plans

- ▶ Consultations
Roads and Transportation Services (Clydesdale Area) 17/11/2010

- ▶ Representations
Representation from : Mr Craig Schoneville, 65A Strathaven Road
Boghead
Lanark
ML11 0GN , DATED 18/11/2010

Contact for Further Information

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

Ailsa Graham
(Tel :01555 673190)
E-mail: Enterprise.lanark@southlanarkshire.gov.uk

Permission in principle

PAPER APART – APPLICATION NUMBER : CL/10/0481

CONDITIONS

- The consent shall be carried out strictly in accordance with drawing numbers:
- 1 Location/Block Plan dated 26/10/2010.
 - 2 Unless development commences, planning permission in principle expires 2 years from approval of the specified matters being granted, or if different matters are approved on different dates, then 2 years from the date of the last approval.
 - 3 The application(s) for approval of these further matters must be made to the Council as Planning Authority before whichever is the latest of the following:
 - (a) expiry of 3 years from when permission in principle was granted
 - (b) expiry of 6 months from date when an earlier application for approval was refused, and
 - (c) expiry of 6 months from date on which an appeal against the refusal was dismissed.

Approval of the further specified matters can be made for -

- (i) different matters, and
- (ii) different parts of the development at different times.

Only one application for approval of matters specified in conditions can be made after 3 years from the grant of planning permission in principle.

- 4 Prior to the commencement of development on site, a further application(s) for the approval of the matters specified in this condition must be submitted to and approved by the Council as Planning Authority. These matters are as follows:
 - (a) the layout of the site, including all roads, footways, parking areas and open spaces;
 - (b) the siting, design and external appearance of all building(s) and any other structures, including plans and elevations showing their dimensions and type and colour of external materials;
 - (c) detailed cross-sections of existing and proposed ground levels, details of underbuilding and finished floor levels in relation to a fixed datum, preferably ordnance datum.
 - (d) the means of access to the site;
 - (e) the design and location of all boundary treatments including walls and fences;
 - (f) the landscaping proposals for the site, including details of existing trees and other planting to be retained together with proposals for new planting specifying number, size and species of all trees and shrubs;
 - (g) the means of drainage and sewage disposal; and
 - (h) details of the phasing of development (covering all relevant aspects of

development detailed in (a) above).

- 5 That no consent is hereby granted for the position of the dwellinghouse shown on the application plan.
- 6 That notwithstanding Condition 4 above the dwellinghouse hereby approved shall be orientated east/ west with the principle elevation to the east, to the satisfaction of the Council as Planning Authority.
- 7 That no building to be erected on the site shall exceed one storey in height.
- 8 That the further application required under the terms of Condition 4 above, shall be accompanied by a Design Statement which shall set out the design principles, justify the design solution and show how the proposal responds to the wider context of the area as well as the characteristics of the site.
- 9 That notwithstanding the terms of Condition 4 above, the design and siting of any dwellinghouse on the site shall take due cognisance of the rural location, with particular regard being paid to scale, massing, roof pitch, fenestration and materials; and shall be in accordance with the Council's approved policy on new dwellings in the Countryside.
- 10 That before development starts, details of all boundary treatment(s) shall be submitted to and approved by the Council as Planning Authority and thereafter all approved works shall be completed to the satisfaction of the Council prior to the development hereby approved being occupied or brought into use.
- 11 That no hedge within the application site shall be lopped, topped, pollarded or felled, or otherwise affected, without the prior written consent of the Council as Planning Authority.
- 12 That before development starts, the results of soil porosity testing on the site to assess the suitability of the sub-soil for effluent disposal shall be submitted to and approved by the Council as Planning Authority.
- 13 That before the dwellinghouse hereby approved is occupied, a septic tank and soakaway designed and constructed in accordance with the current code of practice BS6297:1983 shall be provided to the satisfaction of the Council as Planning Authority.
- 14 That the further application required under Condition 4 above shall include provision for (a) the retention of the existing visibility splays of 2.5 x 140 metres to the north and 2.5 x 35 metres to the south, with no fencing, vegetation, shrubs or

trees above the height of 1.05m located within these sightlines; (b) parking provision for the proposed and existing properties of 2 car parking spaces for each property with 3 bedrooms or less, or 3 car parking spaces for properties of 4 bedrooms or more;

(c) a turning facility within the confines of the site, which does not conflict with any of the parking to allow vehicles to enter and leave in forward gear; (d) a drainage system capable of preventing any water from flowing onto the public road or into the site from surrounding land, provided and maintained at the applicants expense.

REASONS

- 1 For the avoidance of doubt and to specify the drawings upon which the decision was made.
- 2 To comply with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 3 To comply with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 4 To comply with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 5 In the interests of amenity and in order to retain effective planning control.
- 6 In the interests of amenity and in order to retain effective planning control.
- 7 In the interests of amenity.
- 8 To provide an explanation of the design concept and to enable a greater understanding of the proposal.
- 9 In the interests of amenity and to ensure satisfactory integration of the new dwellinghouse with the designated <<Greenbelt/Countryside>>
- 10 These details have not been submitted or approved.
- 11 To ensure the protection and maintenance of the existing mature trees within the site
- 12 To ensure the provision of a satisfactory sewerage system.
- 13 To ensure the provision of a satisfactory sewerage system.
- 14 In the interest of public safety

INFORMATIVES

- 1 Failure to comply with the conditions imposed on this planning permission can result in the planning authority serving a Breach of Condition Notice and/or

Enforcement Notice. If any of the requirements set out in these notices are not then complied with, a fixed penalty notice may be served seeking the payment of the sum specified in the penalty notice to the Planning Authority. The sum will be as set by The Town and Country Planning (Amount of Fixed Penalty) (Scotland) Regulations 2009.

- 2 This grant of planning permission does not grant any right of access over any adjoining property or land required for the purpose of constructing or maintaining the development.

The consent of the appropriate land owner will be required in order to carry out building work or future maintenance that requires access to a neighbour's ground.

Any disputes which arise over access or boundaries are not a planning matter. These are civil matters to be resolved between the parties involved.

- 3 Details of this application should be sent to SEPA for their consideration and comments, as they are the legal body responsible for some of the matters raised.
Scottish Environment Protection Agency,
West Region Head Quarters,
5 Redwood Crescent,
Peel Park,
East Kilbride, G74 5PP

- 4 Scottish Water are the legal body responsible for some of the matters raised by this application. Details of this application should therefore be sent to them at the address below for their consideration and comment .
Scottish Water
Planning & Development Services
419 Balmore Road
Glasgow
G22 6NU

- 5 The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from coal mining. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological fissures; mine gas and previous surface mining sites. Although such hazards are often not readily visible, they can often be present and problems can occur as a result of development taking place, or can occur at some time in the future. It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required, be submitted alongside any subsequent application for Building Regulations approval.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com



05 SEP 2011



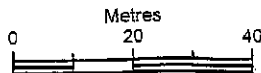
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The representation of a road, track or path is no evidence of a right of way.

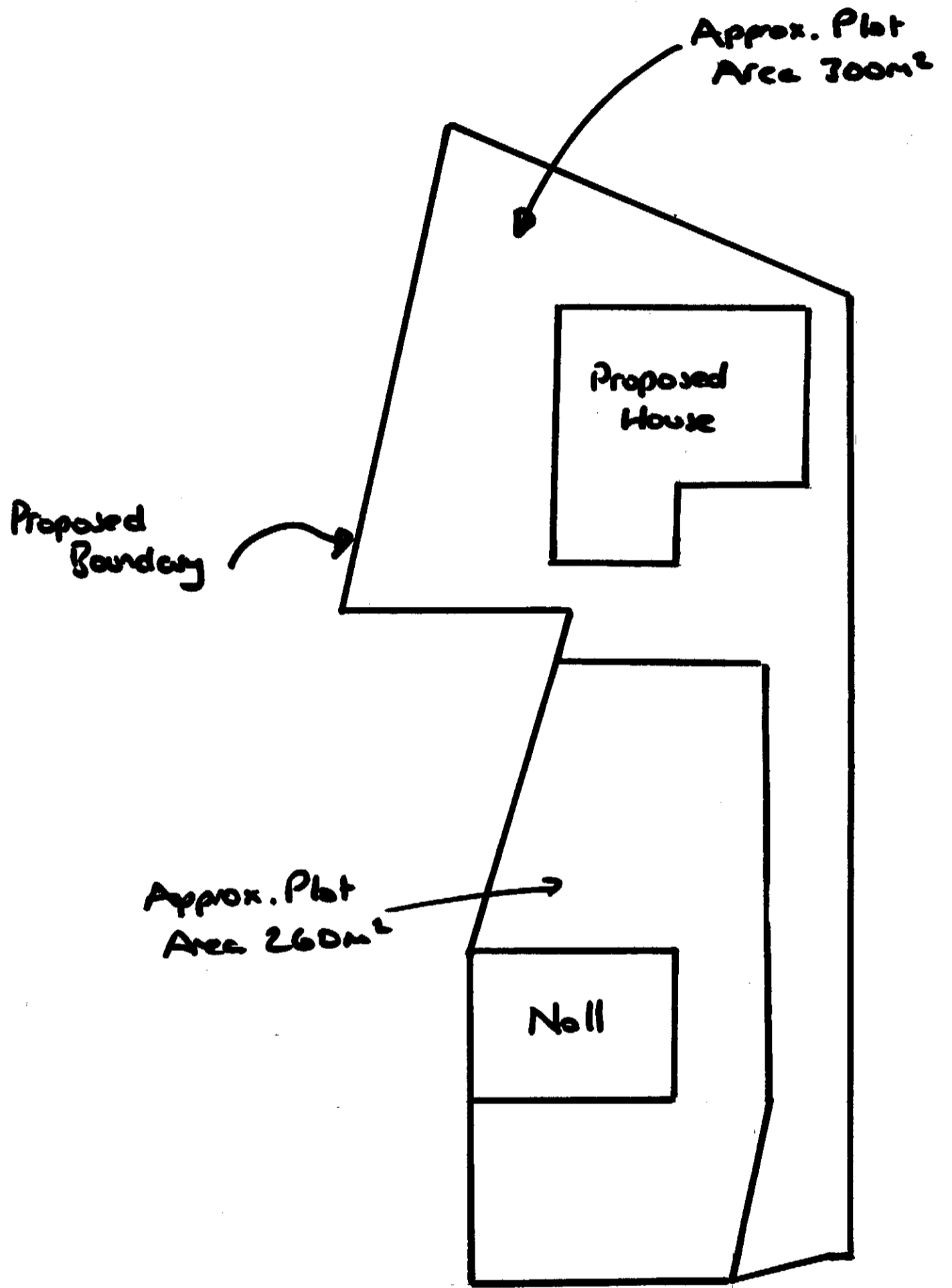
The representation of features as lines is no evidence of a property boundary.



Scale 1:1250

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 Serial number: 02007700
 Centre coordinates: 263329.5 660658

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



Plot to the Rear of
11 Whyte Avenue
Cambslang

05 SEP 2011

Scale 1:200