

# Appendix 5

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





# 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: Mr and Mrs MacFarlane	Name: AD Plans Ltd
Address: Kinrara Strathaven Road Stonehouse	Address: 29 Millheugh Larkhall
Postcode: ML9 3NU	Postcode: ML9 1QU
Contact Telephone 1: 01698 792531	Contact Telephone 1: 01698 884031
Contact Telephone 2: 07810438617	Contact Telephone 2: 07788150615
Fax No:	Fax No: 01698 884031
E-mail:*	E-mail:* adplans@btinternet.com

ENTERPRISE FIRST LTD  
 RECEIVED  
 21 OCT 2010  
 21 OCT 2010  
 Allocated to GC  
 File Ref 498002

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: H M / 1 0 / 0 3 0 5

Site address: Kinrara, Strathaven Road, Stonehouse, ML9 3NU

Description of proposed development: Erection of 2-Semi Detached Dwelling houses

Validation date of application: 17-08-10 Date of decision (if any): 24-08-10 Refusal

**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:

**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.

Please see enclosed letter dated 19<sup>th</sup> of October 2010.

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.

2 copies of: Letter dated 19<sup>th</sup> of October 2010  
Drawing no: 10-114-02

**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:



Date:

19<sup>th</sup> Oct 2010.

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](mailto:enterprise.hq@southlanarkshire.gov.uk)**

**Phone: 08457 406080**

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](mailto:enterprise.hq@southlanarkshire.gov.uk)

For official use

Date stamp)

# A.D. PLANS LTD.

## Design & Build

29 Millheugh

Larkhall

Lanarkshire

ML9 1QU

01698 884031

07788 150615

adplans@btinternet.com

www.adplans.co.uk

902 9547 19

263 752

Tel & Fax

Mobile

E - Mail

Website

Vat registration number

Company Registration Number



### **ARCHITECTURAL DESIGN DRAWINGS - DOMESTIC AND COMMERCIAL**

Head of Planning and Building Standards Services

Enterprise Resources,

Montrose House,

154 Montrose Crescent,

Hamilton ML3 6LB

Our Ref: 10-114-app 01b

You're Ref: HM/10/0305

19<sup>th</sup> October 2010

### **Proposed Semi Detached Dwellings at Kinrara, Strathaven Road, Stonehouse, ML9 3NU.**

Dear, Sir/Madam

On behalf of our client, Mr George MacFarlane, we hereby highlight the following points to the review board. Our Mr Craig Smith telephoned Mr Murray Reid of South Lanarkshire Council, Planning Department on the 23<sup>rd</sup> of March 2010 for a pre application discussion and confirmed that it was our client's intention to erect two number semi detached dwellings to the side area of garden between his existing house and Strathaven Road. After a lengthy and detailed discussion covering aspects such as access, parking, external finishes, house types, position etc and our Mr Smith's reminder to Mr Reid that precedence's had already been set by two recent approvals of a very similar nature (Application Ref No's HM/09/0424 and HM/09/0154) Mr Reid intimated that he could not foresee any major issues with the proposals.

A planning application was subsequently submitted and registered on the 22<sup>nd</sup> June 2010. Over the following weeks our Mr Smith telephoned Mr Reid on numerous occasions and a couple of minor amendments to the application were dealt with, being the payment of an advertisement fee and details of a dropped kerb access being provided. During the above telephone conversations Mr Reid stated that there were no major issues and that approval would be granted in due course. It was therefore a major disappointment that during a telephone conversation on the 6<sup>th</sup> of August 2010 Mr Reid confirmed to our Mr Smith that his superiors had decided to refuse the application and that he was not prepared to discuss in any detail.

Our Mr Smith then immediately thereafter telephoned Mr Reid's superior, Mr Steven Clark to discuss the reasons for the intention to refuse the application and was informed that Mr Clark will look into the matter and discuss prior to issuing the refusal. Mr Clark telephoned our office on the 23<sup>rd</sup> of August 2010 at 4pm and explained to our Mr Kelly, in Mr Smith's absence that an objection letter had been received and that he felt the application was out of character for the area, but that Mr Smith should contact him the next day if he wished to discuss further. The next day our Mr Smith attempted to contact Mr Clark numerous, each time leaving a message requesting a return call, the calls were never returned and the application was refused on that date.

We strongly dispute the reasons stated within the decision notice for refusal and have enclosed our drawing no 10-114-02 which clearly shows our site and the surrounding sites that have been granted planning permission to subdivide existing garden ground and build additional dwellings within their side gardens. We are of the opinion that the proposal is not contrary to Policy RES6 of the South Lanarkshire Local Plan in that it would relate satisfactorily into the adjacent and surrounding development. We feel the development would not have an adverse impact upon the existing levels of residential amenity within the local area. We do not feel the application is contrary to Policy ENV31 of the South Lanarkshire Local Plan in that it does respect the existing context of the site in terms of layout. We dispute that the proposal is contrary to Policy DM1 of the South Lanarkshire Local Plan. We believe it does respect the local context and would make a positive contribution to the area. The proposal complies to Policy DM5 of the South Lanarkshire Local Plan in that the proposed house plots and the remaining existing house plots are comparable with those nearby in terms of size, shape and amenity. The proposal is in accordance with the established pattern of development in the surrounding area. The existing house would still retain its frontage to Manse Road and overall the proposed development would not be detrimental to the amenity and character of the area.

We do not consider our proposal to be contrary to guidance contained within the Council's Residential Development Guide regarding rear garden ground. Kinrara always failed to provide 10m rear garden depth; we do recognise that the existing dwelling has a more than substantial side garden. Kinrara proposed garden would still be noticeably larger than the vast majority of the surrounding properties. There are numerous properties in the surrounding area that have garden depths of 9m or so, application ref no HM/09/0424 is a prime example of this. If the proposal was to be approved, it would not set an undesirable precedent and encourage further applications of this nature as no other property in the surrounding area could subdivide their existing garden in a way that would provide a road frontage to both the existing property and new property. Other properties in the area that have substantial garden ground do not have dual road frontage and therefore could not be developed without resulting in a back land development effect.

The proposal does not affect the existing levels of residential amenity and is an acceptable use within the context of the area. The proposal respects the local residential context and the sites topography. The scale of the proposed dwellings takes account of the existing dwelling on site and others within the local area; as such they respect the character of the area and are not over dominant on other properties. The proposed finishing materials are typical within the local area and as such do not impact negatively in relation to the existing built form or local environment. There is no conflict with other dwellings surrounding the site in terms of overlooking, loss of privacy, overshadowing, noise or disturbance as a result of the proposal. In terms of the sub-division of garden ground to form two house plots this is considered acceptable. The existing dwelling and the proposed dwellings will have similar sized garden areas and will be comparable with other properties surrounding the application site and as such accords with the established pattern of development. The proposed dwellings both have a proper road frontage, comparable in size with the existing dwelling and other dwellings within the area. It is considered that the dwellings do not appear cramped or out of keeping with the established character of the area. The dwellings have sufficient garden to meet the needs of future occupiers. Both dwellings will have sufficient off street car parking to serve the needs of the



dwelling. In terms of the Council's Residential Development Guide we believe that the proposal is acceptable. The proposal provides sufficient off street car parking and garden ground to the new dwellings. The main side garden depth on Kinrara is only 9m (not 10m as recommended by the guide) however I believe this should be considered acceptable in this instance as it is similar to other properties within the area. Kinrara will have more than three times the recommended 70m<sup>2</sup> of garden ground and will be left with 240m<sup>2</sup> of usable garden ground to the side of the property, this is substantially more than was approved for the Sheiling 1b Manse road under application ref no HM/09/0424 .

In summary we consider that the proposals are acceptable in relation to the local plan polices, does not have an adverse impact on the existing level of residential amenity, is an appropriate use within the context of the area and that the proposed dwellings respect the character and established pattern of development within the area. The overall scale and design of the dwellings take account of other dwellings within the area and the existing dwelling on the site. The proposed finishing materials for the dwellings are similar to others within the area and as such the houses will tie in with the wider area, the two plots created will have similar amount of garden ground that the existing house will have, both dwellings have a proper road frontage similar to other dwellings within the area. The proposal does not impact upon surrounding properties in terms of daylight, sunlight or loss of privacy. The proposal has no adverse impact on either residential or visual amenity and complies with Policies RES6, ENV31, DM1 and DM5 of the adopted South Lanarkshire Local Plan and the Council's Residential Development guide, and for all of the above reasons I believe this application should have been approved.

Yours faithfully

A handwritten signature in black ink, appearing to read 'A.D.P.' followed by a large, sweeping flourish that extends to the right.

Encl: 2 x Drg no. 10-114-02

C/c Mr MacFarlane