



Council Offices, Almada Street
Hamilton, ML3 0AA

Thursday, 11 June 2020

Dear Councillor

Planning Local Review Body

The Members listed below are requested to attend a meeting of the above Committee to be held as follows:-

Date: Monday, 22 June 2020
Time: 10:30
Venue: By Microsoft Teams,

The business to be considered at the meeting is listed overleaf.

Yours sincerely

Cleland Sneddon
Chief Executive

Members

Isobel Dorman (Chair), Mark Horsham (Depute Chair), Alex Allison, Maureen Devlin, Ann Le Blond, Davie McLachlan, Graham Scott, David Shearer, Jim Wardhaugh

Substitutes

John Bradley, Walter Brogan, Jackie Burns, Stephanie Callaghan, Margaret Cowie, Martin Lennon, Katy Loudon, Kenny McCreary, Lynne Nailon, Collette Stevenson

BUSINESS

1 Declaration of Interests

2 Minutes of Previous Meeting

5 - 6

Minutes of the meeting of the Planning Local Review Body held on 1 June 2020 submitted for approval as a correct record. (Copy attached)

Item(s) for Decision

- | | | |
|-----------|---|------------------|
| 3 | Review of Case - Application P/19/0700 for Erection of One and a Half Storey House and Detached Double Garage at Ardochrig Farm, Ardochrig Road, East Kilbride | 7 - 10 |
| | Report dated 4 May 2020 by the Executive Director (Finance and Corporate Resources). (Copy attached) | |
| 3a | Appendix 1 Planning Application Form | 11 - 22 |
| 3b | Appendix 2(a) Report of Handling | 23 - 32 |
| 3c | Appendix 2(b) Consultation Responses | 33 - 42 |
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| 3h | Appendix 6 Further Representations | 101 - 108 |
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| 4 | Review of Case P/19/1545 for Change of Use of Open Space to Form Additional Garden Ground and Erection of Boundary Fence at 2 Howacre, Lanark | 119 - 122 |
| | Report dated 6 May 2020 by the Executive Director (Finance and Corporate Resources). (Copy attached) | |
| 4a | Appendix 1 Planning Application Form | 123 - 134 |
| 4b | Appendix 2(a) Report of Handling | 135 - 144 |
| 4c | Appendix 2(b) Representations | 145 - 174 |
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Urgent Business

5 Urgent Business

Any other items of business which the Chair decides are urgent.

For further information, please contact:-

Clerk Name: Pauline MacRae
Clerk Telephone: 01698 454108
Clerk Email: pauline.macrae@southlanarkshire.gov.uk

PLANNING LOCAL REVIEW BODY (PLRB)

2

Minutes of meeting held via Microsoft Teams on 1 June 2020

Chair

Councillor Isobel Dorman

Councillors Present:

Councillor Maureen Devlin, Councillor Mark Horsham, Councillor Ann Le Blond, Councillor Davie McLachlan, Councillor Lynne Nailon (*substitute for Councillor Alex Allison*), Councillor Graham Scott, Councillor Jim Wardhaugh

Councillors' Apologies:

Councillor Alex Allison, Councillor David Shearer

Attending:

Community and Enterprise Resources

B Darroch, Planning Adviser to the Planning Local Review Body

Finance and Corporate Resources

M Cannon, Legal Adviser to the Planning Local Review Body; P MacRae, Administration Officer

1 Declaration of Interests

No interests were declared.

2 Minutes of Previous Meeting

The minutes of the meeting of the Planning Local Review Body held on 16 December 2019 were submitted for approval as a correct record.

The PLRB decided: that the minutes be approved as a correct record.

3 Review of Case – Application P/19/0873 for Sub-division of Garden Ground, Erection of a One and a Half Storey Detached House and Formation of a New Vehicular Access at Land at Tigh-Na-Bruaich, Braehead Road, Thortonhall

A report dated 4 May 2020 by the Executive Director (Finance and Corporate Resources) was submitted on a request for a review of the decision taken by officers, in terms of the Scheme of Delegation, to refuse planning permission for planning application P/19/0873 by T Swanson for the sub-division of garden ground, erection of a one and a half storey detached house and formation of a new vehicular access, at land at Tigh-Na-Bruaich, Braehead Road, Thortonhall.

To assist the PLRB in its review, copies of the following information had been appended to the report:-

- ◆ planning application form
- ◆ report of handling by the planning officer under the Scheme of Delegation together with representations and responses from statutory consultees
- ◆ site photographs and location plan
- ◆ decision notice
- ◆ notice of review, including the applicant's statement of reasons for requiring the review
- ◆ further submissions from interested parties following notification of the request for the review of the case
- ◆ comments from the applicant on the further submissions received from the interested parties

The relevant drawings in relation to the review were available for inspection prior to the meeting of the PLRB.

The Planning Adviser:-

- ◆ explained the planning background to the case
- ◆ advised that the applicant had requested that the PLRB undertake a site visit and hold a hearing prior to determining the review

The PLRB, however, concluded that it had sufficient information to allow it to proceed to determine the review. The options available to the PLRB were to uphold, reverse or vary the decision taken in respect of the application under review.

In reviewing the case, the PLRB considered:-

- ◆ the information submitted by all parties
- ◆ the relevant policies contained in the Adopted South Lanarkshire Local Development Plan and associated Supplementary Guidance (SG):-
 - ◆ Policy 4 – development management and place making
 - ◆ Policy DM1 – design
 - ◆ Policy DM3 – sub-division of garden ground
- ◆ the relevant policies contained in the Proposed South Lanarkshire Local Development Plan 2:-
 - ◆ Policy 5 – development management and place making
 - ◆ Policy DM1 – new development design
 - ◆ Policy DM3 - sub-division of garden ground

Following its review of the information and after discussion, the PLRB concluded that the proposed development was contrary to Policy 4 of the Adopted South Lanarkshire Local Development Plan and Policies DM1 and DM3 of the associated Supplementary Guidance. It also concluded that there were no material considerations that warranted granting planning permission for planning application P/19/0873 contrary to the relevant policies.

The PLRB decided:

that the decision taken by officers, in terms of the Scheme of Delegation, to refuse planning permission for planning application P/19/0873 by T Swanson for the sub-division of garden ground, erection of a one and a half storey detached house and formation of a new vehicular access, at land at Tigh-Na-Bruaich, Braehead Road, Thortonhall be upheld.

4 Urgent Business

There were no items of urgent business.

Report

3

Report to:	Planning Local Review Body
Date of Meeting:	22 June 2020
Report by:	Executive Director (Finance and Corporate Resources)

Subject:	Review of Case – Application P/19/0700 for Erection of Detached one and a half Storey House and Detached Double Garage
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1. Purpose of Report

1.1. The purpose of the report is to present the information currently available to allow a review of the decision taken by officers, in terms of the Scheme of Delegation, on the following application:-

1.2. *Summary Application Information*

Application Type:	Detailed Planning Permission
Applicant:	E Lauder
Proposal:	Erection of Detached one and a half Storey House and Detached Double Garage
Location:	Ardochrig Farm, Ardochrig Road, East Kilbride G75 0QN
Council Area/Ward:	05 Avondale and Stonehouse

1.3. *Reason for Requesting Review*

<input checked="" type="checkbox"/> Refusal of Application	<input type="checkbox"/> Conditions imposed	<input type="checkbox"/> Failure to give decision (deemed refusal)
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2. Recommendation(s)

2.1. The Planning Local Review Body is asked to:-

- (1) consider whether it has sufficient information to allow it to proceed to determine the review without further procedure and, if so, that:-
 - (a) it proceeds to determine whether the decision taken in respect of the application under review should be upheld, reversed or varied
 - (b) in the event that the decision is reversed or varied, the reasons and the detailed conditions to be attached to the decision letter are agreed
- (2) in the event that further procedure is required to allow it to determine the review, consider:-
 - (a) what further information is required, which parties are to be asked to provide the information and the date by which this is to be provided
 - (b) what procedure or combination of procedures are to be followed in determining the review

3. Background

- 3.1. The Council operates a Scheme of Delegation that enables Council officers to determine a range of planning applications without the need for them to be referred to Area Committees or the Planning Committee for a decision.
- 3.2. In terms of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act 2006, and the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013, where an application for planning permission relates to a proposal that falls within the category of “local development” and has been or could have been determined under the Scheme of Delegation, the applicant is entitled to request that the determination be reviewed by the Planning Local Review Body.

4. Notice of Review – Statement of Reasons for Requiring the Review

- 4.1. In submitting their Notice of Review, the applicant has stated their reasons for requiring a review of the determination in respect of their application. **(Refer Appendix 5)**
- 4.2. The applicant is entitled to state a preference for procedure (or combination of procedures) to be followed and has indicated that their stated preference is as follows:-

<input type="checkbox"/>	Further written submissions	<input checked="" type="checkbox"/>	Site inspection
<input type="checkbox"/>	Hearing session(s)	<input type="checkbox"/>	Assessment of review documents only, with no further procedure

- 4.3. However, members will be aware that it is for the Planning Local Review Body to determine how a case is reviewed.

5. Information Available to Allow Review of Application

- 5.1. Section 43B of the Planning etc (Scotland) Act 2006 restricts the ability of parties to introduce new material at the review stage. The focus of the review should, therefore, be on the material which was before the officer who dealt with the application under the Scheme of Delegation.
- 5.2. The following information is appended to this report to assist the Planning Local Review Body in its review of the decision taken by officers:-
- ◆ Planning Application Form **(Appendix 1)**
 - ◆ Report of Handling by the Planning Officer under the Scheme of Delegation **(Appendix 2(a))**
 - ◆ Copies of submissions from statutory consultees **(Appendix 2(b))**
 - ◆ Copies of representations **(Appendix 2(c))**
 - ◆ Site photographs and location plan **(Appendix 3)**
 - ◆ Decision notice **(Appendix 4)**
 - ◆ Notice of Review including statement of reasons for requiring the review **(Appendix 5)**
- 5.3. Copies of the relevant drawings are available for inspection by contacting Administration Services prior to the meeting.

6. Notice of Review Consultation Process

- 6.1. A Statement of Observations from the Planning Officer on the Applicant's Notice of Review, was received in the course of the 14 day period from the date on which notification of the request for a review of the case was given. This is listed at and attached as **Appendix 6**.
- 6.2 The applicant had the opportunity to comment on the further representation received. Comments from the applicant's agent are contained in the submission attached as **Appendix 7**.

Paul Manning

Executive Director (Finance and Corporate Resources)

4 May 2020

Link(s) to Council Values/Ambitions/Objectives

- ◆ Work with communities and partners to promote high quality, thriving and sustainable communities
- ◆ Accountable, effective, efficient and transparent

Previous References

None

List of Background Papers

- ◆ Guide to the Planning Local Review Body

Contact for Further Information

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

Pauline MacRae, Administration Officer

Ext: 4108 (Tel: 01698 454108)

E-mail: pauline.macrae@southlanarkshire.gov.uk

Appendix 1

3a

Planning Application Form

26 APR 2019

3a

APPLICATION FOR PLANNING PERMISSION

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

File Ref:

Please refer to the accompanying Guidance Notes when completing this application

PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS

ELECTRONICALLY VIA <https://www.eplanning.scot>**1. Applicant's Details****2. Agent's Details (if any)**

Title

MR.

Forename

EODY.

Surname

LAUDER.

Ref No.

Forename

Surname

Company Name

-

Building No./Name

ARDOCHREIG FARM,

Address Line 1

AULDHOUSE

Address Line 2

Town/City

EAST KILBRIDE

Company Name

CHARTERED ARCHITECTS AND
DESIGN CONSULTANTS

Building No./Name

Address Line 1

Address Line 2

Town/City

BURRELL
DESIGN
STUDIO

Postcode

Telephone

Mobile

Fax

Email

Postcode

G75 0 QN.

Telephone

c/o BDS

Mobile

Fax

Email

3. Postal Address or Location of Proposed Development (please include postcode)LAND NEXT ARDOCHREIG FARM,
AULDHOUSE,
EAST KILBRIDE.
G75 0 QN.

NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.

4. Type of Application

What is the application for? Please select one of the following:

Planning Permission

Planning Permission in Principle

Further Application*

Application for Approval of Matters Specified in Conditions*

Application for Mineral Works**

☒
☐
☐
☐
☐

NB. A 'further application' may be e.g. development that has not yet commenced and where a time limit has been imposed a renewal of planning permission or a modification, variation or removal of a planning condition.

*Please provide a reference number of the previous application and date when permission was granted:

Reference No:

Date:

**Please note that if you are applying for planning permission for mineral works your planning authority may have a separate form or require additional information.

5. Description of the Proposal

Please describe the proposal including any change of use:

ERECTOR of DWELLING HOUSE,
AND DETACHED GARAGE.

Is this a temporary permission?

Yes ☐ No ☒

If yes, please state how long permission is required for and why:

N/A

Have the works already been started or completed?

Yes ☐ No ☒

If yes, please state date of completion, or if not completed, the start date:

Date started:

Date completed:

If yes, please explain why work has already taken place in advance of making this application

N/A

6. Pre-Application Discussion

Have you received any advice from the planning authority in relation to this proposal?

Yes ☐ No ☒

If yes, please provide details about the advice below:

In what format was the advice given?

Meeting ☐ Telephone call ☐ Letter ☐ Email ☐

Have you agreed or are you discussing a Processing Agreement with the planning authority? Yes ☐ No ☐

Please provide a description of the advice you were given and who you received the advice from:

Name:

Date:

Ref No.:

7. Site Area

Please state the site area in either hectares or square metres:

Hectares (ha):

Square Metre (sq.m.)

8. Existing Use

Please describe the current or most recent use:

VACANT LAND / AGRICULTURE.

9. Access and Parking

Are you proposing a new altered vehicle access to or from a public road?

Yes ☒ No ☐

If yes, please show in your drawings the position of any existing, altered or new access and explain the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access?

Yes ☐ No ☒

If yes, please show on your drawings the position of any affected areas and explain the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application site?

NONE.

How many vehicle parking spaces (garaging and open parking) do you propose on the site? (i.e. the total number of existing spaces plus any new spaces)

3 OPEN / GARAGE.

Please show on your drawings the position of existing and proposed parking spaces and specify if these are to be allocated for particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, etc.)

10. Water Supply and Drainage Arrangements

Will your proposals require new or altered water supply or drainage arrangements?

Yes ☒ No ☐

Are you proposing to connect to the public drainage network (e.g. to an existing sewer?)

Yes, connecting to a public drainage network

No, proposing to make private drainage arrangements

Not applicable – only arrangement for water supply required

☐
☐
☐

What private arrangements are you proposing for the new/altered septic tank?

Discharge to land via soakaway

Discharge to watercourse(s) (including partial soakaway)

Discharge to coastal waters

☒
☐
☐

Please show more details on your plans and supporting information

What private arrangements are you proposing?

Treatment/Additional treatment (relates to package sewer treatment plants, or passive sewage treatment such as a reed bed)

Other private drainage arrangement (such as a chemical toilets or composting toilets)

☐
☐

Please show more details on your plans and supporting information.

Do your proposals make provision for sustainable drainage of surface water?

Yes ☐ No ☒

Note:- Please include details of SUDS arrangements on your plans

Are you proposing to connect to the public water supply network?

Yes ☒ No ☐

If no, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site)

11. Assessment of Flood Risk

Is the site within an area of known risk of flooding?

Yes ☐ No ☒

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your planning authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? Yes ☐ No ☒ Don't Know ☐

If yes, briefly describe how the risk of flooding might be increased elsewhere.

N/A

12. Trees

Are there any trees on or adjacent to the application site?

Yes ☐ No ☒

If yes, please show on drawings any trees (including known protected trees) and their canopy spread as they relate to the proposed site and indicate if any are to be cut back or felled.

13. Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste? (including recycling)

Yes ☒ No ☐

If yes, please provide details and illustrate on plans.

If no, please provide details as to why no provision for refuse/recycling storage is being made:

N/A

14. Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats?

Yes ☒ No ☐

If yes how many units do you propose in total?

1

Please provide full details of the number and types of units on the plan. Additional information may be provided in a supporting statement.

15. For all types of non housing development – new floorspace proposed

Does your proposal alter or create non-residential floorspace?

Yes ☐ No ☐

If yes, please provide details below:

Use type:

If you are extending a building, please provide details of existing gross floorspace (sq.m):

Proposed gross floorspace (sq.m.):

Please provide details of internal floorspace (sq.m)

Net trading space:

Non-trading space:

Total net floorspace:

16. Schedule 3 Development

Does the proposal involve a class of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008?

Yes ☐ No ☒ Don't Know ☐

If yes, your proposal will additionally have to be advertised in a newspaper circulating in your area. Your planning authority will do this on your behalf but may charge a fee. Please contact your planning authority for advice on planning fees.

17. Planning Service Employee/Elected Member Interest

Are you / the applicant / the applicant's spouse or partner, a member of staff within the planning service or an elected member of the planning authority?

Yes ☐ No ☒

Or, are you / the applicant / the applicant's spouse or partner a close relative of a member of staff in the planning service or elected member of the planning authority?

Yes ☐ No ☒

If you have answered yes please provide details:

DECLARATION

I, the applicant/agent certify that this is an application for planning permission. The accompanying plans/drawings and additional information are provided as part of this application. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

I, the applicant/agent hereby certify that the attached Land Ownership Certificate has been completed ☒

I, the applicant/agent hereby certify that requisite notice has been given to other land owners and /or agricultural

Yes ☐ No ☐ N/A ☒

Name:

Date:

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.

LAND OWNERSHIP CERTIFICATES

Town and Country Planning (Scotland) Act 1997
Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland)
Regulations 2013

CERTIFICATE A, B, C, D OR CERTIFICATE E MUST BE COMPLETED BY ALL APPLICANTS

CERTIFICATE A

Certificate A is for use where the applicant is the only owner of the land to which the application relates and none of the land is agricultural land.

I hereby certify that -

- (1) No person other than myself was owner of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the application. ☒
- (2) None of the land to which the application relates constitutes or forms part of agricultural land. ☐

Signed:

On behalf of:

Date:

CERTIFICATE B

Certificate B is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where all owners/agricultural tenants have been identified.

I hereby certify that -

- (1) I have served notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates. These persons are: ☐

Name	Address	Date of Service of Notice

- (2) None of the land to which the application relates constitutes or forms part of agricultural land ☐

or

- (3) The land or part of the land to which the application relates constitutes or forms part of agricultural land and I have served notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are: ☐

Name	Address	Date of Service of Notice

Signed:

On behalf of:

Date:

CERTIFICATE C

Certificate C is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where it has not been possible to identify ALL or ANY owners/agricultural tenants.

- (1) I have been unable to serve notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates. ☐

or

- (2) I have been unable to serve notice on any person other than myself who, at the beginning of the period of 21 days ending with the date of the accompanying application, was owner of any part of the land to which the application relates. ☐

- (3) None of the land to which the application relates constitutes or forms part of an agricultural holding.

or

- (4) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have been unable to serve notice on any person other than myself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. ☐

or

- (5) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding I have served notice on each of the following persons other than myself who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are: ☐

Name	Address	Date of Service of Notice

- (6) I have _____ taken reasonable steps, as listed below, to ascertain the names and addresses of all other owners or agricultural tenants and have _____ been unable to do so.

Steps taken:

--

Signed:

--

On behalf of:

--

Date:

--

CERTIFICATE D

Certificate D is for use where the application is for mineral development.

- (1) No person other than myself _____ was an owner of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application. ☐

or

- (2) I have _____ served notice on each of the following persons other than myself _____ who, at the beginning of the period of 21 days ending with the date of the accompanying application, was to the applicant's knowledge, the owner, of any part of the land to which the application relates. These persons are: ☐

Name	Address	Date of Service of Notice

- (3) None of the land to which the application relates constitutes or forms part of an agricultural holding. ☐

or

- (4) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have _____ served notice on each of the following persons other than myself _____ who, at the beginning of the period of 21 days ending with the date of the application, was an agricultural tenant. ☐

- (5) Notice of the application as set out below has been published and displayed by public notice ☐

Signed:

--

On behalf of:

--

Date:

--

CERTIFICATE E

Certificate E is required where the applicant is the sole owner of all the land and the land to which the application relates is agricultural land and there are or are not agricultural tenants.

I hereby certify that - *THE APPLICANT.*

- (1) No person other than myself was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application. ☒
- (2) The land to which the application relates constitutes or forms part of an agricultural holding and there are no agricultural tenants. ☒

or

- (1) No person other than myself was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application. ☐
- (2) The land to which the application relates constitutes or forms part of an agricultural holding and there are agricultural tenants. These people are: ☐

Name	Address	Date of Service of Notice
	<i>K/A</i>	

- (3) I have taken reasonable steps, as listed below, to ascertain the names and addresses of the other agricultural tenants and have been unable to do so. ☐

Steps taken:

S

On behalf of: *LODY LAUDER,*

Date: *25/4/19*

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act

Appendix 2

3b

Report of Handling

Report dated 9 December 2019 by the Council's Authorised Officer under the Scheme of Delegation

	Delegated Report	Reference no.	P/19/0700
			3b
		Date	9 December 2019

Planning proposal: Erection of detached 1.5 storey dwellinghouse and detached double garage

Location:
 Ardochrig Farm
 Ardochrig Highway
 East Kilbride
 Glasgow
 South Lanarkshire
 G75 0QN

Application Type : Detailed planning application

Applicant : Mr Eddy Lauder - C/O BDS

Location :
 Ardochrig Farm
 Ardochrig Highway
 East Kilbride
 Glasgow
 South Lanarkshire
 G75 0QN

Decision: Application refused

Report by: Area Manager (Planning & Building Standards)

Policy reference:

South Lanarkshire Local Development Plan (adopted 2015)

Policy 3 Green belt and rural area

Policy 4 Development management and placemaking

Green Belt and Rural Area Supplementary Guidance (2015)

Policy GBRA6 Consolidation of existing building group

Policy GBRA8 New clusters of houses/isolated dwellinghouses

Development Management, Placemaking and Design Supplementary Guidance (2015)

Policy DM1 Design

Proposed South Lanarkshire Local Development Plan 2

Policy 4 Green Belt and Rural Area

Policy 5 Development Management and Placemaking

Policy DM1 New Development Design

Policy GBRA9 Consolidation of Existing Building Groups

Assessment

Impact on privacy?	No
Impact on sunlight/daylight?	No
Impact on amenity?	Yes
Traffic issues?	No
Adheres to development plan policy?	No
Adverse comments from consultees?	No

Representation(s):

►	0	Objection letters
►	0	Support letters
►	2	Comment letters

Planning Application Delegated Report

1 Application Site

- 1.1 The application site is located to the west of the Ardochrig Highway opposite Ardochrig Farm and Ardochrig Mor, approximately 5 km to the south of East Kilbride. The site is bounded to the west and north and by mature commercial forestry, to the south by open land and to the east by Ardochrig Highway. The site slopes down to the south and there are mature trees along the northern boundary with the road. The site has an existing field access from Ardochrig Road and electricity poles run along the eastern boundary with the road.

2 Proposal(s) and Background

- 2.1 The applicant seeks detailed planning permission for the erection of detached 1.5 storey dwellinghouse and detached double garage. The house would be situated in the centre of the site set 2.5m off the western boundary. The proposed dwelling provides accommodation on the ground floor of a living room, family dining kitchen room, utility, study and cloakroom/wc. On the upper floor in the roof space 3 double bedrooms and a family bathroom would be provided. On the upper floor two dormer windows are proposed to the front with three velux windows to the rear. The external materials proposed are wet dash roughcast render with stone features to the front, timber effect UPVC windows and natural slate roof tiles. The detached double garage would be located in the northern area of the site north of the proposed access.
- 2.2 There were no pre-application discussions in respect of this proposal and there have been no previous applications submitted for this site.
- 2.3 The applicants have submitted a Speed Survey in respect of the proposed access. This consisted of a Speed Survey carried out for the applicant for a previous application on the east side of Ardochrig Road in 2018 (EK/17/0406) and a Sightlines Plan for the currently proposed access.

3 Consultation(s)

- 3.1 **Roads Development Management Team** – No objections subject to a number of conditions being attached to any consent in respect of access width, sightlines, surfacing, drainage, road clearance, wheelwash facilities, turning and construction parking. Following assessment of the Speed Survey and proposed sightlines, the required sightlines are 2.5m x 90m in both directions, however the submitted sightline plan only shows a sightline of 2.5m x 50m to the north. The applicant would require to demonstrate that a sightline of 2.5m x 90m could be achieved to the north.
- Response:** Noted. The applicant has offered to relocate the access to achieve sightlines, however this would require the planning application boundary to be altered and the application re-advertised.

- 3.2 **Environmental Services** - No objections to the proposed development subject to advisory notes being attached to consent in respect of private water supplies, construction noise and septic tank registration.
Response: Noted.
- 3.3 **Scottish Water** – No objections to the proposed development however this does not confirm that the proposed development can be serviced.
Response: Noted.
- 3.4 **SP Energy Network** – No response to date.

4 Representation(s)

- 4.1 Statutory neighbour notification was undertaken and the application was advertised in the location press in respect of Development Contrary to the Local Development Plan and Non-Notification of Neighbours. Following this, 2 letters of comment were received. The issues raised in these representations can be summarised as follows:
- (a) **Flora, fauna and species requires to be protected throughout the development process.**
Response: Given the nature of the proposed development and the development location it is considered unlikely that there would be any such impacts in this case.

5 Assessment and Conclusions

- 5.1 The applicant seeks detailed planning permission for the erection of a detached 1.5 storey dwellinghouse and detached double garage. The main considerations in determining this application are its compliance with local plan policy, its impact on the character of the rural area, residential amenity and road/pedestrian safety.
- 5.2 In terms of the South Lanarkshire Local Development Plan (adopted 2015), Policy 3 Green belt and rural area, Policy 4 – Development Management, Policy GBRA6 Consolidation of existing building group, Policy GBRA8 New clusters of houses/isolated dwellinghouses and DM1 - Design are applicable. Policies 4 and DM1 resist any development that would be detrimental to residential amenity and that all planning applications should take account of the local context and built form. All development should be compatible with adjacent buildings and surrounding streetscape in terms of scale, massing, design, external materials and impact on amenity. The proposed dwelling will not have an adverse impact on residential amenity of the nearby properties, however given that the proposed dwelling is located away from the existing building group on the far side of the road it cannot be considered to take account of the local context. As such, the proposal does not fully comply with these policies.
- 5.3 Policy 3 Green belt and rural area states that development which does not require to locate in the countryside will be expected to be accommodated within settlements unless certain criteria can be met. The proposal has been assessed in detail against the criteria and does not meet any of the criteria:

- (i) **Where it is demonstrated that there is a specific locational requirement and established need for a proposal;**

A specific location and established need has not been demonstrated for the dwellinghouse.

- (ii) **The proposal involves the redevelopment of derelict or redundant land and buildings where significant environmental improvement can be shown;**

The proposal does not involve the development of derelict or redundant land or result in significant environmental improvement. Although the applicant has indicated that the site was the location of an historical small quarry there is no visible evidence of the quarry remaining on the application site and the site is considered to be undeveloped rough grazing land, previously forestry, with mature boundary trees and a number of regenerated small shrubs and trees remaining.

- (iii) **The proposal is for conversion of traditional buildings and those of a local vernacular;**

The development is a new build on previously undeveloped land and does not involve the conversion of existing buildings.

- (iv) **The proposal is for limited development within clearly identifiable infill, gap sites and existing building groups;**

The proposed dwelling would be located on undeveloped grazing land on the opposite side of the Ardochrig Highway from the existing building group and cannot be considered to be within the existing building group. The site cannot be considered as an infill or gap site.

- (v) **The proposal is for extension of existing premises or uses providing it is of a suitable scale and design. Any new built form should be ancillary to the main use;**

The proposal is not an extension of an existing premises or use.

5.4 The above assessment against Policy 3, demonstrates that the proposal does not meet any of the criteria as detailed above.

5.5 In respect of Policy GBRA6 Consolidation of existing building groups, this policy relates to sites which can be considered to be within the existing building group. This proposal extends development into a previously undeveloped field. The proposed development would compromise the landscape character of the area in that the land to the west of the road consists of mature commercial forestry, moorland and rough grazing land with no built development.

5.6 In respect of Policy GBRA8 New clusters of houses/isolated dwellinghouses, this policy sets out a number of circumstances where consideration can be given to isolated dwelling houses. The propose dwelling does not meet with any of the exceptional circumstances set out in this policy in that it is not within a substantially intact walled garden, is not within a high quality, mature, landscape setting and is not an individually designed house of an exceptional and innovative design quality.

- 5.7 On 29th May 2018 the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance Policies 4, 5, DM1 and GBRA9 are relevant and the proposal has been assessed against these policies. As set out above it is considered that the proposal does not accord with Policies 4 and GBRA9 in that proposal has no specific locational need, extends development into a previously undeveloped field and would compromise the landscape character of the area.
- 5.8 In conclusion, following detailed assessment of the proposal it is considered that the proposal has no specific locational need, extends development into a previously undeveloped field and would compromise the landscape character of the area. In this regard, the proposal is not deemed to be in accordance with the Policies 3, GBRA6 and GBRA8 of the South Lanarkshire Local Development Plan (adopted) and also Policies 4 and GBRA9 of the proposed South Lanarkshire Local Development Plan 2. As such it is recommended that the application is refused.

6 Reason for Decision

- 6.1 The proposal has no specific locational need, extends development into a previously undeveloped field and would compromise the landscape character of the area and is contrary to Policies 3, GBRA6 and GBRA8 of the South Lanarkshire Local Development Plan (adopted) and the associated Supplementary Guidance and contrary to Policies 4 and GBRA9 of the proposed South Lanarkshire Local Development Plan 2.

Delegating officer: G Rae

Date: 9.12.19

Previous references

- ◆ None

List of background papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated 07.06.2019

- ▶ Consultations

Roads Development Management Team

03.07.2019 &
20.11.2019

Environmental Services

14.06.2019

► Representations

Joe Allan, 94 Franklin Place, Westwood, East Kilbride, G75 8LS,

Dated:
27.06.2019

Joe Allan, 94 Franklin Place, Westwood, East Kilbride, G75 8LS,

Dated:
03.07.2019

Contact for further information

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

Morag Neill, Planning officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455053

Email: morag.neill@southlanarkshire.gov.uk

Planning Application

Application number: P/19/0700

Reasons for refusal

01. The proposal is contrary to Policy 3, GBRA6 and GBRA8 of the adopted South Lanarkshire Local Development Plan and Policy 4 and GBRA9 of the proposed South Lanarkshire Local Development Plan 2 in that the proposed development would extend into a previously undeveloped field and would not respect the character, cohesiveness, spacing and amenity of the existing building group.
02. The proposal is contrary to Policy 4 of the adopted South Lanarkshire Local Development Plan and Policy 5 of the proposed South Lanarkshire Local Development Plan 2 as it would have a significant adverse impact on the landscape character of the rural area.

Reason(s) for decision

The proposal has no specific locational need, extends development into a previously undeveloped field and would compromise the landscape character of the area and is contrary to Policies 3, GBRA6 and GBRA8 of the South Lanarkshire Local Development Plan (adopted) and the associated Supplementary Guidance and contrary to Policies 4 and GBRA9 of the proposed South Lanarkshire Local Development Plan 2.

Informatives

01. This decision relates to drawing numbers:

Reference	Version No:	Plan Status
1093A/03 LOCATION PLAN _ BLOCK PLAN	-	Refused
1093A-04 BLOCK PLAN	-	Refused
1093A/02 ELEVATIONS AND SECTIONS - GARAGE	-	Refused
1093A/01 ELEVATIONS FLOOR PLAN AND SECTIONS - GROUND FLOOR	-	Refused

Appendix 2(b)

3c

Consultation Responses

- ◆ Response dated 7 June 2019 from Roads and Transportation Services
- ◆ Response dated 11 June 2019 from Scottish Water
- ◆ Response dated 13 June 2019 from Environmental Services

**SOUTH LANARKSHIRE COUNCIL
ROADS AND TRANSPORTATION SERVICES
OBSERVATIONS ON PLANNING APPLICATION**

Planning Application No: P/19/0700	Dated: 07 June 2019	Received: 13 June 2019
Applicant: Mr Eddy Lauder - C/O BDS		Contact: J. Ferguson
Proposed : Erection of detached 1.5 storey dwellinghouse and detached double garage		Ext: 01698 - 455266
Location: Ardochrig Farm, Ardochrig Highway, East Kilbride, Glasgow South Lanarkshire, G75 0QN		Planner: Morag Neill
Type of Consent:	No of drg(s) submitted: Portal	

Proposals Acceptable?	Y or N	Item ref	Comments
1. EXISTING ROADS			
(a) General Impact of Development	Y	1(a)	This application is for the erection of detached 1.5 storey dwellinghouse and detached double garage.
(b) Type of Connection(s) (road junction /footway crossing)	N	1(b)	A new access requires to be constructed over the service strip. This should be constructed to this Services specifications. A Road Opening Permit is required prior to works within the service strip being undertaken.
(c) Location(s) of Connection(s)	Y		
(d) Sightlines (2.5m x 90m)	Y		
(e) Pedestrian Provision	N		
2. NEW ROADS			
(a) Width(s) ()			The access over the first 10 meters should be able to accommodate 2 cars. Therefore the first 10 metres should be made wide enough for 2 cars to prevent queuing on the public road.
(b) Layout (horizontal/vertical alignment)			
(c) Junction Details (locations/radii/sightlines)			The first 10 metres of the access, measured from the edge of the carriageway, must be surfaced, sealed and trapped to prevent any deleterious material or water from leaving the driveway and entering the public road.
(d) Turning Facilities (circles /hammerheads)		1(d)	A speed survey has been undertaken and a relaxation on the required visibility splay of 2.5m x 90m has been agreed. Within these splays nothing over 900mm in height, ie. trees, shrubs walls etc. is permitted. These should be shown on plan.
(e) Pedestrian Provision			
(f) Provision for PU Services			
3. SERVICING & CAR PARKING			
(a) Servicing Arrangements /Driveways	Y		To achieve this visibility the applicant has indicated that the access is to be relocated. A revised plan showing the new location along with the reduced visibility splay should be submitted for approval.
(b) Car Parking Provision (3 No spaces)	Y		
(C) Layout of Parking Bays /Garages	Y		
4. RECOMMENDATION			
(a) No Objections		1(e)	Ardochrig Road is rural in nature and has no footways at this location.
(b) No Objections Subject to Conditions		4(d)	In principle I would offer no objections, however, until revised drawings are submitted I would recommend that the application is deferred.
(c) Refuse			CONDITIONS
(d) Defer Decision	Y		07.02 - Access should be 5.5 metre wide for a minimum 10m
(e) SOID to advise			07.07 Surfacing and Driveway
			07.31 Surface Water Trapping

THE APPLICANT MUST BE ADVISED OF THE FOLLOWING: -

(i) Construction Consent (S21)*	Not Required
(ii) Road Bond (S17)*	Not Required
(iii) Road Opening Permit (S56)*	Required
(iv) Dropped Kerb (S56)*	Required

* Relevant Section of the Roads (Scotland) Act 1984

Signed: _____

Date: _____

**SOUTH LANARKSHIRE COUNCIL
ROADS AND TRANSPORTATION SERVICES
OBSERVATIONS ON PLANNING APPLICATION
CONTINUATION SHEET**

Planning Application No:---/--/----

Dated:

Contact:

Item Ref	Comments
	<p>Non Standard Conditions</p> <ul style="list-style-type: none"> - A suitable system of site drainage is required to prevent surface water flowing onto the public road. - Appropriate cleaning systems should be put in place within the site to ensure mud and debris is not deposited on the public road. <p>During construction wheel wash facilities/ road cleaning regime must be provided.</p> <p>All vehicles should be able to access and exit the site in forward gears, therefore a turning area must be provided, in addition sufficient parking should be provided within the site boundary to accommodate all site staff / operatives parking requirements.</p> <p>A plan showing the turning area and location and number of spaces for site staff / operatives should be submitted for approval.</p>



11th June 2019

South Lanarkshire Council
Montrose House Montrose Crescent
Hamilton
ML3 6LB

Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Glasgow
G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk

Dear Sir Madam

G75 East Kilbride Ardochrig Highway Ardochrig Farm

PLANNING APPLICATION NUMBER: P/19/0700

OUR REFERENCE: 778264

PROPOSAL: Erection of detached 1.5 storey dwellinghouse and detached double garage

Please quote our reference in all future correspondence

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

Water

- Unfortunately, according to our records there is no public Scottish Water, Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private options.

Foul

- Unfortunately, according to our records there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will **not** accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification taking account of various factors including legal, physical, and technical challenges. However it may still be

deemed that a combined connection will not be accepted. Greenfield sites will not be considered and a connection to the combined network will be refused.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is proposed, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

- **Scottish Water asset plans can be obtained from our appointed asset plan providers:**

Site Investigation Services (UK) Ltd

Tel: 0333 123 1223

Email: sw@sisplan.co.uk

www.sisplan.co.uk

- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.
- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- **Please find all of our application forms on our website at the following link <https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>**

Next Steps:

- **Single Property/Less than 10 dwellings**

For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning

permission has been granted. Please note in some instances we will require a Pre-Development Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

- **10 or more domestic dwellings:**

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

- **Non Domestic/Commercial Property:**

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

- **Trade Effluent Discharge from Non Dom Property:**

Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found using the following link <https://www.scottishwater.co.uk/business/our-services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h>

Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.

For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

If the applicant requires any further assistance or information, please contact our Development Operations Central Support Team on 0800 389 0379 or at planningconsultations@scottishwater.co.uk.

Yours sincerely

Pamela Strachan
Planning Consultations Administrator



3c

**Community & Enterprise Resources
Executive Director Michael McGlynn
Fleet and Environmental Services**

To:	Planning & Building Standards Services	Our Ref.	AXD/396022
		Your Ref.	P/19/0700
		If Calling Ask for	Alan Dickson
CC:		Phone	
From:	Alan Dickson	Date.	13 June 2019

Subject:	Application Ref:	P/19/0700
	Address:	Ardochrig Highway East Kilbride Glasgow
	Proposed Development:	Erection of detached 1.5 storey dwellinghouse & detached double garage

I refer to the above planning application consultation and would comment as follows;

I have no objections to the proposal

I would request that the following advisory note is attached to the decision notice for the applicant's information;

PRIVATE WATERS

P01. Private Water Supply

Where it is proposed to utilise a private water supply as either a source of drinking water or for the production of food, the applicant shall submit an assessment for the proposed water supply to satisfy the Council, as Planning Authority that the supply will be sufficient and wholesome for its intended purpose. The report shall include, as a minimum, the following information:

- Confirmation of the location, type and source of supply
- A 'Risk Assessment' within the meaning of the Water Intended for Human Consumption (Private Supplies)(Scotland) Regulations 2017 to determine the suitability of the supply for its intended purpose
- Seasonal flow rates for the proposed supply to confirm that a sufficient quantity of wholesome water can be delivered to the development

ADV NOTE 3. Noise: Construction and Demolition (BS 5228)

The applicant is advised that all works carried out on site must be carried out in accordance with the current BS5228, '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

Montrose House, 154 Montrose Crescent, Hamilton ML3 6LB Phone: 08457 406080
Minicom: 01698 454039 Email: <officename>@southlanarkshire.gcsx.gov.uk





**Community & Enterprise Resources
Executive Director Michael McGlynn
Fleet and Environmental Services**

audible construction activity outwith these recommended hours and should such complaints may be justified by Officers from this Service.

Further details of this may be obtained from South Lanarkshire Council, Environmental Services, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB.

ADV NOTE 18 Septic Tank

The location/plan of the property would suggest that a septic tank is likely to be used. Please be aware that you are required to register all new septic tanks with the Scottish Environmental Protection Agency. (SEPA) redwood Crescent, Peel Park, East Kilbride, G74 5PP Tel: 01355 574200 www.sepa.gov.uk/ . Further guidance on the effective operation and maintenance of a septic tank can also be found at www.sepa.gov.uk/

Should you require any further information, please contact Alan Dickson .

**Alan Dickson
Environmental Health Officer**

Appendix 2(c)

3d

Representations

Representation From

- ♦ Joe Allan, 94 Franklin Place, East Kilbride G75 8LS
- ♦ Joe Allan, 94 Franklin Place, East Kilbride G75 8LS

Dated

27/06/19

03/07/19

HEAD OF PLANNING &
BUILDING STANDARDS, 1st
FLOOR MONTAGSI HOUSE

27/06/2019

Dear Sir
P/APPLICATIONS P19/
0482 + 0629 + 0671 + 0700 +
0826 + 0826 + 0964 + 0947

PLEASE ENSURE FULL PROTECTION
TO ALL WILDLIFE FROM FOOD
ON EACH POTENTIAL DEVELOPMENT
SITE.

IF ON ANY SITE TREES
ARE CUT DOWN BEFORE THIS
CAN BE DONE IT MUST BE
CERTAIN THAT THERE ARE
NO BATS ROOSTING THEREIN

AMONG MANY SPECIES FACING
EXTINCTION AN HERONHOLE
NOT TO BE PUT AT CERTAIN
RISK

THE NESTING SEASON HAS
STILL TIME TO GO WHETHER
ON GROUND TREES OR
IN BUILDINGS

2

SPINDS INDOORS ALL AT
REAR, AS ARE ANS ENSON
THAT APPLICANTS/DEVELOPERS
DO WHAT THEY CAN TO
ACTION

Yours faithfully



Mr. FAWCETT ALCO
WESTWOOD EAST
KILBARRIE GLASGOW
GTS 8LS

3d

I/II HEAD OF PLANNING &
BUILDING STANDARDS
HAMILTON

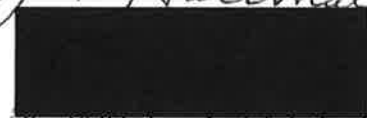
Dear Sir

P19/0629 + 0671 +
0700 + 0809

FULL PROTECTION OF ANY
AND ALL WILDLIFE, FLORA
& FAUNA ON EACH OF THESE
SITES.

DESPITE THE DILUTED
PLANNING LAWS BROUGHT
ABOUT BY THE SNP AND
CONSIDERING CLIMATE CHANGE
AND EXTINCTION OF SO MANY
SPECIES ON LAND AND WATER
FRESH AND SALT THINGS STILL
ARE NEEDED FOR ENVIRONMENTAL
IMPACT ASSESSMENTS

Yours faithfully



94 FRANKLIN
WOODS WOODS EAST
KILBRID GLENSIDE G75 8LE

II/II

NB REE WWF LIVING
PLANET REPORT 2018

UN REPORT: NATURE'S
DANGEROUS DECLINE

HAVE YOURSELF A WILD
STAGE HAD TIME TO
STONY BOTT REPORTS?

IT IS ESSENTIAL THAT
YOU DO!

Appendix 3

3e

Site photographs and location plan

Photo 1



Photo 2



Photo 3



Photo 4



Photo 5



Photo 6



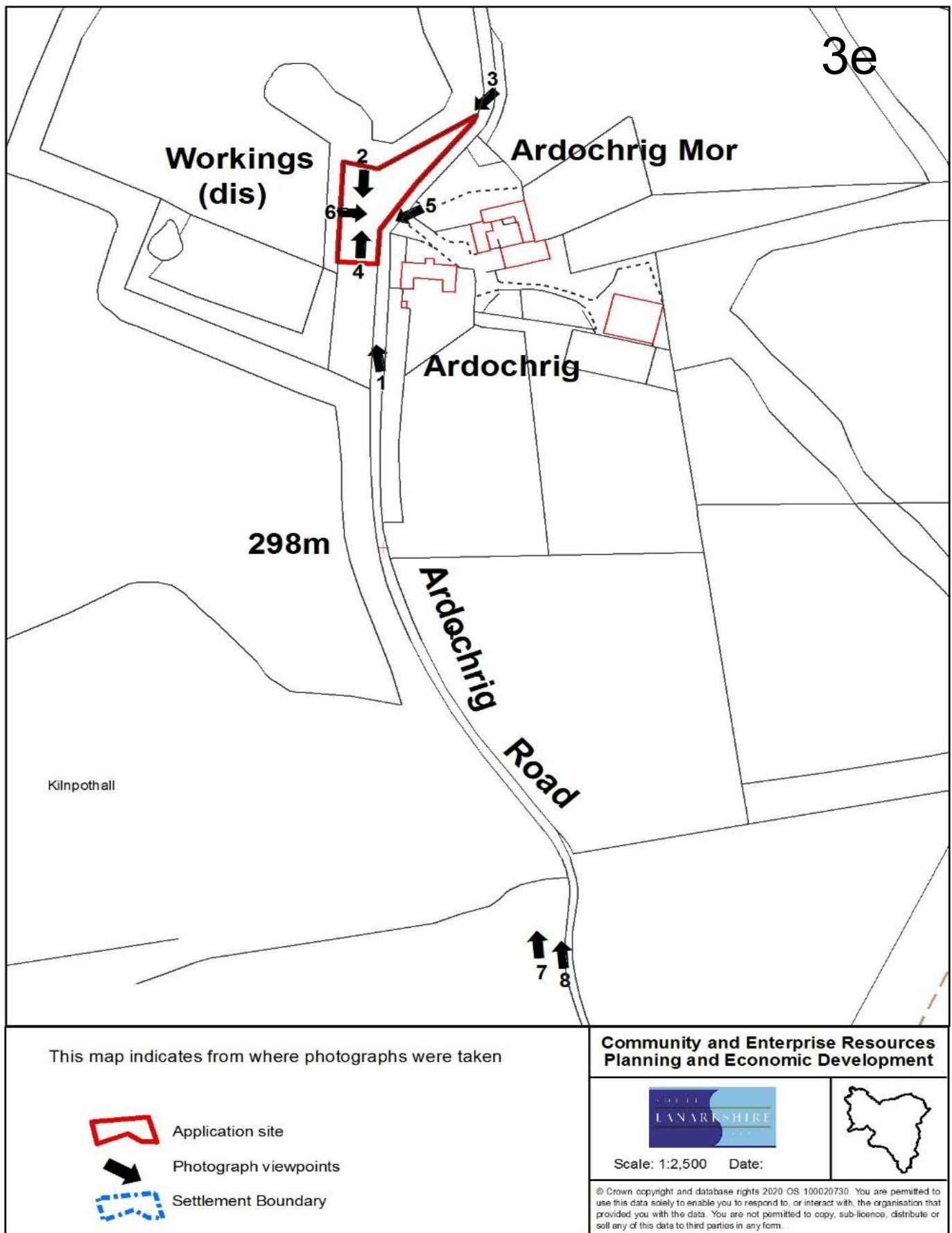
Photo 7



Photo 8



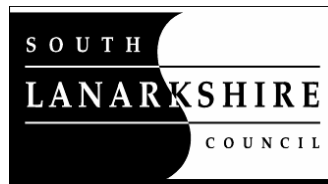
Planning Review for application P/19/0700
Proposed dwelling, Ardochrig Farm, Strathaven



Appendix 4

3f

Planning Decision Notice and Reasons for Refusal



3f

Community and Enterprise Resources
Executive Director **Michael McGlynn**
Planning and Economic Development

Burrell Design Studio
4 Silvermuir
Ravenstruther
ML11 7SD

Our Ref: P/19/0700
Your Ref:
If calling ask for: Morag Neill
Date: 10 December 2019

Dear Sir/Madam

Proposal: Erection of detached 1.5 storey dwellinghouse and detached double garage
Site address: Ardochrig Farm, Ardochrig Highway, East Kilbride, Glasgow, South Lanarkshire, G75 0QN,
Application no: P/19/0700

I would advise you that the above application was refused by the Council and I enclose the decision notice which sets out the reasons for refusal. Please note that the Council does not issue paper plans with the decision notice. The application is refused in accordance with the plans and any other documentation listed in the reasons for refusal imposed on the accompanying decision notice and which can be viewed using the Council's online planning application search at www.southlanarkshire.gov.uk

If you require a hard copy of the refused plans, please contact us quoting the application number at planning@southlanarkshire.gov.uk.

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 Morag Neill on 01698 455053

The Planning Service is undertaking a Customer Satisfaction Survey in order to obtain feedback about how we can best improve our Service to reflect the needs of our customers. The link to the survey can be found here:

If you were the applicant: <http://tinyurl.com/nrtgmy6>

If you were the agent: <http://tinyurl.com/od26p6g>

We would be grateful if you would take a few minutes to answer the questions in the survey based on your experience of dealing with the Planning Service in the past 12 months. We value

Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB
Email morag.neill@southlanarkshire.gov.uk Phone: 01698 455053



your opinion and your comments will help us to enhance areas where we are performing well, but will also show us where there are areas of the service that need to be improved.

I do hope you can take part in this Customer Survey and look forward to receiving your comments in the near future. If you prefer to complete a paper version of the survey, please contact us by telephone on 0303 123 1015, selecting option 7, quoting the application number. We will send you a copy of the survey and a pre-paid envelope to return it.

Yours faithfully

Head of Planning and Economic Development

Enc:

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

To: **Mr Eddy Lauder - C/O BDS** Per: **Burrell Design Studio**

**Ardochrig Farm, Ardochrig
Highway, East Kilbride,
Glasgow, South
Lanarkshire, G75 0Q**

**4 Silvermuir,
Ravenstruther, ML11 7SD**

With reference to your application received on **26.04.2019** for planning permission under the above mentioned Act:

Description of proposed development:

Erection of detached 1.5 storey dwellinghouse and detached double garage

Site location:

**Ardochrig Farm, Ardochrig Highway, East Kilbride, Glasgow, South
Lanarkshire, G75 0QN,**

SOUTH LANARKSHIRE COUNCIL in exercise of their powers under the above mentioned Act hereby:

REFUSE PLANNING PERMISSION

for the above development in accordance with the plan(s) specified in this decision notice and the particulars given in the application, for the reason(s) listed overleaf in the paper apart.

Date: 10th December 2019

Head of Planning and Economic Development

This permission does not grant any consent for the development that may be required under other legislation, e.g. Building Warrant or Roads Construction Consent.

**South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development**

South Lanarkshire Council

Refuse planning permission

Paper apart - Application number: P/19/0700

Reason(s) for refusal:

01. The proposal is contrary to Policy 3, GBRA6 and GBRA8 of the adopted South Lanarkshire Local Development Plan and Policy 4 and GBRA9 of the proposed South Lanarkshire Local Development Plan 2 in that the proposed development would extend into a previously undeveloped field and would not respect the character, cohesiveness, spacing and amenity of the existing building group.
02. The proposal is contrary to Policy 4 of the adopted South Lanarkshire Local Development Plan and Policy 5 of the proposed South Lanarkshire Local Development Plan 2 as it would have a significant adverse impact on the landscape character of the rural area.

Reason(s) for decision

The proposal has no specific locational need, extends development into a previously undeveloped field and would compromise the landscape character of the area and is contrary to Policies 3, GBRA6 and GBRA8 of the South Lanarkshire Local Development Plan (adopted) and the associated Supplementary Guidance and contrary to Policies 4 and GBRA9 of the proposed South Lanarkshire Local Development Plan 2.

Notes to applicant

Application number: P/19/0700

Important

The following notes do not form a statutory part of this decision notice. However, it is recommended that you study them closely as they contain other relevant information.

01. This decision relates to drawing numbers:

Reference	Version No:	Plan Status
1093A/03 LOCATION PLAN _ BLOCK PLAN	-	Refused
1093A-04 BLOCK PLAN	-	Refused
1093A/02 ELEVATIONS AND SECTIONS - GARAGE	-	Refused
1093A/01 ELEVATIONS FLOOR PLAN AND SECTIONS - GROUND FLOOR	-	Refused



COMMUNITY AND ENTERPRISE RESOURCES

EXECUTIVE DIRECTOR **Michael McGlynn**
Planning and Economic Development

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: 01698 454108

E-mail: pauline.macrae@southlanarkshire.gov.uk

- (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.

Appendix 5

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

Montrose House 154 Montrose Crescent Hamilton ML3 6LB Tel: 0303 123 1015 Email: planning@southlanarkshire.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100223771-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Gainford Limited"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Neil"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Gainford"/>	Building Number:	<input type="text" value="8"/>
Telephone Number: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="Woodlands Drive"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Lanark"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
		Postcode: *	<input type="text" value="ML11 9FS"/>
Email Address: *	<input type="text"/>		

Is the applicant an individual or an organisation/corporate entity? *

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text" value="Ardochrig Farm"/>
First Name: *	<input type="text" value="Eddie"/>	Building Number: <input type="text"/>
Last Name: *	<input type="text" value="Lauder"/>	Address 1 (Street): * <input type="text" value="Ardochrig Road"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text" value="East Kilbride"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="Glasgow"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="G75 0QN"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text"/>	

Site Address Details

Planning Authority:	<input type="text" value="South Lanarkshire Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="646541"/>	Easting	<input type="text" value="263865"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Erection of detached 1.5 storey dwellinghouse and detached double garage

Type of Application

What type of application did you submit to the planning authority? *

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? *

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

See separate Review Statement

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 the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Appendix 1: Ordnance Survey Extract Showing Landscape Context of Ardochrig Review Statement Appendix 2: Aerial Photograph Showing the Landscape Context of Ardochrig Appendix 3: Aerial Photograph Showing Site of House Approved at Auchenfin Farm Appendix 4: Delegated Report on Application EK/17/0057 at Leaburn, Auldhouse Appendix 5: Supporting Statement Lodged with Application P/19/0700

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

P/19/0700

What date was the application submitted to the planning authority? *

26/04/2019

What date was the decision issued by the planning authority? *

10/12/2019

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☐ Yes ☒ No

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

Refusal reasons centre on adverse impact to landscape character. Impact on landscape character may only be assessed by viewing the site in its landscape context.

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

Can the site be clearly seen from a road or public land? *

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? *

☒ Yes ☐ No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? *

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

☒ Yes ☐ No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

☒ Yes ☐ No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Neil Gainford

Declaration Date: 27/02/2020

NOTICE OF REVIEW UNDER SECTION 43(A)8 OF THE
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (As Amended)
TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL
REVIEW PROCEDURE) (SCOTLAND) (REGULATIONS 2013)

**STATEMENT IN SUPPORT OF
REQUEST TO REVIEW THE REFUSAL
BY SOUTH LANARKSHIRE COUNCIL OF
PLANNING APPLICATION REF: P/19/0700**

**Ardochrig Farm
East Kilbride
Glasgow
G75 0QN**

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Executive Summary:

Application P/19/0700 was refused under Delegated Powers on 10th December 2019. The Decision Notice states that the proposal is contrary to policy and also compromises the landscape character of the area. The appellant appeals to the Local Review Body on the basis that the decision is unsound insofar as the refusal reasons fail to address the totality of planning policy as approved by Council, and also fail to take into account relevant material considerations, and is inconsistent with other comparable planning decisions in the near vicinity. No specialist advice has been sought and no landscape assessment has been undertaken to demonstrate that the proposal would alter the visual amenity of the locality in such a way as to compromise landscape character.

The appellant invites the Local Review Body to consider the extent to which the proposal unacceptably offends Council policy, and whether in the opinion of the Local Review Body, the officer's report demonstrates beyond reasonable doubt that approval of the proposal would inexorably result in serious adverse injury to the landscape character of the area.

1.0 Introduction

- 1.1 Section 25 of the Planning Act requires planning decisions to be made in accordance with the development plan, unless material considerations indicate otherwise. This assessment process is known as the '*planning balance*'. It will be evident that the validity of any planning decision which fails to take account of relevant material considerations, will be flawed and open to challenge.
- 1.2 In the assessment of the *planning balance*, the development plan must be considered for its full force. It is not open to the decision maker to base decisions on certain selected policies, or certain selected policy strands which support a particular outcome.

2.0 Reasons for Review of Decision 19/0700

- 2.1 This appeal proceeds on the basis that the delegated decision on Application P/19/0700 is flawed in that the decision fails to take account of aspects of adopted Council policy which would support approval of the proposal. Secondly the decision is equally flawed in that the report on findings (Delegated Report) contains no reference to account having been taken of key material considerations.
- 2.2 Furthermore, the report on findings (Delegated Report) contains no evidence (or support from consultees) to support the assertion that the proposal if allowed would adversely affect local landscape character. A planning refusal reason based on adverse impact on amenity must at the very least explain the way in which local amenity would be adversely affected. No satisfactory explanation is presented in the officer's report to support the assertion that the proposal would result in significant and adverse change to the character of Whitelee Forest.

3.0 The Site and Proposal Under Review

- 3.1 The review site forms part of Ardochrig Steading which is situated in a clearing located within the Whitelee Forest approximately 5 km south of East Kilbride. The review site is situated on the western side of Ardochrig Road, The original farmstead is situated directly opposite, and comprises Ardochrig Farmhouse, together with Ardochrig Mor, a residential property converted during the 1990's from the original 19th Century byre.
- 3.2 The steading grouping also contains a modern steel portal frame shed and associated menage. In June 2018, planning permission was granted (EK/17/0406) for the construction of a detached dwelling within the building grouping.
- 3.3 The key issue of note is that the Executive Director accepts:
- The site is "*bounded to the west and north by **mature** commercial forestry*" (Para. 1.1 Delegated Report on P/19/0700)

4.0 Review Procedure

- 4.1 In addition to consideration of those matters, which are set out within the Notice of Review Form and this Statement, it is requested that the Local Review Body also carry out an inspection of the site prior to their consideration and determination of this Review.
- 4.2 The refusal reasons largely centre on a subjective view on the landscape quality of the setting of the Review site, and an equally subjective view on the way in which the Review proposal if allowed would impact on the landscape character of the area. It is submitted that an impartial assessment of these issues cannot reasonably be obtained by viewing selected photographs of the site and its surroundings. An inspection of the site is considered to be necessary in order that the members of the Local Review Body can view first-hand the nature of the site and its relationship to the broader landscape.

5.0 Grounds for Review

- 5.1 Decision Notice P/19/077 contains 2 reasons for refusal:

Refusal Reason 1:

The proposal is contrary to Policy 3, GBRA6 and GBRA8 of the adopted South Lanarkshire Local Development Plan and Policy 4 and GBRA9 of the proposed South Lanarkshire Local Development Plan 2 in that the proposed development would extend into a previously undeveloped field and would not respect the character, cohesiveness, spacing and amenity of the existing building group.

Refusal Reason 2:

The proposal is contrary to Policy 4 of the adopted South Lanarkshire Local Development Plan and Policy 5 of the proposed South Lanarkshire Local Development Plan 2 as it would have a significant adverse impact on the landscape character of the rural area.

Reason(s) for decision

The proposal has no specific locational need, extends development into a previously undeveloped field and would compromise the landscape character of the area and is contrary to Policies 3, GBRA6 and GBRA8 of the South Lanarkshire Local Development Plan (adopted) and the associated Supplementary Guidance and contrary to Policies 4 and GBRA9 of the proposed South Lanarkshire Local Development Plan 2.

Policy 3

- 5.2 Policy 3 of the adopted South Lanarkshire Local Plan is an “*umbrella*” policy beneath which there is an array of policies contained in Supplementary Guidance 2: Green Belt and Rural Area. These GBRA policies identify specific circumstances under which exceptions apply to the normally restrictive approach towards development in the Green Belt and the Rural Area.
- 5.3 Outwith the context of GBRA, reference in Refusal Reason 1 to the proposal being contrary to Policy 3 therefore lacks specification and meaning unless the proposal is considered to offend the higher order principles of Policy 3 which are not conceded or diluted by any of the GBRA policies.
- 5.4 Policy 3 emphasises that the highest order principles applicable within the Green Belt and Rural Area are to the effect that “*isolated and sporadic*” development will not be supported.
- 5.5 The review site which is closely associated visually with Ardochrig Farm and steading cannot under any circumstances be considered to be either isolated or sporadic, and therefore no tension arises with the key objectives of Policy 3. The extent to which the proposal satisfies any of the GBRA policies requires to be examined quite separately from the generality of Policy 3.
- 5.6 Supplementary Guidance 2 (GBRA) sets out eleven specific exceptional circumstances under which the Council may give favourable consideration for housing development in the Green Belt and Rural Area.
- 5.7 Irrespective of the number of reasons cited for refusal, the appellant only needs to demonstrate that the proposal qualifies under one of the specific exceptions in order for the review to succeed,. In such circumstances, all of the other refusal reasons contained in the Decision Notice can be set aside as being superfluous.
- 5.8 This review submission seeks support directly from Policy GBRA8.

REFUSAL REASON No. 1

Policy GBRA8 (Within a High Quality Landscape Setting)

- 5.9 Only 2 criteria require to be satisfied for the proposal to achieve compliance with the section of Policy GBRA8 which addresses proposals for either “*an isolated dwellinghouse*” , or for “*a new small cluster of houses*” within a high quality landscape setting.
- 5.10 In order to qualify under this part of Policy GBRA8, it must be shown firstly that a proposal is:
- Located within an extensive woodland, or alternatively where the site benefits from natural screening it can be shown that the visual impact is minimal.
- 5.11 Secondly, this policy requires that proposals should:
- Require no felling of ‘woodland’;

- Require rural amenity to be retained, and
 - Require careful consideration to the scale and design of any house proposed.
- 5.12 The wording of Policy GBRA8 insofar as it relates to development within a high quality, mature landscape setting, does not restrict its application to any particular landscape classification. The policy therefore can be equally applicable to any of the landscape designations in South Lanarkshire.
- 5.13 The Review proposal requires no woodland felling. Some roadside shrubs and saplings may require to be removed in order to form the road access, but the woodland setting would be unaffected by the proposal. In terms of rural amenity, the proposed house would sit in a clearing with a backdrop of mature woodland. The house when constructed would only be briefly visible from the road frontage. The house would not be visible within its broader countryside setting. It is submitted that as the house as proposed cannot be seen in the context of the broader landscape, it follows that there cannot be any impact on the landscape character of the area. See Appendix 1 and Appendix 2 attached which show the Review site typifying the local landscape and settlement character reflecting houses and farmsteads contained in clearings in a woodland setting.
- 5.14 The scale and design of the house proposed reflects the style, proportions and materials of a typical country cottage. In all respects, the proposal is in full compliance with the section of Policy GBRA8 which deals with development in a high quality landscape setting.
- 5.15 It has been shown for the purposes of this Review, that the proposal is fully compliant with adopted Policy GBRA8. The siting of the house as proposed would reflect the pattern of historic occupation and cultivation typical in the plateau moorland setting, which together with the existing buildings at Ardochrig, would form a “new small cluster of houses” fully in accordance with the wording of Policy GBRA8.

REFUSAL REASON No. 2

- 5.16 Refusal Reason No.2 refers to Policy 4 (Development Management and Placemaking) of the adopted Plan and to the equivalent Policy 5 in the emerging Local Development Plan 2. Members of the Local Review Body will be aware that these policies respectively contain 8 and 9 general criteria against which proposals will be assessed.
- 5.17 It would be normal practice in appeal proceedings to present a long and laborious analysis of the proposal assessed against each individual criterion. A different approach may be more instructive in this Review.
- 5.18 Refusal Reason No. 2 quite simply states that the proposal offends Policy 4 and Policy 5 in that it “will have a significant adverse effect on the landscape character of the rural area”.

- 5.19 This assertion is totally unsubstantiated, and the appellant has no way of knowing in what way the proposal adversely affects landscape character, or the extent to which the adverse affect is significant in its context. The refusal reason fails to meet the basic requirement to be clear and precise in its meaning in a way which can readily be understood.
- 5.20 This refusal reason is not backed-up by any expert opinion received through consultation. The application was validated on 4th June 2019, but a decision was not reached until 10 December 2019. Six months would have been more than enough time for the Council to seek expert opinion on landscape impact. No such opinion was sought.
- 5.21 Even in the absence of expert opinion, it is evident from information before the Council at the time of the decision that the proposal would have little or no impact on its landscape setting. The aerial photography included in the Supporting Statement which accompanied the planning application clearly shows that the house as proposed would sit in a clearing, largely enveloped by woodland. The house as proposed would largely be screened from view from its broader landscape setting. Consequently, there would be no impact on the amenity of the area, and certainly no significant adverse affect on local landscape character.
- 5.22 The delegated report refers to the application site being extending into a previously undeveloped field and being on the other side of the road from Ardochrig farmhouse. These references refer to criteria contained within Policy GBRA6. As the current Review submission seeks support under Policy GBRA8, reference by the Executive Director to a “previously undeveloped field” on the “other side of the road” are irrelevant to the case before the Review Body. As will be shown later in this submission, case history of which the Council would have been aware at the time a decision was taken on Application P/19/0700, illustrate examples where other nearby developments have been allowed on the opposite side of roads and into previously undeveloped fields. In this context, the decision to refuse Application P/19/0700 is inconsistent with recent Council practice.
- 5.23 Policy GBRA8 does not restrict development to within building groups or seek to prevent development extending in to previously developed fields. No such restrictions apply to proposals justified under Policy GBRA8.

6.0 MATERIAL CONSIDERATIONS

6.1 The Delegated Report contains little reference to material considerations other than to acknowledge that the policies of the emerging replacement local development plan are material considerations.

6.2 It is submitted that there are other material considerations which ought to have been acknowledged in the officer's report. The first material consideration is Scottish Planning Policy: the second is planning history and consistency in decision making.

Scottish Planning Policy

6.3 The Review site is located within the Rural Area (beyond the Green Belt). Planning policy in this area is contained in Supplementary Guidance 2 (Green Belt and Rural Area). This Guidance usefully contains a description of the distinction which applies between the Green Belt and the Rural Area. It states:

"Within the Rural Area, outwith the Green Belt, there is a more flexible approach to new housing and other appropriate uses in the countryside. It (SPP) advises that Councils should support more opportunities for small scale housing development, while at the same time respecting and protecting the natural heritage"

6.4 The appellant is aware of nearby instances where proposals in the Green Belt, where greater restrictions apply, which have been given more favourable consideration than his own application. The appellant fully accepts that all proposals must be considered on their own merits, and that each application is different.

6.5 Whilst accepting that all applications are different, the appellant recognises the importance highlighted in Scottish Planning Policy (SPP) of the need for consistency in decision making. Consistency, as a relevant material planning consideration, is important to both applicants and planning authorities, but it is particularly important for the purpose of ensuring public confidence in the operation of the development management system.

6.6 Reference was made in paragraph 5.22 of this submission to relevant case history of which the Executive Director would have been aware at the time the decision was taken to refuse Application P/19/0700.

6.7 At Auchenfin Farm near Auldhouse, planning permission was granted on 11th December 2017 under Application EK/17/0324 for the erection of a house in a location which in landscape terms was much more sensitive than the Review site. The application site was on the opposite side of the farm access road, and was into a previously undeveloped field. Appendix 3 shows the aerial photograph of Auchenfin Farm prior to the development of the new house. It can be seen that the approved location is on the opposite side of the farm access and into a previously undeveloped field.

6.8 The appellant has no issue with the decision taken in relation to EK/17/0324. The appellant's position is that the Local Review Body in reaching a decision

on the current Review should be aware of relevant local decisions taken under delegated powers, which call into question the consistency of decision making, which in turn undermines public confidence in the planning system. Appendix 3 shows an aerial photograph of the approved house site at Auchenfin illustrating the site on the opposite side of the farm access road and into a previously undeveloped field.

- 6.9 Members of the Local Review Body will be aware of a Review case considered on 10th June 2019 at which a Review was conducted into a decision to refuse permission for a development comprising the erection of 2 domestic garages and a landscaping strip at 3 Leaburn Cottages. The Review Body correctly in the appellant's opinion upheld the decision to refuse permission for this development.
- 6.10 The key issue raised by the Leaburn proposal did not centre on the matters considered by the Review Body in respect of Application P/18/1839, but arise in respect of the initial decision taken under delegated powers in 2017 to approve the construction of 2 houses at this location in the Green Belt (Application EK/170057).
- 6.11 Council adopted policy allows favourable consideration to be given to limited development adjoining existing settlements in the Green Belt. However Leaburn is not a settlement as identified in the Council's adopted Local Development Plan. Instead, Leaburn is in the Green Belt where strict control of development ought to apply. Appendix 4 comprises the Delegated Report on Application EK/17/0057 in which it will be noted under paragraph 3.6 that the Delegated Report justifies the proposal in part on its compliance with Policy GBRA4. Members of the Local Review Body will be aware that Policy GBRA4 is not applicable to Leaburn.
- 6.12 These decisions which are very local to the Review site at Ardochrig are material to the determination of the Review, and ought to be taken into account in the decision making process.

Conclusion

Prior to reaching a view on this appeal, the appellant invites the PRB to consider the appellant's position, and to take a balanced view on whether the Review proposal has been considered fairly and reasonably

The appellant submits that the Review proposal is located in the Rural Area within a natural woodland setting which screens the site from view from the wider landscape. The site enjoys a high quality plateau moorland setting, and the Executive Director fully accepts that the site is bounded by mature forest. The proposal meets all of the specifications agreed by the Council under adopted Policy GBRA8 (mature landscape setting).

The refusal reasons state that the Review proposal would have a significant and adverse effect on the landscape character of the area, but the report of findings does not set out the key characteristics which contribute to local landscape character, and more fundamentally does not describe the way in which local landscape character would suffer "significant" and "adverse" consequences should the Review proposal be allowed. In brief the refusal reasons are unfounded and unreasonable.

The Local Review Body should note that the application was under consideration by officers for over 6 months. During this time, no opportunity was afforded to the applicant or his agent to explore ways of making the proposal more acceptable. The decision was issued in December 2019 without any notice to the applicant.

The Delegated Report fails to identify whether the Review site is located within the Green Belt or the Rural Area. This uncertainty was perpetuated during correspondence in February 2020 at which time it was erroneously stated that the Review site was in the Green Belt. This error was subsequently corrected, but it serves to highlight a number instances in the near locality where inconsistencies in decision making contribute to the appellant's grievance. Details of these decisions can be provided on request.

The refusal reasons appear to rely heavily on two issues. Firstly, that the Review proposal has no proven locational need: secondly that the Review proposal extends into previously undeveloped land. The Local Review Body should note that neither of these criteria apply to proposals justified under Policy GBRA8.

If members of the PRB have any doubts on any of these issues they will appreciate why the appellant has sought to obtain an independent review of the officer's decision. If any such doubts remain, the soundness of the refusal reason must remain in question, and the PRB respectfully is invited to allow the proposal.

Gainford Limited
Planning Consultants
14 February 2020

APPENDIX 5
Ardochrig Farm

Supporting Statement
Proposed Dwelling House
at Ardochrig, Auldhouse



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5. Development Plan
- 6 Conclusion

1.0 INTRODUCTION

- 1.1 This Supporting Statement (“the Statement”) has been prepared in the context of South Lanarkshire Council’s Placemaking and Design policies¹ and in conformity with the good practice guidance outlined in the CABI publication “Design and Access Statements”².
- 1.2 This approach reflects Scottish Government policy as set out in Scottish Planning Policy³ (SPP), and in “Creating Places”⁴, which sets out the Scottish Government’s policy position on architecture and place. More finely-grained guidance is contained Planning Advice Note 68: Design Statements.
- 1.3 SPP (2014) directs that planning should take every opportunity to create high quality places⁵ by taking a design-led approach, and by supporting development that is designed to a high standard⁶.
- 1.4 The planning application, which this statement supports, is submitted in the context of the adopted Policy GBRA8 “New Clusters of Houses / Isolated Houses”, which meets demand for new housing in the countryside by supporting the consolidation of well contained small building groups, and additionally by emerging policies GBRA8 and GBRA9.

¹ Policy 4 Development Management and Placemaking

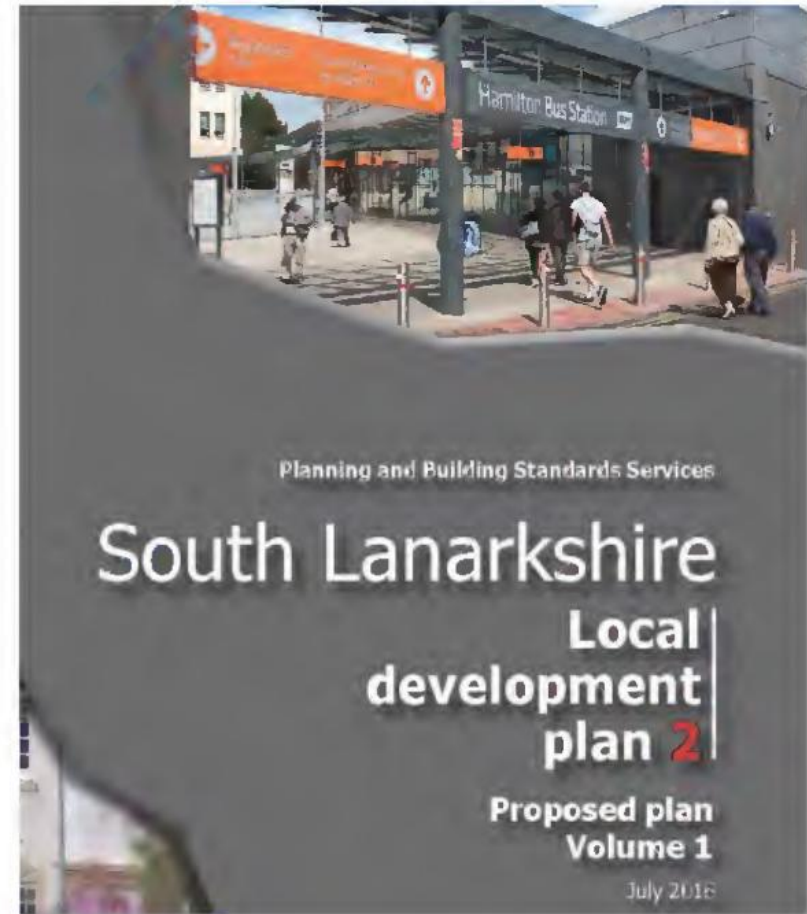
² Design and Access Statements

³ Scottish Planning Policy (2014)

⁴ Creating Places

⁵ Paragraph 16 SPP

⁶ Paragraph 17 SPP



South Lanarkshire Local Development Plan 2

2.0 THE APPLICATION SITE

2.1 The application site extends to approximately 987.5 square metres and is located off Ardochrig Road situated some 8.1 km (5 miles) to the South of East Kilbride. Chapelton is located 7.3 km to the East, and Strathaven is situated approximately 8.15 km (5 miles) to the South-East.

2.2 The centre of the site is recorded as being:

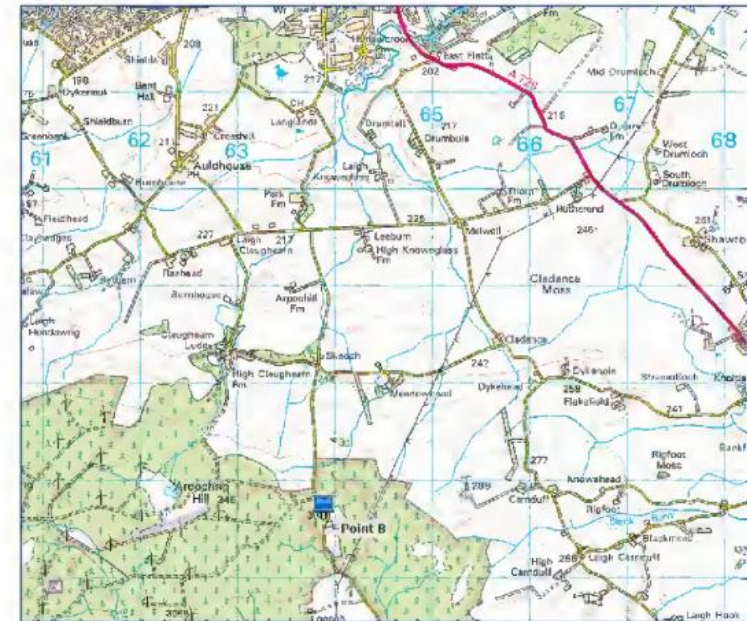
Latitude 55.693411
Longitude -4.1668734

2.3 The ten figure Ordnance Survey Grid Reference is :

NS 63895 46567.
Easting: 263895
Northing: 646567



2.4 The application site comprises rough moorland contained between Ardochrig Road and a coniferous plantation which forms part of the Whitelee Forest.

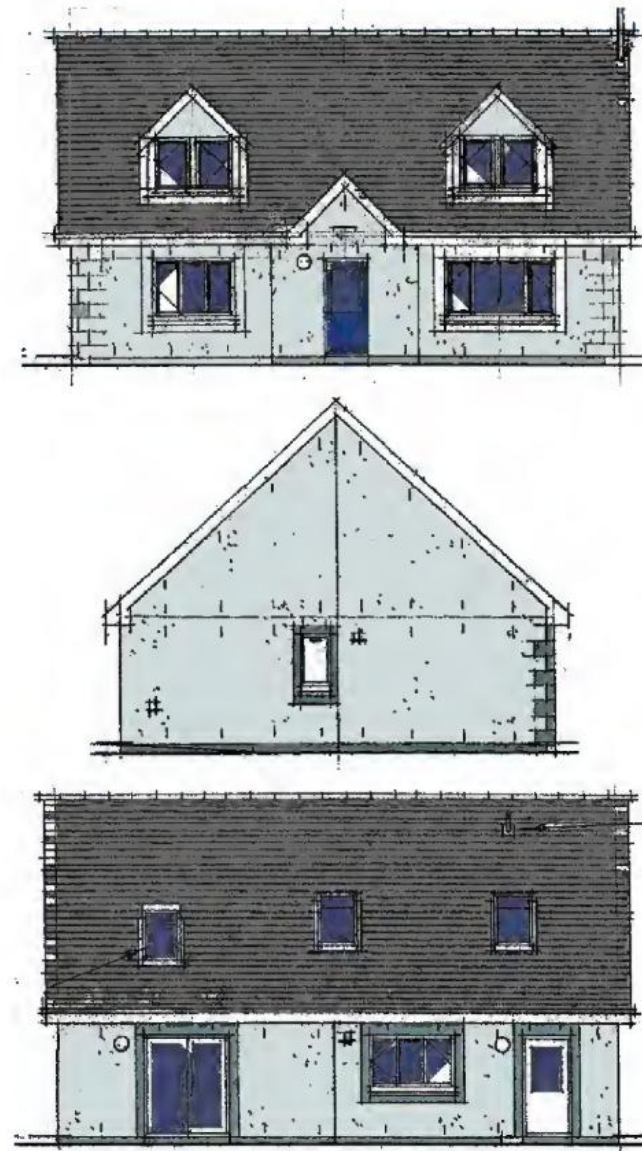


2.5 Two residential properties are located directly opposite the application site. Ardochrig Farm is a single storey dwelling house. The former byre at Ardochrig Farm has been converted and extended for residential use and is now known as Ardochrig Mor.

2.6 The building group has the potential to be further extended following the granting of planning permission in June 2018 for a 4 bedroom detached house approved under application EK/17/0406.

3.0 THE PLANNING PROPOSAL

- 3.1 The accompanying planning application seeks planning permission in detail for the construction of a detached one and a half storey dwelling house at Ardochrig, Auldhous, East Kilbride.
- 3.2 The three bedroomed house is to a traditional design with wet-dash rendered walls and smooth cement banding around door and window openings, with vertically emphasised fenestration. The roof similarly reflects traditional geometry and construction, finished in natural slate on butt-jointed timber sarking with a 40 degree pitch.
- 3.3 The primary elevations are punctuated with reconstituted stone quoin detailing. The front-facing bedrooms feature traditional pitched dormer windows. The rear facing bedroom, bathroom and landing windows comprise velux roof lights.
- 3.4 The proposed dwelling house is accessed from the public road by a 4 metre wide surfaced driveway leading to a detached pitched roof double garage in addition to which there are three additional on-site car parking spaces.
- 3.5 Drainage for the house is provided by a septic tank located to the South of the site in land within the applicant's ownership. Guttering and downpipes are proposed to be in dark brown PVC.



- 3.6 As can be seen from the aerial photograph opposite, the enclave formed by the cluster of buildings which formerly comprised Ardochrig Farm together with the enclosure established by the boundary of the coniferous plantation and by the former quarry on the opposite side of Ardochrig Road establishes a recognisable sense of place.
- 3.7 Current national planning policies (*'Creating Places'*) and locally adopted and emerging planning policies (*South Lanarkshire Local Development Plan 2*) both recognise the necessity to reconcile the need to achieve housing targets in order to meet overall housing needs in a way which is both sustainable and environmentally responsible.
- 3.8 Safe Places are an integral aspect of placemaking. Active frontages facilitate passive supervision of remote or isolated building groups. Passive monitoring enables individuals being reassured that they are part of a society and community in a place. This placemaking principle is relevant at any scale from cities to villages and applies equally to city streets and to rural roads.
- 3.9 The existing building group at Ardochrig is inward looking and can be strengthened as a place by the addition of the application proposal.



Ardochrig Farm and Ardochrig Mor Aerial Photo



Ardochrig Mor and Ardochrig Farm House

4.0 SCOTTISH PLANNING POLICY

- 4.1 Scottish Planning Policy (SPP) was approved in 2014 by Scottish Government. SPP is a statement of Scottish Government policy on how nationally important land use planning matters should be addressed across the country.
- 4.2 SPP advises that the planning system should identify a generous supply of land to support the achievement of housing land requirements. In addition, the planning system must maintain at least a 5 year supply of housing land at all times.

5.0 THE DEVELOPMENT PLAN

- 5.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) requires that all planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise
- 5.2 At a national level planning policy guidance is contained in the national planning framework, which in turn is translated into policy guidance to planning authorities through Scottish Planning Policy (2014).
- 5.3 The statutory development plan comprises the Strategic Development Plan (Clydeplan 2017) together with the adopted South Lanarkshire Local Development Plan (2015), and the emerging replacement South Lanarkshire Local Development Plan 2.

South Lanarkshire Local Development Plan

- 5.4 The South Lanarkshire Local Development Plan (SLLDP), was adopted in 2015.
- 5.5 The key policies relevant to the determination of the accompanying application are Policy 3 (Green Belt and Rural Area) and its associated supplementary guidance.

Policy 3 Green Belt and Rural Area

The Green Belt and the rural area functions primarily for agriculture, forestry, recreation and other uses appropriate to the countryside. Development which does not require to locate in the countryside will be expected to be accommodated within the settlements identified on the proposals map, other than in the following circumstances;

- i. Where it is demonstrated that there is a specific locational requirement and established need for a proposal.
- ii. The proposal involves the redevelopment of derelict or redundant land and buildings where significant environmental improvement can be shown.
- iii. The proposal is for conversion of traditional buildings and those of a local vernacular.
- iv. The proposal is for limited development within clearly identifiable infill, gap sites and existing building groups.
- v. The proposal is for extension of existing premises or uses providing it is of a suitable scale and design. Any new built form should be ancillary to the main use.

- 5.6 The site is identified in the South Lanarkshire Local Development Plan as within the Rural Area where Policy 3 – Green Belt and Rural Area applies. Policy 3 states that development which does not require to locate in the countryside generally will be expected to be accommodated within settlements.
- 5.7 A number of exceptions apply to this general approach and further detailed guidance is set out in associated Green Belt and Rural Area Supplementary Guidance. The proposal at Ardochrig draws support from the policies of both the adopted and the newly emerging South Lanarkshire Local Development plans.

Green Belt and Rural Area SG

- 5.8 Three policies contained in Supplementary Guidance 2, which forms part of the adopted development plan, are relevant to this proposal; Policy GBRA5, Policy GBRA6 and Policy GBRA8.
- 5.9 Policy GBRA5 (Gap sites) recognises that the development of gap sites within a recognisable cohesive group of houses in the countryside may be acceptable where it would not damage the character of the group or the wider countryside.
- 5.10 Policy GBRA6 (Consolidation of existing building groups) allows proposals for new houses within existing building groups to be favourably considered where the proposal reflects and respects the character and amenity of the building group and the broader environment.



Illustration of Consolidation of Existing Building Group
(Supplementary Guidance 2)

- 5.11 Policy GBRA8 (New clusters of houses/isolated dwelling houses) allows favourable consideration to be given to proposals within an extensive woodland or where a site benefits from natural screening. In order to qualify under this policy, the rural quality of the setting should be respected and the proposal should not include any tree felling.

Policy GBRA6 Consolidation of existing building groups

Proposals for new houses within existing building groups will be supported where all of the following criteria can be met:

- The scale and siting of new development should reflect and respect the character and amenity of the existing group and the individual houses within the group. The existing housing group should not expand (including cumulatively) by more than 100% the number of houses existing in that group.
- Respect the character, cohesiveness, spacing and amenity of the existing group and the individual houses within the group.

Any new build should be located within a reasonable distance of the existing properties within the building group. The spacing between the existing properties within the group should guide the appropriate distance between existing properties and proposed new build.

- The proposal should not result in ribbon/linear development along a public road or the coalescence of the housing group with a nearby settlement/another housing group.
- Development should not extend into a previously undeveloped field or overwhelm the landscape setting of the area. Definable natural boundaries between the existing group and the field should be maintained. Natural boundaries should take precedence over man-made boundaries when defining the extent of a building group.
- Existing mature trees or landscaping which are important to the character, setting, amenity and/or containment of the housing group or surrounding landscape should be maintained.
- The location, siting and design of the new houses should meet existing rural design guidelines and advice provided in Appendix 1. Generally, the design, appearance and the materials of the proposed house should be complementary to the character of the existing building group unless it is shown that there is no distinct design character within it.
- The overall scale and massing of new houses should respect that of the adjoining group.
- Provision made for a private amenity space for the dwelling comparable to adjoining properties in the built up frontage. The dwelling must not prejudice the size or use of the amenity space available to an existing dwelling unit.
- Dwelling size to plot ratio and separation distances between dwellings should be comparable to adjoining properties in the built up frontage.
- Landscape character should not be compromised by the development and must have regard to the landscape backdrop, topographical features and levels.
- Proposals should be able to be readily served by all necessary infrastructure, including water, sewerage and electricity and be able to comply with all required parking and access standards.
- Proposals should have no adverse impact in terms of road safety.
- Proposals should have no adverse impact on biodiversity, including Natura 2000 sites and protected species, or features which make a significant contribution to the cultural and historic landscape value of the area.

Policy GBRA5 Development of gap sites

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

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

- The location, siting and design of the new houses should meet existing rural design guidelines and advice provided in Appendix 1. Generally, the design, appearance and the materials of the proposed house should be complementary to the character of the existing built frontage.
- Provision must be made for a private amenity space for the house comparable to adjoining properties in the built up frontage.
- The house size to plot ratio and separation distances between houses should be comparable to adjoining properties in the built up frontage.
- The landscape character of the area must not be compromised by the development and proposals should have regard to the landscape backdrop, topographical features and levels. Trees, woodland and boundary features such as hedgerows, particularly beech and hawthorn, and stone dykes should be retained. Proposals should be able to be readily served by all necessary infrastructure, including water, sewerage and electricity and be able to comply with all required parking and access standards.
- Proposals should have no adverse impact in terms of road safety.
- Proposals should have no adverse impact on biodiversity, including Natura 2000 sites and protected species, or features which make a significant contribution to the cultural and historic landscape value of the area.

Further detailed guidance is contained in Appendix 1.

Policy GBRA8 New clusters of houses/isolated dwellinghouses

Outwith the circumstances described above, consideration will be given to the creation of an isolated dwellinghouse or a new small scale cluster of houses in the following, exceptional circumstances.

Within a substantially intact walled garden:

- Proposals should result in the restoration/preservation of the wall and should respect other surviving features of the garden.
- Proposals should incorporate existing physical features within the proposal, with the existing wall remaining as the predominant feature.
- Proposals should be confined to land within the existing walled garden, with no development extending outwith the existing walled structure
- Proposals should have no adverse impact on either the landscape or the rural character of the area.

Within a high quality, mature, landscape setting:

- Proposals may be permitted within an extensive woodland or where the site benefits from natural screening, if it can be shown that the visual impact is minimal.
- Proposals should, in the first instance, require no felling of existing woodland to enable the construction of the new dwellinghouse. Where this is not possible proposals should detail appropriate measures for both the tree management of any remaining woodland and for the planting of replacement, compensatory tree planting. In all cases the rural amenity,

nature conservation interest and landscape setting of the area should be maintained. Careful consideration will be given to the scale and design of any houses.

South Lanarkshire Local Development Plan 2

- 5.12 On 29th May 2018 the Council's Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2).
- 5.13 The emerging replacement plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications the proposed South Lanarkshire Local Development Plan 2, is now a material consideration, but insofar as the plan has not been subject to examination, its proposed policies carry less weight than those of the adopted plan.
- 5.14 Volume 2 of Local Development Plan 2 introduces a new suite of GBRA policies for the Green Belt and Rural Area. Former Policy GBRA8 no longer features in the finalised plan. However the emerging plan still maintains the commitment to support high quality design, and the new policy GBRA9 (overleaf) encourages the consolidation of existing building groups in both Green Belt and Rural Area situations. New Policy GBRA9 requires compliance with specific criteria relating to the cohesiveness of the existing group, avoidance of ribbon development and a requirement to respect the landscape setting.
- 5.15 The proposed development of a detached single storey house at Ardochrig raises no tensions either with the policies of the adopted Local Development Plan, or with the emerging policies of Local Development Plan 2.

Policy GBRA9 Consolidation of Existing Building Groups

Within the Green Belt and Rural Area proposals for new houses within existing building groups will be supported where all of the following criteria can be met:

1. The scale and siting of new development shall reflect and respect the scale, character, cohesiveness, spacing and amenity of the existing group and the individual houses within the group. Any new building shall be located within a reasonable distance of the existing properties within the building group.
2. The proposal shall not result in ribbon/linear development or the coalescence of the housing group with a nearby settlement or another housing group.
3. Development shall not significantly adversely affect the landscape character or setting of the area. In addition it shall have regard to the landscape backdrop, topographical features and levels. Definable natural boundaries between the existing group and adjacent countryside shall be maintained. Natural boundaries shall generally take precedence over man-made boundaries when defining the extent of a building group.

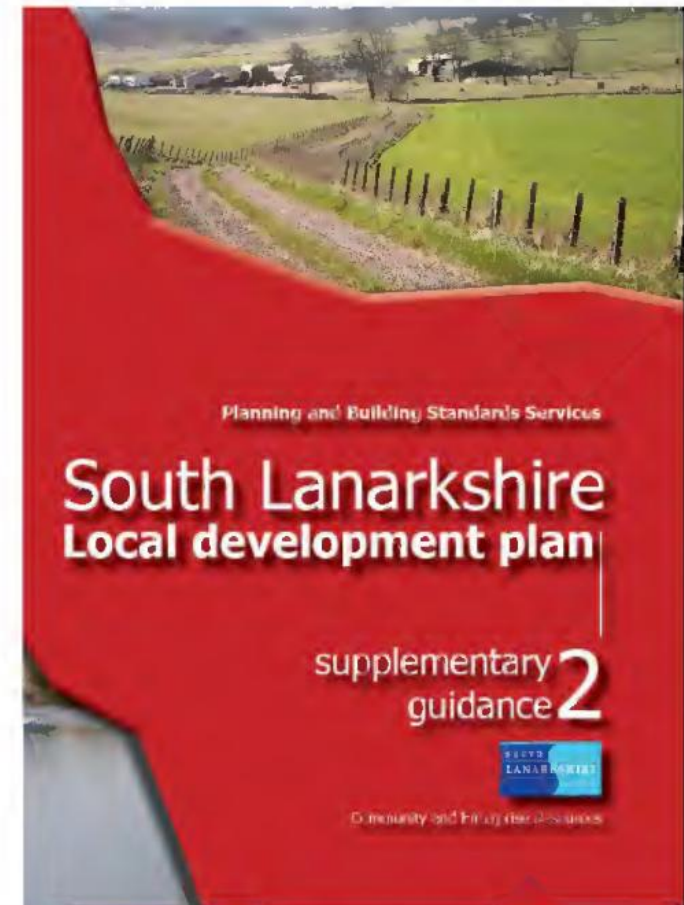
- 5.16 The proposal is for a limited development within an identifiable building group, and as such is in compliance with Policy 3 of the adopted Plan.
- 5.17 The site is contained by existing tree cover and reads visually as being part of the Ardochrig building grouping.

- 5.18 The proposal raises no adverse issues in terms of roads access or in terms of on-site parking provision therefore complying with Policy 5 of the adopted Local Development Plan.
- 5.19 The application site benefits from a high quality mature landscape setting, with existing tree cover contributing to the containment of the building group. No built-heritage or natural heritage resources requiring protection are threatened by the proposal. Therefore the proposal satisfies the 'landscape setting' criteria of Policy GBRA9 of Supplementary Guidance 2 (Green Belt and the Rural Area).

6.0 CONCLUSION

- 6.1 The development as proposed contributes towards meeting the need to contribute to housing completions and to satisfy the need for modern quality accommodation in an area where a recognised shortage for one-off housing exists.
- 6.2 The development raises no serious friction with any of the policies of the adopted South Lanarkshire Local Development Plan (2015) or the policies of the emerging South Lanarkshire Local Development Plan 2.
- 6.4 For these reasons, South Lanarkshire Council is urged to approve the proposal.

24th April 2019
Gainford Limited





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Appendix 6

3h

Further Representations

Further Representation From

- ◆ Statement of Observations from Planning Officer on Applicant's Notice of Review

Planning Application No. P/19/0700**Erection of detached 1.5 storey dwellinghouse and detached double garage****Ardochrig Farm, Ardochrig Highway, East Kilbride G75 0QN****1.0 Planning Background**

- 1.1 A planning application was submitted by Mr E Lauder to South Lanarkshire Council on 26 April 2019 seeking permission for the erection of detached 1.5 storey dwellinghouse and detached double garage at Ardochrig Farm, Ardochrig Highway, East Kilbride. Following amended drawings, the application was validated on 04 June 2019. After due consideration of the application in terms of the Local Development Plan and all other material planning considerations, the planning application was refused by the Council under delegated powers on 10 December 2019. The report of handling dated 09 December 2019 explains the decision and the reasons for refusal are listed in the decision notice. This document is available elsewhere in the papers.
- 1.2 There were no pre-application discussions in respect of this proposal and there have been no previous applications submitted for this site. Planning consent (EK/17/0406) was granted to the applicant for a new dwellinghouse to the east of the existing farmhouse in June 2018. The proposed dwellinghouse replaced an outbuilding which was demolished and is a single storey 4 bedroomed property. This proposed dwelling would be located between the existing Ardochrig Farm dwellinghouse and the remaining farm shed to the east. The access road and the foundations have been constructed although the building has not been erected.

2.0 Assessment against the development plan and other relevant policies

- 2.1 Section 25 of the Town and Country Planning (Scotland) Act 1997, as amended requires that an application for planning permission is determined in accordance with the development plan unless material considerations indicate otherwise.

2.2 In terms of the South Lanarkshire Local Development Plan (adopted 2015), Policy 3 Green belt and rural area, Policy 4 – Development Management, Policy GBRA6 Consolidation of existing building group, Policy GBRA8 New clusters of houses/isolated dwellinghouses and DM1 - Design are applicable. Policies 4 and DM1 resist any development that would be detrimental to residential amenity and that all planning applications should take account of the local context and built form. All development should be compatible with adjacent buildings and surrounding streetscape in terms of scale, massing, design, external materials and impact on amenity. The proposed dwelling will not have an adverse impact on residential amenity of the nearby properties in terms of overshadowing, overlooking or loss of privacy, however given that the proposed dwelling is located some distance away from the existing building group on the far side of the road it cannot be considered to take account of the local context. As such, the proposal does not fully comply with these policies.

2.3 Policy 3 Green belt and rural area states that development which does not require to locate in the countryside will be expected to be accommodated within settlements unless certain criteria can be met. The proposal has been assessed in detail against the criteria and does not meet any of the criteria:

(i) Where it is demonstrated that there is a specific locational requirement and established need for a proposal;

A specific location and established need has not been demonstrated for the dwellinghouse.

(ii) The proposal involves the redevelopment of derelict or redundant land and buildings where significant environmental improvement can be shown;

The proposal does not involve the development of derelict or redundant land or result in significant environmental improvement. Although the applicant has indicated that the site was the location of an historical small quarry there is no visible evidence of the quarry remaining on the application site and the site is considered to be undeveloped rough grazing land, previously forestry, with a small number of conifers close to the road and a number of regenerated small shrubs and trees remaining.

(iii) The proposal is for conversion of traditional buildings and those of a local vernacular;

The development is a new build on previously undeveloped land and does not involve the conversion of existing buildings.

(iv) The proposal is for limited development within clearly identifiable infill, gap sites and existing building groups;

The proposed dwelling would be located on undeveloped grazing land on the opposite side of the Ardochrig Highway from the existing building group and cannot be considered to be within the existing building group. The site cannot be considered as an infill or gap site.

(v) The proposal is for extension of existing premises or uses providing it is of a suitable scale and design. Any new built form should be ancillary to the main use;

The proposal is not an extension of an existing premises or use.

2.4 The above assessment against Policy 3, demonstrates that the proposal does not meet any of the criteria as detailed above.

2.5 In respect of Policy GBRA6 Consolidation of existing building groups, this policy relates to sites which can be considered to be within the existing building group. This proposal extends development into a previously undeveloped field. The proposed development would compromise the landscape character of the area in that the land to the west of the road consists of mature commercial forestry, moorland and rough grazing land with no built development.

2.6 In respect of Policy GBRA8 New clusters of houses/isolated dwellinghouses, this policy sets out a number of circumstances where consideration can be given to isolated dwelling houses. The proposed dwelling does not meet with any of the exceptional circumstances set out in this policy in that it is not within a substantially intact walled garden, is not within a high quality, mature, landscape setting and is not an individually designed house of an exceptional and innovative design quality.

2.7 On 29th May 2018 the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance Policies 4, 5, DM1 and GBRA9 are relevant and the proposal has been assessed against these policies. As set out above it is considered that the proposal

does not accord with Policies 4 and GBRA9 in that proposal has no specific locational need, extends development into a previously undeveloped field and would compromise the landscape character of the area.

- 2.8 In conclusion, following detailed assessment of the proposal it is considered that the proposal has no specific locational need, extends development into a previously undeveloped field and would compromise the landscape character of the area. In this regard, the proposal is not deemed to be in accordance with the Policies 3, GBRA6 and GBRA8 of the South Lanarkshire Local Development Plan (adopted) and also Policies 4 and GBRA9 of the proposed South Lanarkshire Local Development Plan 2.

3.0 Observations on applicants Notice of Review

- 3.1 Through an agent, the applicants have submitted a statement to support their review. This was submitted partly to respond to the matters raised in the Officer Report. The grounds are summarised below:

- (a) **The proposed dwellinghouse is compliant with Policy 3 Green Belt and rural area in that it cannot be considered to be either isolated or sporadic development.**

Response: As set out in the report of handling and set out above in paragraph 2.3, the proposed dwelling house fails to meet any of the five circumstances where consideration could be given to development out with the settlement boundary. The proposed dwelling would be located on undeveloped grazing land on the opposite side of the Ardochrig Highway from the existing building group and cannot be considered to be within the existing building group, being over 25m from the nearest part of the building group. The site cannot be considered as an infill or gap site.

- (b) **In terms of Policy GBRA8 New clusters of houses/isolated dwellinghouses, the proposal can be considered to be within a high quality landscape setting and meets with the two criteria being located**

in a woodland setting and there being no felling required to accommodate the development.

Response: The proposed dwellinghouse was not considered to be within a high quality, mature, landscape setting and the site is not located in a designated Special Landscape Area. The site has a backdrop of commercial forestry which forms part of the Whitelee Wind Farm and is of an age where it may be harvested as part of the wider commercial forestry on that site and which the applicant has no control over. The site cannot be considered to be within an extensive woodland, rather on the edge of the commercial forestry between the public road and the forestry. The applicant cannot undertake tree management of the remaining woodland as it is not within their ownership. The rural amenity and landscape setting would be adversely effected by the introduction of built development to the landscape to the west of the road and the intensification of the built uses in this rural landscape.

- (c) In terms of Policy 4 development management and placemaking the reason for refusal is unsubstantiated not specifying the way the proposal adversely affects the landscape character or the significance of the adverse impact, with no expert opinion being sought by the Council.**

Response: The landscape setting would be adversely affected by the introduction of built development to the landscape to the west of the road and the intensification of the built uses in this rural landscape. The landscape to the west of the road consists of open grazing and moorland, with the backdrop of what remains of commercial forestry, there being no built development on that side of the road in this specific area.

- (d) Scottish Planning Policy states that in the Rural Area there should be a more flexible approach to new housing and Council's should support more opportunities for small scale housing development, while at the same time respecting and protecting the natural heritage.**

Response: .The Local Development Plan provides for this requirement through the use of planning policies set out above. The proposal has been assessed against those policies and it is considered that the proposed development has no specific locational need, extends development into a

previously undeveloped field and would compromise the landscape character of the area. The applicant, Mr. Lauder, has previously been granted planning consent (EK/17/0406) for an additional new dwellinghouse to the east of the existing farmhouse in June 2018 which has not been fully constructed to date.

(e) The appellant refers to other examples where permission has been granted for similar developments.

Response: Each application is considered on its own merits in relation to the specific location and proposal. In this case it is considered that the proposed development has no specific locational need, extends development into a previously undeveloped field and would compromise the landscape character of the area.

4.0 Conclusions

- 4.1 In summary, the proposed development does not accord with the provisions of the adopted Local Development Plan and the relevant associated supplementary guidance, or with the provisions of the proposed Local Development Plan 2 relating to new dwellinghouses in the rural area. In addition, there are no material considerations which outweigh the provisions of the development plan. It is therefore respectfully requested that the Review Body refuse planning permission for the proposed development.

Appendix 7

3i

**Applicant's Comments on Further Representations
Submitted by Interested Parties in the Course of the
Notice of Review Consultation Process**

NOTICE OF REVIEW UNDER SECTION 43(A)8 OF THE
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (As Amended)
TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL
REVIEW PROCEDURE) (SCOTLAND) (REGULATIONS 2013)

**REGULATION 10(6) STATEMENT IN RESPONSE
TO THE UNDATED STATEMENT OF OBSERVATIONS
BY SOUTH LANARKSHIRE COUNCIL**

PLANNING APPLICATION REF: P/19/0700

**Ardochrig Farm
East Kilbride
Glasgow
G75 0QN**

- 1.1 This Statement has been prepared by Gainford Limited on behalf of Mr. Eddie Lauder under Regulation 10 (6) of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.
- 1.2 The Scottish Government expect that local authorities in Scotland should operate the planning system under the legislation and national planning policy as agreed by government. The core values at the heart of the planning system are transparency, consistency and fairness.

“Consistency and transparency of information are central to the reputation and smooth running of the development management system. A balance is required between consistency of process across the country and providing flexibility to suit local circumstances”.¹

- 1.3 Changes introduced by successive governments, including most planning applications now being dealt with under delegated powers, the introduction of increasingly “woolly” development plan policies open to widely varying interpretation, and in particular the increase in size of electoral wards have all served to distance elected members from the decision making process and to hinder the build-up of local knowledge, which is vital to the councillor’s role.
- 1.4 The elected member is now increasingly reliant on being fully and properly informed by officials. In the absence of proper briefing, there is a risk that the local electorate may be better informed on local planning issues than the elected member. This is particularly evident in relation to consistency and the perceived fairness of the planning system.
- 1.5 The decision-maker, whether an official or Local Review Body, can only be guided by the information before them at the time when a decision is taken. It is disappointing in this context that the perfunctory manner in which the Planning Officer’s Statement of Observations disregards key issues raised in the Notice of Review and instead focuses on re-stating much of the content of the Delegated Report.
- 1.6 For this reason, the following response to the Council’s observations aim to highlight for the attention of the Local Review Body, those matters raised in the Notice of Review, and on which no substantive response has been offered in contravention of the Scottish Government’s requirement for accountability, accuracy, consistency and fairness in the operation of the planning system.

¹ Empowering Planning: An Independent Review of the Scottish Planning System: Scottish Government May 2016 ISBN 978-178652-294-8

ACCURACY AND ACCOUNTABILITY

The Extent to Which the Proposal has a Significant Adverse Impact on Landscape Character?

- 2.1 The Planning Officer's observations state [Para 3.1(c)] that the justification for refusal relies on an assertion that *"The landscape setting would be **adversely affected** by the introduction of built development to the landscape to the west of the road and the intensification of the built uses in this rural landscape"*.
- 2.2 In considering this issue it is important to note that the key tests contained within Policy 4 of the adopted Local Development Plan, and Policy 5 of the emerging plan, both specifically presume against development which would have "a **significant** adverse affect". Neither policy as approved by Council authorises planning officers to refuse any proposal unless it can clearly be shown that the impact on landscape setting is **significant**.
- 2.3 Nowhere in either the Delegated Report nor in the Council's Observations on this Review has any convincing explanation been provided to explain in what way the impact of the construction of a house on non-cultivated waste land contained within a clearing in a forest would result in a **"significant adverse effect on the landscape setting."**
- 2.4 It is respectfully submitted that it is not enough to justify refusal on the basis that the landscape setting would be adversely affected. Any development will alter the immediate character of any application site. In order to justify refusal under either Policy 4 of the adopted Plan or Policy 5 of the emerging Plan it must be clearly demonstrated that the proposal has a **significantly adverse impact** on the broader landscape. No such explanation has been provided.
- 2.5 The Notice of Review makes various and frequent reference to the review site as being *"undeveloped rough grazing land"* [Para 2.3(ii)], *"undeveloped grazing land"* [Paras 2.3(iv), and 3.1(a)], *"previously undeveloped field"* [Paras 2.5, 2.7, 2.8 and 3.1(e)].
- 2.6 The reader unfamiliar with the site, would reasonably assume from these descriptions that the proposal represented an unwarranted incursion into land which served (or potentially could serve) a productive use as agricultural land.
- 2.7 In reality, the land has never been grazed in living memory and has been used together with the old quarry as a dumping ground for unwanted items associated with the farm (rubble/ machinery parts etc).
- 2.8 The cost of remediation, including removal of dumped material, draining, fencing and importation of a suitable growing medium to the former quarry area would far exceed the resultant value of the land. In the absence of approval the land will be incapable of reasonably beneficial use.

CONSISTENCY AND FAIRNESS

Was refusal of the Review Proposal Consistent with Other Decisions?

- 3.1 The Council's position relies heavily on the view that the Ardochrig application had no locational need. References to "locational need" are contained in paragraphs 2.7, 2.8, 3.1(d) and 3.1(e) of the Council Observations.
- 3.2 The Notice of Review (Appendix 3) referred to a decision to grant permission nearby at Auchenfin. The justification for approval of the house was that the proposal at Auchenfin was considered to satisfy Policy GBRA6. Policy GBRA6 allows new houses to be built within existing building groups provided that all 13 criteria listed under the policy can be met. There was no "locational need" for the proposal at Auchenfin, but that deficiency did not weigh against planning permission being issued.
- 3.3 Policy GBRA6 specifies that *"a housing group is defined as one where there are at least three detached houses grouped in close proximity to one another (no more than 50 metres apart) which share a well-defined and cohesive character"*
- 3.4 The Auchenfin proposal not only had no "locational need", but it also clearly failed to meet the basic definition of a building group. There was only one house at Auchenfin (not the three houses required to qualify as a group under Policy GBRA6). As can be seen from the aerial photograph in Appendix 3, the Auchenfin proposal also contravened the criterion in GBRA6 which specifies that *"development should not extend into a previously undeveloped field"*.
- 3.5 It is submitted that a much stronger case exists under Policy GBRA6 to support the Review proposal than was the case at Auchenfin. The two existing detached houses at Ardochrig together with the house currently under construction (EK/17/0406) will qualify Ardochrig as a "building group" within the Council's approved definition.
- 3.6 At Auchenfin the house as approved was not only sited on a previously undeveloped field, but the field was also productive grassland. In their Observations on the Review, the Council refer to the Review site as "rough grazing land" (Council Observations Paragraph 2.3(ii)). Unlike Auchenfin, there is no evidence in living memory of the Review site ever having been used for the grazing of animals.
- 3.7 Two references are made in the Council's statement to the permission granted under application EK/17/0406. No reference is made to other key decisions in the immediate vicinity which are material to the determination of this appeal.

- 3.8 In April 2019 the Council was consulted regarding a proposed battery storage building on a site in close proximity to the Review site. The close relationship between the two sites is shown on Figure 1 below.



Figure 1: Proposed Battery Storage Building in Relation to the Review Site

- 3.9 The battery storage facility comprised a steel portal frame building “equivalent in size to half a football pitch” and with a height of 6.8 metres. The building will be the largest windfarm battery facility in the UK and will house 50MW of lithium ion technology.
- 3.10 Unlike the planning review site which is contained in a clearing within the forest, the battery storage building is located on rising ground at the edge of forestry planting on Ardochrig Hill.
- 3.11 The Executive Director (Community and Enterprise Resources) recommended to the Planning Committee that Scottish Government be notified that South Lanarkshire Council had no objections to the proposal on the basis that the proposal was:

“not considered to have any significant adverse impact within the surrounding area”.

- 3.12 It is clear that the decision on the battery storage building, and in particular the view expressed by the Executive Director that a 1,513 sq metre building would not have any significant adverse impact on the landscape was a material consideration, and ought to have informed the decision at Ardochrig Farm. It is incomprehensible how a totally contradictory view could be reached of the landscape impact of the review proposal, without a second opinion being sought from a landscape expert. No such opinion was sought.

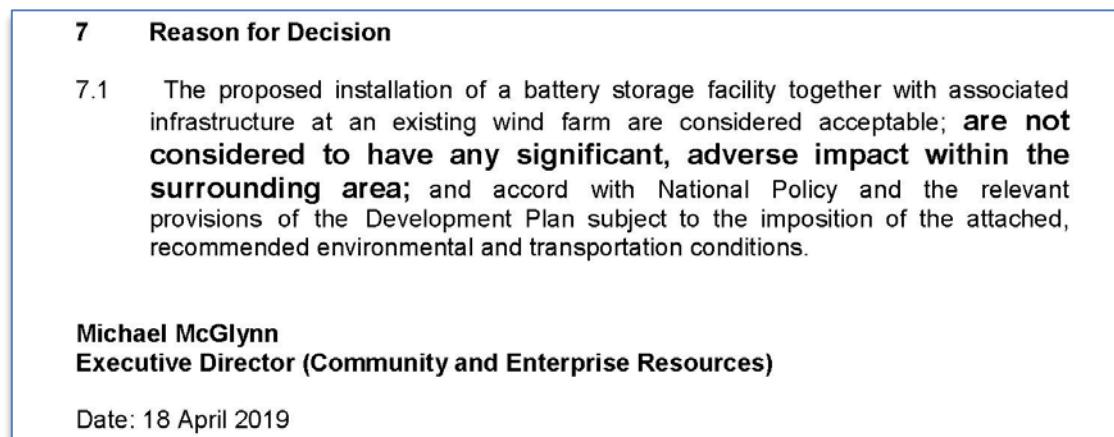


Figure 2: Extract From Committee Report on Battery Storage Proposal

- 3.13 The decision to refuse the house at Ardochrig Farm was taken under delegated powers on 10th December 2019. At that time the planning officer would have been aware of the decision and the judgement made in relation to the battery storage building (18th April 2019) and also of the decision to approve the construction of a house at Auchenfin without any development plan support for such a decision.(11th December 2017). Both documents were before the Council at that time.

CONCLUSION

- 4.1 In the past month the Scottish Government's Chief Planner, jointly with the Minister for Local Government Housing and Planning, has written to all planning authorities in response to the COVID-19 crisis. The letters from Government highlight that planning has a crucial part to play within and beyond the current emergency, but that planning authorities must recognise the current exceptional circumstances and accordingly must relax controls specifically to date in relation to food delivery and distribution, and to takeaway services offered by public houses and restaurants. .
- 4.2 The current lockdown in the construction industry will have far reaching consequences not just on housing completions, but more significantly on the economic survival of small builders, tradespeople and suppliers. It is likely that further policy changes may emerge on this issue in the revised National Planning Framework.
- 4.3 In 2007 the Scottish Government set a target of achieving 35,000 new homes by the current decade. Since the 2008/09 financial crisis, and the associated housing market crash, the 20,000 new homes now built annually in Scotland

still represent only 80% of the pre-recession level and remain well below the Government's 35,000 target.

4.4 The coronavirus shutdown will further reduce completion rates, and will impact particularly on small builders whose future relies on a forward supply of one-off sites. In this context every single house is important in contributing to housing supply, and by contributing to the local economy and reducing unemployment. The Council has a key role to play and must continue to reconcile the need to promote development whilst safeguarding South Lanarkshire's most precious landscapes.

4.5 Having regard to consistency, accountability and fairness, it is respectfully submitted that the key question which the Planning Review Body must address in this appeal is:

Whether the approval of a traditionally-styled cottage on wasteland at Ardochrig Farm will have a significant adverse impact on the rural character of the area?

4.6 For the reasons set out above, it is submitted that the review proposal will have minimal impact on its landscape setting and can be fully and reasonably justified against the provisions of the approved and emerging local development plans, and to relevant material considerations which were not taken into account in the officer's decision.

4.7 Accordingly, it is respectfully requested that the Local Review Body grant planning permission in detail for this proposal.

Gainford Limited
13 April 2020

Report

4

Report to:	Planning Local Review Body
Date of Meeting:	22 June 2020
Report by:	Executive Director (Finance and Corporate Resources)

Subject:	Review of Case – Application P/19/1545 for Change of Use of Open Space to Form Additional Garden Ground and Erection of Boundary Fence
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1. Purpose of Report

1.1. The purpose of the report is to present the information currently available to allow a review of the decision taken by officers, in terms of the Scheme of Delegation, on the following application:-

1.2. *Summary Application Information*

Application Type:	Detailed Planning Permission
Applicant:	C Christison
Proposal:	Change of Use of Open Space to Form Additional Garden Ground and Erection of Boundary Fence
Location:	2 Howacre, Lanark ML11 7PL
Council Area/Ward:	02 Clydesdale North

1.3. *Reason for Requesting Review*

<input checked="" type="checkbox"/> Refusal of Application	<input type="checkbox"/> Conditions imposed	<input type="checkbox"/> Failure to give decision (deemed refusal)
--	---	--

2. Recommendation(s)

2.1. The Planning Local Review Body is asked to:-

- (1) consider whether it has sufficient information to allow it to proceed to determine the review without further procedure and, if so, that:-
 - (a) it proceeds to determine whether the decision taken in respect of the application under review should be upheld, reversed or varied
 - (b) in the event that the decision is reversed or varied, the reasons and the detailed conditions to be attached to the decision letter are agreed
- (2) in the event that further procedure is required to allow it to determine the review, consider:-
 - (a) what further information is required, which parties are to be asked to provide the information and the date by which this is to be provided
 - (b) what procedure or combination of procedures are to be followed in determining the review

3. Background

- 3.1. The Council operates a Scheme of Delegation that enables Council officers to determine a range of planning applications without the need for them to be referred to Area Committees or the Planning Committee for a decision.
- 3.2. In terms of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act 2006, and the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013, where an application for planning permission relates to a proposal that falls within the category of “local development” and has been or could have been determined under the Scheme of Delegation, the applicant is entitled to request that the determination be reviewed by the Planning Local Review Body.

4. Notice of Review – Statement of Reasons for Requiring the Review

- 4.1. In submitting their Notice of Review, the applicant has stated their reasons for requiring a review of the determination in respect of their application. **(Refer Appendix 5)**
- 4.2. The applicant is entitled to state a preference for procedure (or combination of procedures) to be followed and has indicated that their stated preference is as follows:-

<input type="checkbox"/>	Further written submissions	<input type="checkbox"/>	Site inspection
<input type="checkbox"/>	Hearing session(s)	<input checked="" type="checkbox"/>	Assessment of review documents only, with no further procedure

- 4.3. However, members will be aware that it is for the Planning Local Review Body to determine how a case is reviewed.

5. Information Available to Allow Review of Application

- 5.1. Section 43B of the Planning etc (Scotland) Act 2006 restricts the ability of parties to introduce new material at the review stage. The focus of the review should, therefore, be on the material which was before the officer who dealt with the application under the Scheme of Delegation.
- 5.2. The following information is appended to this report to assist the Planning Local Review Body in its review of the decision taken by officers:-
- ◆ Planning Application Form **(Appendix 1)**
 - ◆ Report of Handling by the Planning Officer under the Scheme of Delegation **(Appendix 2(a))**
 - ◆ Copies of representations **(Appendix 2(b))**
 - ◆ Site photographs and location plan **(Appendix 3)**
 - ◆ Decision notice **(Appendix 4)**
 - ◆ Notice of Review including statement of reasons for requiring the review **(Appendix 5)**
- 5.3. Copies of the relevant drawings are available for inspection by contacting Administration Services prior to the meeting.

6. Notice of Review Consultation Process

- 6.1. 6 further submissions, including a Statement of Observations from the Planning Officer on the applicant's Notice of Review, were received in the course of the 14 day period from the date on which notification of the request for a review of the case was given. These are listed at and attached as **Appendix 6**.
- 6.2 The applicant had the opportunity to comment on the further representations received, however, no comments were received from the applicant's agent.

Paul Manning

Executive Director (Finance and Corporate Resources)

6 May 2020

Link(s) to Council Values/Ambitions/Objectives

- ◆ Work with communities and partners to promote high quality, thriving and sustainable communities
- ◆ Accountable, effective, efficient and transparent

Previous References

None

List of Background Papers

- ◆ Guide to the Planning Local Review Body

Contact for Further Information

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

Pauline MacRae, Administration Officer

Ext: 4108 (Tel: 01698 454108)

E-mail: pauline.macrae@southlanarkshire.gov.uk

Appendix 1

4a

Planning Application Form



4a

Montrose House 154 Montrose Crescent Hamilton ML3 6LB Tel: 0303 123 1015 Email: planning@southlanarkshire.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100189208-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

- ☒ Application for planning permission (including changes of use and surface mineral working).
- ☐ Application for planning permission in principle.
- ☐ Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- ☐ Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Change of use to convert existing amenity open space to private garden ground and erection of boundary fence.

Is this a temporary permission? *

☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) *

☐ Yes ☒ No

Has the work already been started and/or completed? *

☒ No ☐ Yes - Started ☐ Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	Bare Architecture		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Ronald	Building Name:	
Last Name: *	Gellan	Building Number:	4
Telephone Number: *		Address 1 (Street): *	Rannoch Avenue
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Hamilton
Fax Number:		Country: *	Scotland
		Postcode: *	ML3 8UD
Email Address: *			

Is the applicant an individual or an organisation/corporate entity? *

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Colin	Building Number:	2
Last Name: *	Christison	Address 1 (Street): *	Howacre
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Lanark
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	ML11 7PL
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

South Lanarkshire Council

Full postal address of the site (including postcode where available):

Address 1:

2 HOWACRE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

LANARK

Post Code:

ML11 7PL

Please identify/describe the location of the site or sites

Northing

644110

Easting

287733

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☒ Yes ☐ No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

☒ Meeting ☒ Telephone ☒ Letter ☒ Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

This is a revised planning application following the withdrawal of a previous application (P/19/0757).

Title:

Other title:

First Name:

Last Name:

Correspondence Reference
Number:

Date (dd/mm/yyyy):

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

77.50

Please state the measurement type used:

☐ Hectares (ha) ☒ Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Amenity Open Space

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

☐ Yes ☒ No

If Yes please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? *

☐ Yes ☒ No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

0

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

☐ Yes ☒ No

Do your proposals make provision for sustainable drainage of surface water?? *
(e.g. SUDS arrangements) *

☐ Yes ☒ No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

☐ Yes

☐ No, using a private water supply

☒ No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

☐ Yes ☒ No ☐ Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? *

☐ Yes ☒ No ☐ Don't Know

Trees

Are there any trees on or adjacent to the application site? *

☒ Yes ☐ No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

☐ Yes ☒ No

If Yes or No, please provide further details: * (Max 500 characters)

Change of use from amenity open space to garden ground. The provision for refuse/recycling storage already exists and is sufficient.

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

☐ Yes ☒ No

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

☐ Yes ☒ No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013? *

☐ Yes ☒ No ☐ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

☐ Yes ☒ No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

☐ Yes ☒ No

Is any of the land part of an agricultural holding? *

☐ Yes ☒ No

Are you able to identify and give appropriate notice to ALL the other owners? *

☒ Yes ☐ No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate B

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application;

or –

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

Mr Joseph Lawson

Address:

South Lanarkshire Council
South Lanarkshire Council Head Quarters, Almada Street, Hamilton, Scotland, ML11 7PL

Date of Service of Notice: *

14/10/2019

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding;

or -

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:

Address:

Date of Service of Notice: *

Signed: Ronald Gellan

On behalf of: Mr Colin Christison

Date: 11/10/2019

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

☐ Yes ☐ No ☒ Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

☒ Site Layout Plan or Block plan.

☒ Elevations.

☐ Floor plans.

☐ Cross sections.

☐ Roof plan.

☐ Master Plan/Framework Plan.

☐ Landscape plan.

☐ Photographs and/or photomontages.

☐ Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. *

☐ Yes ☒ N/A

A Flood Risk Assessment. *

☐ Yes ☒ N/A

A Drainage impact Assessment (including proposals for Sustainable Drainage Systems). *

☐ Yes ☒ N/A

Drainage/SUDS layout. *

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. *

☐ Yes ☒ N/A

Habitat Survey. *

☐ Yes ☒ N/A

A Processing Agreement. *

☐ Yes ☒ N/A

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Ronald Gellan

Declaration Date: 11/10/2019

Appendix 2

4b

Report of Handling

Report dated 5 December 2019 by the Council's Authorised Officer under the Scheme of Delegation

	Delegated Report	Reference no.	P/19/1545
			4b
		Date	05 December 2019

Planning proposal:	Change of use of open space to form additional garden ground and erection of boundary fence
Location:	2 Howacre Lanark ML11 7PL

Application Type : Detailed planning application

Applicant : Mr Colin Christison

Location : 2 Howacre
Lanark
ML11 7PL

Decision: Application refused

Report by: Area Manager (Planning & Building Standards)

Policy reference:

South Lanarkshire Local Development Plan

Policy 4: Development Management and Placemaking
Policy 6: General urban area/settlements

Supplementary Guidance 3: Development Management, Placemaking and Design

Policy DM13: Development within general urban area/settlement

Proposed South Lanarkshire Local Development Plan P2

Policy 3: General Urban Areas and Settlements
Policy 5: Development Management and Placemaking

Assessment

Impact on privacy?	No
Impact on sunlight/daylight?	No
Impact on amenity?	No
Traffic issues?	No
Adheres to development plan policy?	Yes
Adverse comments from consultees?	No

Consultations

None

Summary of response

N/A

Representation(s):

▶	11	Objection letters
▶	0	Support letters
▶	0	Comment letters

Planning Application Delegated Report

1 Application site

- 1.1 This application relates to a 77 square metres area of established open space situated on the corner north of Howacre/ Mousebank Road junction, Lanark. The application site is located within a residential area lying to the north of the town centre.

2 Proposal

- 2.1 The proposal involves the change of use of part of the open space to form additional garden ground to a dwelling at 2 Howacre, Lanark. It also involves the removal of the existing boundary fence and the erection of a new boundary fence to define the remaining open space, along with the removal of a mature tree situated close to the western edge of the existing amenity open space. The application site, which is rectangular in shape, measures 2.9m in width by 27m in length and covers 77 square metres in area, representing 20% of the total open space area (391 square metres).

3 Background

3.1 Local Development Plan

- 3.1.1 The application site is identified as being within the residential area in the South Lanarkshire Local Development Plan. Policy 6 – General Urban area/settlements of the South Lanarkshire Local Development Plan seeks to safeguard the character and amenity of urban areas and small settlements and resist any developments detrimental to the amenity of such areas. Other relevant policies include: Policy 4: Development Management and Place Making which states that development proposals should have no significant adverse on the local community. Policy DM13 – Development within general urban area/settlement of Supplementary Guidance 3: Development Management Place Making and Design is also relevant.
- 3.1.2 Other material considerations include Policy 3 – General Urban Areas and Settlements and Policy 5 – Development management and placemaking of the approved Proposed South Lanarkshire Local Development Plan 2.

3.32 Planning History

- 3.2.1 The application site constitutes part of a designated area of open space which was laid out as part of the original development of the area. The original application for the residential development (application number P/LK/78/200 granted consent on 09 July 1978) designated the site as open space. However, in 1981 permission was granted for the erection of what is now the applicant's dwellinghouse and garage on part of that open space (application no: P/LK/80/143 granted on 01 April 1981). The remaining,(current)

area of open space was the subject of a Minute of Agreement dated 10 September 1981 whereby the then applicant transferred ownership on to the former Clydesdale District Council to maintain as public open space.

3.2.2 A previous application for relating to a slightly larger area (5m by 27m) was lodged in May 2019 but withdrawn in October.

4 Representation(s)

4.1 Following the carrying out of statutory neighbour notification eleven letters of objections have been received. The grounds of objections are summarised below:

- a) **Concerns that the proposal would lead to a substantial reduction in the open recreational land to which the public presently has free access with a consequent reduction in the amenity value of the public open space to the community.**

Response: It is considered that the proposal as in 2.1 above is such that it would reduce the area of the existing open space at Howacre by 77 square metres (20%). This in relative terms would reduce the area of amenity space available for recreational use and potentially reduce the amenity value of the current public open space to the local community without any justification.

- b) **Concerns that the proposed removal of a mature tree on the site would be contrary to the Scottish Government's intentions to create a greener and healthier Scotland by 2032.**

Response: The applicant has provided no justification for the proposed removal of an established healthy and mature tree which would form part of the additional garden ground if planning permission is granted.

- c) **Concerns that the proposed boundary treatment which includes an area of planting along the eastern boundary of the application site on the applicant's side of the fencing would leave a totally inappropriate boundary treatment facing the remaining amenity land.**

Response: The proposed boundary treatment along the eastern boundary of the site as it stands is inadequate. The applicant would have to amend the plans to ensure that planting along the eastern boundary of the application site should be similar to the existing boundary fence/hedge defining the public open space from the applicant's property.

- d) **Concerns that the public open space at Howacre is used by dog walkers and forms a vital outdoor space for children to play therefore it would not be in the public interest to reduce the size of the open space as proposed.**

Response: Although the current level of usage of the public open space is not quantified, the proposal would lead to a reduction on the physical size of the public open space currently used by the dog walkers and children without any relevant justification.

- e) **Concerns that the reason for the application is not for the creation of additional garden ground but to create an opportunity for potential improvements including an extension to the applicant's property.**

Response: All Applications are considered and determined on the merits of their submissions. The intended use of the proposed garden extension is not relevant to the assessment of this application.

- f) **Concerns that the proposal is contrary to the policies and proposals contained in the Local Development Plan.**

Response: The proposal would be contrary to the policy provision contained in the Council's adopted Local Development Plan which seek to prevent the loss of valued public open space and local landscape to any development.

- g) **Concerns that the proposal would lead to a loss of privacy of the property opposite the open space on Mousebank Road, assuming that a stob and wire fence would be erected as a boundary to the extended land then the living room window will be directly adjacent to the end of the garden.**

Response: There would be no loss of privacy as the proposal is such that there would be a hedge erected as part of the boundary fence to the same height as the existing boundary fence/hedge if planning permission is granted.

- h) **Concerns that the proposal does not accord with National Policy Advice and Guidance where there is a requirement to consider the environmental impact of any application for development/change of use and a requirement on the local authority to ensure that the proposal does not impact adversely on the sustainability of the environment and the wellbeing of the local population.**

Response: The National Policy Advice and Guidance mainly focuses on major new developments geared towards achieving development that would not adversely impact on the sustainability of the environment and the wellbeing of the population. However, there is no National Policy Advice and Guidance on established amenity open spaces within general urban/settlement area of the size/nature such as this.

5 Assessment and Conclusions

- 5.1 The applicant seeks planning permission for a change of use of part of an established area of public open space to form additional garden ground and the erection of a boundary fence on the site, located within a residential area at 2 Howacre, Lanark. The determining issues in the consideration of this application are its compliance with adopted local development plan policy and associated supplementary guidance, the impact on both the residential and visual amenity of the surrounding area, relevant government advice and policy and other material consideration in the determination of the application.

- 5.2 The application site lies within the residential area and is subject to assessment against Policy 6 – General Urban area/settlements of the adopted South Lanarkshire Local Development Plan. The policy seeks to safeguard the character and amenity of urban areas and small settlements and resist any developments detrimental to the amenity of such areas.

Policy 4 – Development management and placemaking states that developments proposal should have no significant adverse impacts on the local community.

Policy DM13 – Development within general urban area/settlement as contained in the Development Management Place Making and Design Supplementary Guidance states that proposals must meet the following criterion:

- There must be no resultant loss of, or damage to, open or play spaces, trees, bushes or hedgerows which make a significant contribution to the character or amenity of the area.

Policy 3 – General Urban Areas and Settlements of the approved Proposed South Lanarkshire Local Development Plan 2 states that developments which would be detrimental to the amenity of residents and the wider community or the character of the surrounding area will not be permitted. Policy 5 – Development management and placemaking states that proposals should have no significant adverse impacts on the local community and environment.

- 5.3 The proposal seeks consent for the change of use of part of an established amenity open space to form additional garden ground and the erection of a boundary fence to a dwelling at 2 Howacre, Lanark. The proposal would lead to the loss of 77 square metres or 20% of one of a limited number of public open space areas. I therefore consider that the proposal would lead to a relatively significant reduction in the physical size of the existing valued amenity area which currently makes a significant contribution to the character and amenity of the surrounding area and is obviously highly valued by local residents, as borne out by the strength of local objection.
- 5.4 In view of the above I conclude that the proposal does not comply with the policy provision and criterion contained within either Policy 6, Policy 4 of the adopted South Lanarkshire Local Development Plan or Policy DM 13 of the Development Management Placemaking and Design Supplementary Guidance. Furthermore, the proposal does not accord with Policy 3 – General Urban Areas and Settlements and Policy 5 – Development management and placemaking of the approved Proposed South Lanarkshire Local Development Plan 2.
- 5.5 Given the relative low provision of public open space in the surrounding area, if a proposal such as this is granted planning permission without justification then it would set a precedent and make it difficult to resist future applications of a similar nature in general.
- 5.6 Based on the above, I consider that the proposed development would be detrimental to the amenity of residents and to the character of the surrounding area and therefore recommend that planning permission be refused.

6 Reason for decision

- 6.1 The proposed development does not comply with the requirements of Policies 4 and 6 of the South Lanarkshire Local Development Plan (2015) and in particular Policy DM 13 of Supplementary Guidance 3: Development Management Placemaking and Design. Furthermore, it does not accord with policies 3 and 5 of the approved Proposed South Lanarkshire Local Development Plan 2.
- 6.2 It is recommended that planning permission should be refused.

Delegating officer: Lynda Dickson

Date: 19/12/19

Previous references

◆ None

List of background papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated

- ▶ Consultations

▶ Representations

Mr And Mrs Douglas Boag, 22 Starkhill, Lanark, ML11 7PW, ,	Dated: 07.11.2019
Ross Coulter, 19 Mousebank Road,, Lanark,, ML11 7PE, ,	Dated: 31.10.2019
Mr James Quinn, 17 Howacre, Lanark, South Lanarkshire, ML11 7PL,	Dated: 04.11.2019
Mrs Joan Scott, 23 Mousebank Road, Lanark, ML11 7PE, ,	Dated: 25.10.2019
Mr John Watson, 22 Mousebank Road, Lanark, South Lanarkshire, ML11 7PE,	Dated: 05.11.2019
Alan J Prentice, 18 Mousebank Road, Lanark, South Lanarkshire, ML11 7PE,	Dated: 06.11.2019
Mrs Joan Scott, 23 Mousebank Road, Lanark, South Lanarkshire, ML11 7PE,	Dated: 24.10.2019 24.10.2019
David And Kerstin Herriott, 4 Howacre, Lanark, South Lanarkshire, ML11 7PL,	Dated: 01.11.2019
Mr Phil Manners, 27 Mousebank Road, Lanark, South Lanarkshire, ML11 7PE,	Dated: 18.10.2019
Mr Charlie McHenry, 29 Mousebank Road, Lanark, South Lanarkshire, ML11 7PE,	Dated: 25.10.2019
F.H Joynes, , , , ,	Dated: 01.11.2019
Gerard O'Hanlon, 6 Howacre, Lanark, South Lanarkshire, ML11 7PL,	Dated: 06.11.2019

Contact for further information

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

Jerry Gigya, Planning officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB
 Phone: 01698 455180
 Email: jerry.gigya@southlanarkshire.gov.uk

Planning Application

Application number: P/19/1545

Reasons for refusal

01. The proposal is contrary to Policies: 4 and 6 of the South Lanarkshire Local Development Plan in that it will not safeguard the character and enhance the amenity enjoyed by the residents of the local area.
02. The proposal is contrary to Policy DM 13 of the South Lanarkshire Local Development Plan in that it would result in the loss of or damage to valued public open space and local landscape which makes a significant contribution to the character and amenity of the area.
03. If approved, the proposal would set an undesirable precedent which could encourage further similar applications for developments prejudicial to priority green space designations.

Reason(s) for decision

The proposed development does not comply with the requirements of Policies 4 and 6 of the South Lanarkshire Local Development Plan (2015) and in particular Policy DM 13 of Supplementary Guidance 3: Development Management Placemaking and Design. Furthermore, it does not accord with policies 3 and 5 of the approved Proposed South Lanarkshire Local Development Plan 2.

Informatives

01. This decision relates to drawing numbers:

Reference	Version No:	Plan Status
AR190729PL)001	REV A	Approved

Appendix 2(b)

4c

Representations

Representation From	Dated
♦ Phil Manners, by email	18/10/19
♦ Joan Scott, by planning public access system	24/10/19
♦ Joan Scott, by email	24/10/19
♦ Charlie McHenry, by email	25/10/19
♦ Ross Coulter, by email	30/10/19
♦ Federick Joynes, by email	30/10/19
♦ Mr and Mrs Herriott, by email	31/10/19
♦ Mr and Mrs Boag, 22 Staikhill, Lanark ML11 7PW	02/11/19
♦ James Quinn	04/11/19
♦ Alan Prentice, by email	05/11/19
♦ John Watson, by email	05/11/19
♦ Gerard O'Hanlan, by email	08/11/19

From: Planning
Sent: 18 October 2019 16:09
To: Planning
Subject: Comments for Planning Application P/19/1545

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 4:09 PM on 18 Oct 2019 from Mr Phil Manners.

Application Summary

Address: 2 Howacre Lanark ML11 7PL
Proposal: Change of use of open space to form additional garden ground and erection of boundary fence
Case Officer: Jerry Gigya
[Click for further information](#)

Customer Details

Name: Mr Phil Manners
Email: [REDACTED]
Address: 27 Mousebank Road, Lanark, South Lanarkshire ML11 7PE

Comments Details

Commenter Type: Neighbour
Stance: Customer objects to the Planning Application
Reasons for comment:
Comments: Dear Dr Gigya,

Your Ref: P/19/1545

I OBJECT to this planning application for the following reasons:

1. NATURE CONSERVATION

The removal of any trees or shrubs is clearly against the Scottish Government's position (www.gov.scot/news/2019/09/20190910-scottish-government-commits-to-plant-1-billion-trees-by-2032-change) in an effort to reduce a greener and healthier Scotland by 2032. I fail to see how the removal of a healthy tree and presumably the hedge along the B-C axis shown on the plan is compatible with the Scottish Government's commitment to combat Global Warming is a real and very serious issue. By needlessly removing trees the CO2 in the atmosphere is increased. www.greenenergyconsulting.co.uk/treeplanting.php suggested that 1 tree can absorb approximately 10 tonnes of CO2 in its lifetime. www.greenbuildingforum.co.uk indicates that 1 tonne of carbon is absorbed for every tonne of CO2 and in return 0.7 tonnes of oxygen is produced.

I would also draw your attention to the Scottish Government's policy on protecting open spaces <https://www.webarchive.org.uk/wayback/archive/20180517214517/http://www.gov.scot/Public>

2. PUBLIC INTEREST

Green spaces for the public are very important to all towns and cities. The space at Howacre/McMannan is a public amenity. Dog walkers use it every day. It also forms a vital outdoor space for children to play. The space available is certainly not in the public interest.

The area of land on which 2 Howacre now resides, used to be an open public space. With the removal of the trees and the erection of a boundary fence, the public amenity was severely reduced. It, therefore, cannot be in the public interest to reduce it further.

3. USE OF LAND

The application is for change of use to form additional garden ground. It is my contention that it be unfit for domestic gardening purposes due to what will be extensive root systems from the tree along the B-C axis as well as the stump from the tree that bordered my property. I can attest to this in my garden near to where that tree was eventually cut down.

Mr Christison's first planning application (P/19/0757), received numerous very valid objections. I submitted objections by email to Dr Gigya on the 23rd June 2019. In the last paragraph of that email, under the heading 'Objections', above, he categorically states that he is looking to "improve/modernise the accommodation at 2 to illustrate how this could be achieved, either by "creating additional bedroom space in the loft improvements on the level and possibly project a small section of the house towards the east side. If that is still the case then this planning application must fail as the space being sought is not fit for purpose at all.

Yours sincerely,

Phil Manners

From: Planning
Sent: 24 October 2019 09:01
To: Planning
Subject: Comments for Planning Application P/19/1545

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 9:01 AM on 24 Oct 2019 from Mrs Joan Scott.

Application Summary

Address: 2 Howacre Lanark ML11 7PL
Proposal: Change of use of open space to form additional garden ground and erection of boundary fence
Case Officer: Jerry Gigya
[Click for further information](#)

Customer Details

Name: Mrs Joan Scott
Email: [REDACTED]
Address: 23 Mousebank Road, Lanark, South Lanarkshire ML11 7PE

Comments Details

Commenter Type: Neighbour
Stance: Customer objects to the Planning Application
Reasons for comment:

Comments: Mrs Joan Scott B.Arch, FRIAS(rtd) RIBA(rtd)
23 Mousebank Road
Lanark
ML11 7PE
Thursday 24 October 2019
Planning and Economic Development
South Lanarkshire Council
Montrose House
154 Montrose Crescent
Hamilton
ML3 6LB

For the attention of Dr. J Gigya Local Planning Officer

Dear Dr Gigya,

PLANNING APPLICATION P/19/1545
Proposed Change of Use of open space to form additional garden ground and erection of boundary fence adjacent to 2 Howacre Lanark by Mr Colin Christison.

I write in connection with the above planning application.

My interest is as a neighbour whose property is adjacent to the land to which this application refers and as such my husband and I, joint owners of the property at 23 Mousebank Road, Lanark, were served with an official neighbour notification notice.

I have examined the proposals and wish to object strongly to this proposed change of use.

I have also examined the currently adopted local plan and its proposed replacement development plan and note that in both documents the parcel of land which is the subject of this application is identified as open space forming public amenity ground. There appears to be no requirement or intention of the council to alter the current designation of this land.

The amenity land, located at the corner of Mousebank Road and Howacre, is part of an estate of private houses with gardens developed around 1971/72. The site of the current applicant's house, 2 Howacre, was not developed by the original estate developer. Open amenity land/space, therefore, extended from the eastern boundary of the property at 4 Howacre to Mousebank Road. In 1980 the owner of the property at 4 Howacre made application to develop part of the designated open space on his eastern boundary as a single storey cottage dwelling with a garden sharing access from Howacre with his then current property. After strong objections from the local residents the application was refused by the local authority but eventually approved after an appeal by the applicant to the then Scottish Office. However, approval was conditional. The remaining section of open ground- approximately half of the original open space - was not to be developed in any way. The new dwelling, which is quite different in construction, materials, aspect and appearance from all the other properties in the estate, was then occupied by the applicant who sold his original property at 4 Howacre. The dwelling at 2 Howacre has since changed hands several times with each new occupant seemingly quite content with the house and its site.

At the same time the amenity space has matured, the trees have grown and the ground has been well maintained by the Council so that it is now a real asset to the neighbourhood forming a well- used green space, an attractive corner introduction to what has become an established, successful residential estate and an important green stop to the view northwards along Mousebank Road, all of which contributes to the general appearance and character of the area and to the wellbeing of the local population.

I now refer to the Scottish Planning Policy (SPP) which is the Scottish Government's policy on nationally important land use planning matters, the National Planning Framework (NPF), the Scottish Government's strategy for Scotland's long term spatial development, the various

Circulars which provide statements of the Scottish Government's policy containing guidance on policy implementation through legislative and procedural change and the many Planning Advice Notes (PANs) which provide advice and information on technical planning matters.

These are extensive documents which are mainly targeted at major new developments but the principles embodied within these policies are equally applicable to small scale developments such as this current application. In all these documents there is a requirement to consider the environmental impact of any application for development/change of use and a requirement on the local authority to ensure that the proposal does not impact adversely on the sustainability of the environment and the wellbeing of the local population. As the impact of global warming becomes more and more evident and the benefit of open natural spaces to public health becomes clearer this obligation on the local authority has become even more critical.

The drawing accompanying this latest application indicates that the proposed 2.876 metre wide strip of amenity land required to create additional garden ground on the applicant's eastern boundary reduces the area of the public amenity land by 77.5 square metres. This is a substantial reduction in the open recreational land to which the public currently has free access with a consequent reduction in the amenity value of this open space to the community.

The proposal also includes the removal of a mature tree. This runs contrary to the current Scottish Government's intentions to create a greener and healthier Scotland by 2032 as demonstrated by the encouragement to plant trees to green the countryside - not to remove them needlessly. The Council inspected the amenity land with a view to assessing the stability of the trees and determined that they are all sound but that some of the lower branches required removal in the interest of public safety. This was completed so that the appearance of the corner is now much improved. The removal of one tree is, therefore, quite unnecessary.

The proposal also includes the removal of the existing boundary treatment between the property at 2 Howacre and the amenity ground. This currently comprises a wire fence now overgrown by a very mature mixed-variety hedge approximately 2.3 metres high providing a compact and impenetrable visual barrier between the open space and the property at 2 Howacre, thus allowing the public to make full use of the amenity ground without oversight from the property at 2 Howacre and providing full privacy to the occupants of 2 Howacre. The applicant proposes that the new boundary treatment between his extended garden ground and the now reduced open space is 900mm high post- and- wire fencing - a hard and completely transparent boundary, totally contrary to the character of the existing local boundary treatments and to the leafiness and general greenness of the area.

The proposal now includes an area of planting along the eastern boundary of the application site but it appears to be on the applicant's side of the fencing thus leaving a totally inappropriate boundary treatment facing the amenity land. The proposed planting will also take a considerable time to mature into a reasonable density so to propose that it is a boundary treatment commensurate with what is already in existence is quite disingenuous.

In correspondence relating to the previous application (P/19/0757 - subsequently withdrawn by the applicant) for change of use of a 5 metre portion of the open space to provide garden ground for the property at 2 Howacre the applicant stated that he was in discussion with an architect to explore ways of modernising his property, one of which was to "project a small section of the house towards the east side of the garden" currently adjacent to the amenity land. The applicant also stated that this extension would possibly involve making use of the varying heights of the roofs of the property to "extend the lower section by a few metres" once again eastwards towards the amenity ground. The only direct access into the back garden of the property at 2 Howacre is by a narrow space along the eastern side of the plot between the building and the amenity land. If an extension projects eastwards this access would be shut off. The true reason for this application is therefore not to create garden ground but to facilitate the building of an extension.

Finally, please note that this submission is in respect of the proposed change of use. While I have taken every effort to present accurate information for your consideration as I am not the decision maker or statutory consultee I cannot accept any responsibility for unintentional errors or omissions and you should satisfy yourself on any facts before reaching your decision.

Yours faithfully,

Mrs Joan Scott, BArch, FRIAS(rtd) RIBA(rtd).

From: Joan Scott [REDACTED]
Sent: 24 October 2019 09:10
To: Planning
Subject: Planning Application P/19/1545
Attachments: 191024 Letter of Objection to Planning Application at 2 Howacre.rtf

Dear Dr Gigya

Please find attached my my letter of objection to the above planning application. I have also submitted it through the Planning Public Access system but I am concerned that it has not been properly logged as the web site said it had been " truncated".

Regards,

Joan Scott



Sender notified by
Mailtrack



Mrs Joan Scott B.Arch, FRIAS(rtd) RIBA(rtd)
23 Mousebank Road
Lanark
ML11 7PE

Thursday 24 October 2019

Planning and Economic Development
South Lanarkshire Council
Montrose House
154 Montrose Crescent
Hamilton
ML3 6LB

For the attention of Dr. J Gigya Local Planning Officer

Dear Dr Gigya,

PLANNING APPLICATION P/19/1545

Proposed Change of Use of open space to form additional garden ground and erection of boundary fence adjacent to 2 Howacre Lanark by Mr Colin Christison.

I write in connection with the above planning application.

My interest is as a neighbour whose property is adjacent to the land to which this application refers and as such my husband and I, joint owners of the property at 23 Mousebank Road, Lanark, were served with an official neighbour notification notice.

I have examined the proposals and wish to object strongly to this proposed change of use.

I have also examined the currently adopted local plan and its proposed replacement development plan and note that in both documents the parcel of land which is the subject of this application is identified as open space forming public amenity ground. There appears to be no requirement or intention of the council to alter the current designation of this land.

The amenity land, located at the corner of Mousebank Road and Howacre, is part of an estate of private houses with gardens developed around 1971/72. The site of the current applicant's house, 2 Howacre, was not developed by the original estate developer. Open amenity land/space, therefore, extended from the eastern boundary of the property at 4 Howacre to Mousebank Road. In 1980 the owner of the property at 4 Howacre made application to develop part of the designated open space on his eastern boundary as a single storey cottage dwelling with a garden sharing access from Howacre with his then current property. After strong objections from the local residents the application was refused by the local authority but eventually approved after an appeal by the applicant to the then Scottish Office. However, approval was conditional. The remaining section of open ground- approximately half of the original open space - was not to be developed in any way. The new dwelling, which is quite different in construction, materials, aspect and appearance from all the other properties in the estate, was then occupied by the applicant who sold his original

property at 4 Howacre. The dwelling at 2 Howacre has since changed hands several times with each new occupant seemingly quite content with the house and its site.

At the same time the amenity space has matured, the trees have grown and the ground has been well maintained by the Council so that it is now a real asset to the neighbourhood forming a well- used green space, an attractive corner introduction to what has become an established, successful residential estate and an important green stop to the view northwards along Mousebank Road, all of which contributes to the general appearance and character of the area and to the wellbeing of the local population.

I now refer to the Scottish Planning Policy (SPP) which is the Scottish Government's policy on nationally important land use planning matters, the National Planning Framework (NPF), the Scottish Government's strategy for Scotland's long term spatial development, the various Circulars which provide statements of the Scottish Government's policy containing guidance on policy implementation through legislative and procedural change and the many Planning Advice Notes (PANs) which provide advice and information on technical planning matters.

These are extensive documents which are mainly targeted at major new developments but the principles embodied within these policies are equally applicable to small scale developments such as this current application. In all these documents there is a requirement to consider the environmental impact of any application for development/change of use and a requirement on the local authority to ensure that the proposal does not impact adversely on the sustainability of the environment and the wellbeing of the local population. As the impact of global warming becomes more and more evident and the benefit of open natural spaces to public health becomes clearer this obligation on the local authority has become even more critical.

The drawing accompanying this latest application indicates that the proposed 2.876 metre wide strip of amenity land required to create additional garden ground on the applicant's eastern boundary reduces the area of the public amenity land by 77.5 square metres. This is a substantial reduction in the open recreational land to which the public currently has free access with a consequent reduction in the amenity value of this open space to the community.

The proposal also includes the removal of a mature tree. This runs contrary to the current Scottish Government's intentions to create a greener and healthier Scotland by 2032 as demonstrated by the encouragement to plant trees to green the countryside – not to remove them needlessly. The Council inspected the amenity land with a view to assessing the stability of the trees and determined that they are all sound but that some of the lower branches required removal in the interest of public safety. This was completed so that the appearance of the corner is now much improved. The removal of one tree is, therefore, quite unnecessary.

The proposal also includes the removal of the existing boundary treatment between the property at 2 Howacre and the amenity ground. This currently comprises a wire fence now overgrown by a very mature mixed-variety hedge approximately 2.3 metres high providing a compact and impenetrable visual barrier between the open

space and the property at 2 Howacre, thus allowing the public to make full use of the amenity ground without oversight from the property at 2 Howacre and providing full privacy to the occupants of 2 Howacre. The applicant proposes that the new boundary treatment between his extended garden ground and the now reduced open space is 900mm high post- and- wire fencing – a hard and completely transparent boundary, totally contrary to the character of the existing local boundary treatments and to the leafiness and general greenness of the area. The proposal now includes an area of planting along the eastern boundary of the application site but it appears to be on the applicant's side of the fencing thus leaving a totally inappropriate boundary treatment facing the amenity land. The proposed planting will also take a considerable time to mature into a reasonable density so to propose that it is a boundary treatment commensurate with what is already in existence is quite disingenuous.

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Finally, please note that this submission is in respect of the proposed change of use. While I have taken every effort to present accurate information for your consideration as I am not the decision maker or statutory consultee I cannot accept any responsibility for unintentional errors or omissions and you should satisfy yourself on any facts before reaching your decision.

Yours faithfully,

Mrs Joan Scott, BArch, FRIAS(rtd) RIBA(rtd).

From: Planning
Sent: 25 October 2019 11:37
To: Planning
Subject: Comments for Planning Application P/19/1545

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 11:36 AM on 25 Oct 2019 from Mr Charlie McHenry.

Application Summary

Address: 2 Howacre Lanark ML11 7PL
Proposal: Change of use of open space to form additional garden ground and erection of boundary fence
Case Officer: Jerry Gigya
[Click for further information](#)

Customer Details

Name: Mr Charlie McHenry
Email: [REDACTED]
Address: 29 Mousebank Road, Lanark, South Lanarkshire ML11 7PE

Comments Details

Commenter Type: Neighbour
Stance: Customer objects to the Planning Application
Reasons for comment:
Comments: I have become aware of the change of use application P/19/1545.

I strongly object to this application on the basis that it threatens to remove a piece of amenity ground that adds character and provision to the immediate and surrounding area.

I make use of that amenity regularly when walking my dog and meet other dog walkers who also make use of this little park.

I urge the council to reject this application as we have little enough amenity ground and it would be wrong, in my view, to lose this pleasant and useful space.

Regards
Charlie McHenry

From: janice coulter [REDACTED]
Sent: 30 October 2019 13:18
To: Planning
Subject: Planning Application P/19/1545

Ross Coulter,
19 Mousebank Road,
Lanark,
ML11 7PE

Dear Sir,

I would like to object to the above planning application.

I personally used this open space on a regular basis when I take the children to play. It is a safe green area of which there are very few remaining in Lanark.

Please consider this when making your decision as it will affect many nearby families.

Ross Coulter

Carroll, Claire

From: Frederic Joynes [REDACTED]
Sent: 30 October 2019 19:15
To: Planning
Subject: Planning application reference number P/19/1594

4c

Dear Sir,

I wish to register my objections to the potential loss of public open space to the owner of the property 2 Howacre Lanark ML11 7PL.

Before 1980 the area of open space at this location was approximately twice that of today. At sometime during the 80's and despite objections by residents in the local area, planning permission was eventually granted to develop the property No 2 Howacre on the previous public open space. Initially refused I believe planning permission was granted on appeal and was conditional in that the open space remaining was not to be developed further to ensure that the open space should not be reduced at a future date. A change of use from public open space to a private garden may not be considered to be development but I suggest it is in conflict with the spirit and intentions of the conditional planning permission granted to the first owner of No.2 Howacre.

This application for change of use should be refused.

F.H Joynes
17 Mousebank Road
Lanark
ML11 7PE

30/10/2019

Sent from my iPad

From: David Herriot [REDACTED]
Sent: 31 October 2019 18:42
To: Planning
Subject: Planning Application P/19/1545 - 2 Howacre, Lanark.

Follow Up Flag: Follow up
Flag Status: Flagged

For the attention of Mr J Gigya - Local Planning Officer

As the current residents of No. 4 Howacre we wish to record our objection to the above referenced planning application for change of use of existing public land.

Notwithstanding that a large part of public land was, contrary to the original Howacre development plan designating it as an amenity, planning permission was granted (on appeal) regardless to all objections for the building of what was to become 2 Howacre.

It would seem that this planning application once again is made in contravention not only to the original planning usage designation but also, if successful, contradicts Government Policy in several areas of Planning and Nature Conservation. Any further incursion to the current area of public land should not be allowed.

In addition there would seem to be no reasonable reason, other than vandalism, for the possible removal of any trees which would lie within the land under question.

Therefore our objections are based principally on the following grounds.

1. It contravenes policies and proposals in the local development plan.
2. Is detrimental to the immediate local ecology and contravenes current Government policy for land use and Nature Conservation.

In trusting that you will reject this planning application we would look forward to the publication on the reasoning for such a decision being made.

David Herriott and Kerstin Gova Herriott
4 Howacre, Lanark, ML11 7PL

tel. [REDACTED]
[REDACTED]

M^r and M^{rs} Douglas Bang
22 Stauhill
Lanark
ML11 7PW
2nd November 2019

Planning and Economic Development
South Lanarkshire Council
Montrose House
156 Montrose Crescent
Hamilton
ML3 6LB

06 NOV 2019

For the attention of Dr J. Gigg, Local Planning Officer

Dear Dr Gigg,

Planning Application P/19/1545
Proposed change of use of open space to form additional
garden ground and erection of boundary fence adjacent
to 2 Hawacre Lanark by Colin Christison

I write in connection with the above
Planning application.

My interest is as a resident in a tenancy in
the neighbouring street to Hawacre, residing in
Stauhill.

I have been advised of the proposals and
wish to object strongly to the proposed
change of use.

The amenity land, located at the corner of
Mausebank Road and Hawacre is part of our
estate of private houses. This area is green
spaces which we use daily for walking
our dog and also provides a vital outdoor
space nearby for our children to play in
and exercise. Reducing the space available
is not in the public interest. For these
reason I strongly object to the proposed changes.

From: Planning
Sent: 04 November 2019 09:09
To: Planning
Subject: Comments for Planning Application P/19/1545

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 9:08 AM on 04 Nov 2019 from Mr James Quinn.

Application Summary

Address: 2 Howacre Lanark ML11 7PL
Proposal: Change of use of open space to form additional garden ground and erection of boundary fence
Case Officer: Jerry Gigya
[Click for further information](#)

Customer Details

Name: Mr James Quinn
Email: [REDACTED]
Address: 17 Howacre, Lanark, South Lanarkshire ML11 7PL

Comments Details

Commenter Type: Neighbour
Stance: Customer objects to the Planning Application

Reasons for comment:

Comments:

1. The local development plan identifies the area of land as an open space public amenity area. This neighbourhood should not lose any area used by the residents and their children as a recreational space.
2. The mature trees and shrubbery enhance the visual aspect of the surrounding well-established residential area. This small parkland parcel of land is an oasis of green in the built up Mousebank Road/Howacre junction. The development would increase the density of development there.
3. The design, appearance and appearance of the proposed development would detract from the natural vegetation of the current boundary between 2 Howacre and the amenity area.
4. The amenity area is an area which has a large variety of wildlife. Birds, insects and small mammals can be found there. My 2 year old grand daughter particularly enjoys watching the insects and birds when we stop there on our walks. Other local children also play there.
5. The increase in a previous garden space application also appears to indicate a future addition to the existing building into the current public open space.

From: Alan Prentice <[REDACTED]>
Sent: 05 November 2019 18:39
To: Planning
Subject: 2 Howacre, Lanark - Planning Application P/19/1545

Dear Sir/Madam,

I write with regard to the above planning application and hereby note my objection to the proposal. I have already laid out my reasons in a previous application submitted by the same applicant and these reasons remain unchanged.

I am objecting primarily due to the loss of privacy that this would involve. I am assuming that a stob and wire fence would be erected as a boundary to the extended land and if this is the case my living room window will be directly adjacent to the end of the garden. My 10 year old child's room is also next to my living room which adds a further issue to my family's privacy.

If a hedge was erected around the new boundary to the same height as is in place on the existing boundary then this may be acceptable but I really can't see a hedge of this thickness and height being established at the outset. For this reason I feel it is necessary to object and I urge you to decline the planning permission application.

I look forward to hearing your feedback.

Yours faithfully,

Alan J Prentice
18 Mousebank Road
Lanark ML11 7PE

Sent from my iPad

From: Planning
Sent: 05 November 2019 09:10
To: Planning
Subject: Comments for Planning Application P/19/1545

Follow Up Flag: Follow up
Flag Status: Flagged

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 9:09 AM on 05 Nov 2019 from Mr John Watson.

Application Summary

Address: 2 Howacre Lanark ML11 7PL
Proposal: Change of use of open space to form additional garden ground and erection of boundary fence
Case Officer: Jerry Gigya
[Click for further information](#)

Customer Details

Name: Mr John Watson
Email: [REDACTED]
Address: 22 Mousebank Road, Lanark, South Lanarkshire ML11 7PE

Comments Details

Commenter Type: Member of public
Stance: Customer objects to the Planning Application
Reasons for comment:
Comments: The proposed application if granted would rob the local residents of the full facility they enjoy at the moment. The whole area is used by the the resident children and an increasing number of dog owners. By allowing the increase in garden area the road junction would become a greater hazard than it is a present. The stated policy of the Scottish government is to protect existing green areas and to encourage their expansion. In this part of Lanark green space and children's play areas are at a premium. This application if granted would go against the spirit and intentions of government policy.

From: [REDACTED]
Sent: 06/10/2016 07:20:46
To: Planning
Subject: planning application for 2 howacre lanark

4c

dear person, wish to object to this application on the grounds of mr christisoni being allowed to take this open which is the only green area on howacre.space .also the fact he is destroying mature trees. there seems to be no bar to him putting up a permanent construction be it a garage or too shed. the fact that he wants trees removed would indicate he has plan

gerard ohanlon
6 howacre

Appendix 3

4d

Site photographs and location plan

Photo 1



Photo 2

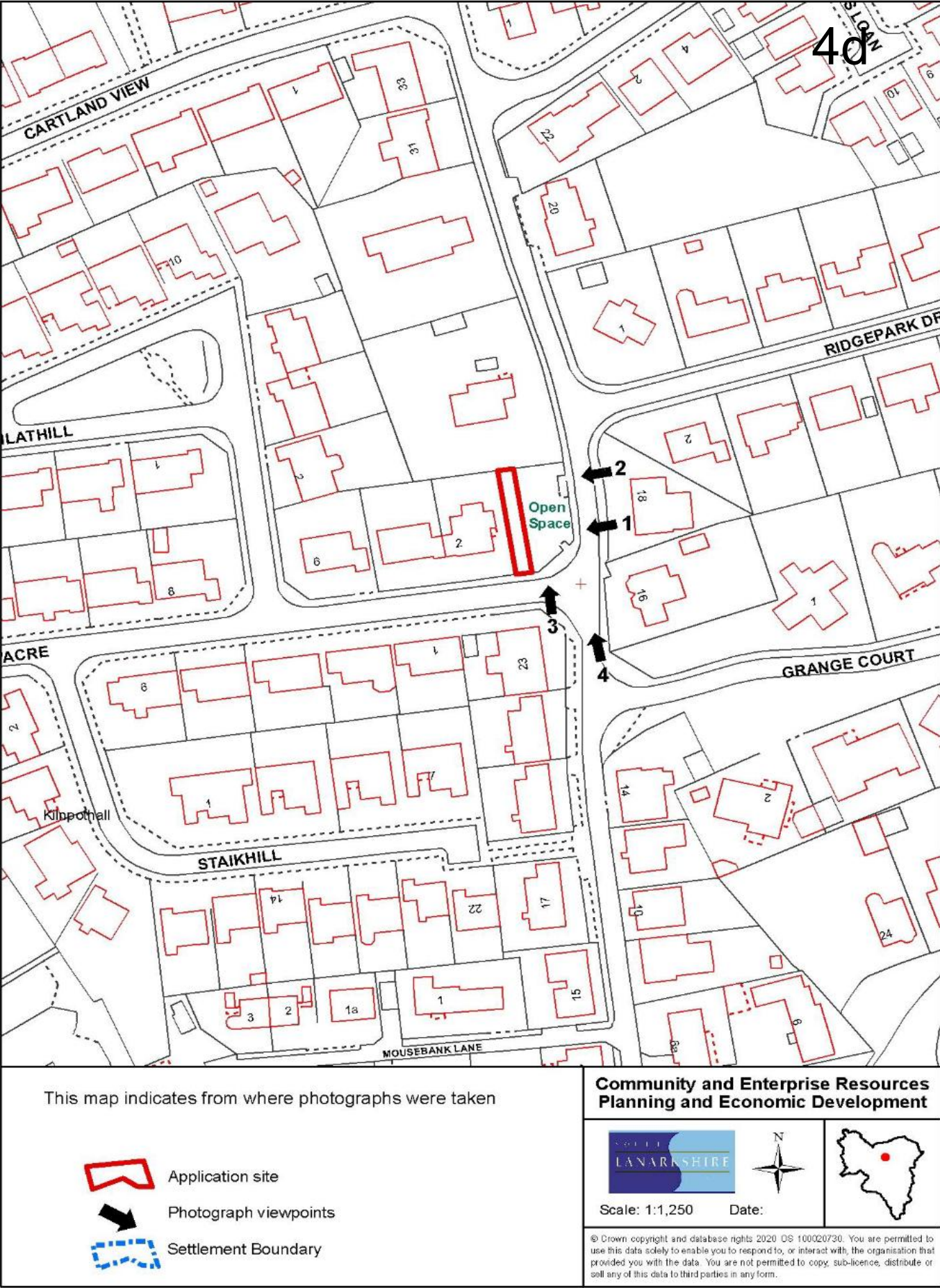


Photo 3



Photo 4





Appendix 4

4e

Planning Decision Notice and Reasons for Refusal



4e

Community and Enterprise Resources
Executive Director **Michael McGlynn**
Planning and Economic Development

Ronald Gellan
Bare Architecture
4 Rannoch Avenue
Hamilton
ML3 8UD

Our Ref: P/19/1545
Your Ref:
If calling ask for: Jerry Gigya
Date: 20 December 2019

Dear Sir/Madam

Proposal: Change of use of open space to form additional garden ground and erection of boundary fence
Site address: 2 Howacre, Lanark, ML11 7PL,
Application no: P/19/1545

I would advise you that the above application was refused by the Council and I enclose the decision notice which sets out the reasons for refusal. Please note that the Council does not issue paper plans with the decision notice. The application is refused in accordance with the plans and any other documentation listed in the reasons for refusal imposed on the accompanying decision notice and which can be viewed using the Council's online planning application search at www.southlanarkshire.gov.uk

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 Jerry Gigya on 01698 455180

The Planning Service is undertaking a Customer Satisfaction Survey in order to obtain feedback about how we can best improve our Service to reflect the needs of our customers. The link to the survey can be found here:

If you were the applicant: <http://tinyurl.com/nrtgmy6>

If you were the agent: <http://tinyurl.com/od26p6q>

We would be grateful if you would take a few minutes to answer the questions in the survey based on your experience of dealing with the Planning Service in the past 12 months. We value your opinion and your comments will help us to enhance areas where we are performing well, but will also show us where there are areas of the service that need to be improved.

Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB
Email jerry.gigya@southlanarkshire.gov.uk Phone: 01698 455180



I do hope you can take part in this Customer Survey and look forward to receiving your comments in the near future. If you prefer to complete a paper version of the survey, please contact us by telephone on 0303 123 1015, selecting option 7, quoting the application number. We will send you a copy of the survey and a pre-paid envelope to return it.

Yours faithfully

Head of Planning and Economic Development

Enc:

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

To: **Mr Colin Christison**

Per: **Ronald Gellan**

**2 Howacre, Lanark, ML11
7PL,**

**4 Rannoch Avenue,
Hamilton, ML3 8UD,**

With reference to your application received on **11.10.2019** for planning permission under the above mentioned Act:

Description of proposed development:

Change of use of open space to form additional garden ground and erection of boundary fence

Site location:

2 Howacre, Lanark, ML11 7PL,

SOUTH LANARKSHIRE COUNCIL in exercise of their powers under the above mentioned Act hereby:

REFUSE PLANNING PERMISSION

for the above development in accordance with the plan(s) specified in this decision notice and the particulars given in the application, for the reason(s) listed overleaf in the paper apart.

Date: 20th December 2019

Head of Planning and Economic Development

<p>This permission does not grant any consent for the development that may be required under other legislation, e.g. Building Warrant or Roads Construction Consent.</p>
--

**South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development**

South Lanarkshire Council

Refuse planning permission

Paper apart - Application number: P/19/1545

Reason(s) for refusal:

01. The proposal is contrary to Policies 4 and 6 of the South Lanarkshire Local Development Plan in that it will not safeguard the character and enhance the amenity enjoyed by the residents of the local area.
02. The proposal is contrary to Policy DM 13 of the South Lanarkshire Local Development Plan in that it would result in the loss of or damage to valued public open space and local landscape which make a significant contribution to the character or amenity of the area.
03. If approved, the proposal would set an undesirable precedent which could encourage further similar applications for developments prejudicial to priority green space designations.

Reason(s) for decision

The proposed development does not comply with the requirements of Policies 4 and 6 of the South Lanarkshire Local Development Plan (2015) and in particular Policy DM 13 of Supplementary Guidance 3: Development Management Placemaking and Design. Furthermore, it does not accord with policies 3 and 5 of the approved Proposed South Lanarkshire Local Development Plan 2.

Notes to applicant

Application number: P/19/1545

Important

The following notes do not form a statutory part of this decision notice. However, it is recommended that you study them closely as they contain other relevant information.

01. This decision relates to drawing numbers:

Reference	Version No:	Plan Status
AR190729PL)001	REV A	Approved



COMMUNITY AND ENTERPRISE RESOURCES

EXECUTIVE DIRECTOR **Michael McGlynn**
Planning and Economic Development

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: 01698 454108

E-mail: pauline.macrae@southlanarkshire.gov.uk

- (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.

Appendix 5

4f

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

Montrose House 154 Montrose Crescent Hamilton ML3 6LB Tel: 0303 123 1015 Email: planning@southlanarkshire.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100189208-002

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Bare Architecture"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Ronald"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Gellan"/>	Building Number:	<input type="text" value="4"/>
Telephone Number: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="Rannoch Avenue"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Hamilton"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
		Postcode: *	<input type="text" value="ML3 8UD"/>
Email Address: *	<input type="text"/>		

Is the applicant an individual or an organisation/corporate entity? *

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text"/>
First Name: *	<input type="text" value="Colin"/>	Building Number: <input type="text" value="2"/>
Last Name: *	<input type="text" value="Christison"/>	Address 1 (Street): * <input type="text" value="Howacre"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="Lanark"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="ML11 7PL"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text"/>	

Site Address Details

Planning Authority:	<input type="text" value="South Lanarkshire Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="2 HOWACRE"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="LANARK"/>
Post Code:	<input type="text" value="ML11 7PL"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="644110"/>	Easting	<input type="text" value="287733"/>
----------	-------------------------------------	---------	-------------------------------------

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Change of use of open space to form additional garden ground and erection of boundary fence

Type of Application

What type of application did you submit to the planning authority? *

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? *

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Refer Supporting Documents

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 the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Location & Site Plan AR19072 (PL) 001A

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

P/19/1545

What date was the application submitted to the planning authority? *

11/10/2019

What date was the decision issued by the planning authority? *

20/12/2019

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☒ Yes ☐ No

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

Can the site be clearly seen from a road or public land? *

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? *

☒ Yes ☐ No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? *

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? *

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

☒ Yes ☐ No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

☒ Yes ☐ No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Ronald Gellan

Declaration Date: 03/03/2020



Response to Refusal to Planning Application

Proposal: **Change of use of open space to form additional garden ground and erection of boundary fence**

Site address: **2 Howacre, Lanark, ML11 7PL,**

Application no: **P/19/1545**

Reason(s) for refusal:

01. The proposal is contrary to Policies 4 and 6 of the South Lanarkshire Local Development Plan in that it will **not safeguard the character and enhance** the amenity enjoyed by the residents of the local area. ----- **the response in the first/original application addressed these concerns and we feel they more than safeguarded the character and enhance the amenity space.**

02. The proposal is contrary to Policy DM 13 of the South Lanarkshire Local Development Plan in that it would result in the **loss of or damage to** valued public open space and local landscape which make a significant contribution to the character or amenity of the area. -

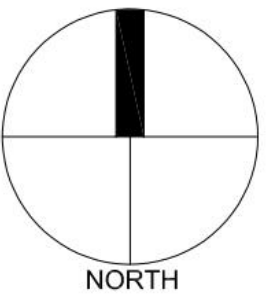
- **We compromised greatly and reduced our original application by 50%.**
- **Without a doubt, the point made in DM 13 policy re. 'loss of public space' (but not enough in our view to change the character) was something that was never mentioned to us throughout the process.**
- **Since my first e-mail discussion with Joseph Lawson/SLC Estates, September 2017 including site visits to measure up the ground by other SLC estate staff through to both planning applications with Jerry Gigya/Linda Dickson, Planning May/ Oct 2019 was it ever mentioned that any DM 13 policy would block this application.**
- **In fact, the point was made that it was only property owners immediately next to adjacent ground that would be in a position to apply, giving me the impression that this is something that happens and had every chance of succeeding.**

Therefore, what I can't understand is, that if a policy exists that bars anybody from 'acquiring public space' why I wasn't informed of this at an early stage, thus avoiding risking losing the time spent in the whole process and expense of hiring a solicitor, planning fees etc.

03. If approved, the proposal would set an undesirable **precedent** which could encourage further similar applications for developments prejudicial to priority green space designations. ----- **It is my understanding, that historically other applications to extend gardens into amenity spaces have been approved.**

Bare Architecture
6 Golf View
Strathaven
ML10 6AZ

The contractor will be held to have examined the site and checked all dimensions and levels before commencing construction work. Any discrepancies must be brought to the attention of the architect. No dimensions should be scaled from this drawing.



Date	Rev.
------	------

Bare Architecture Ltd
6 Golf View
Strathaven, ML10 6AZ
t : +44 (0)1698 209659
e : info@barearchitecture.com
w : www.barearchitecture.com



PLANNING

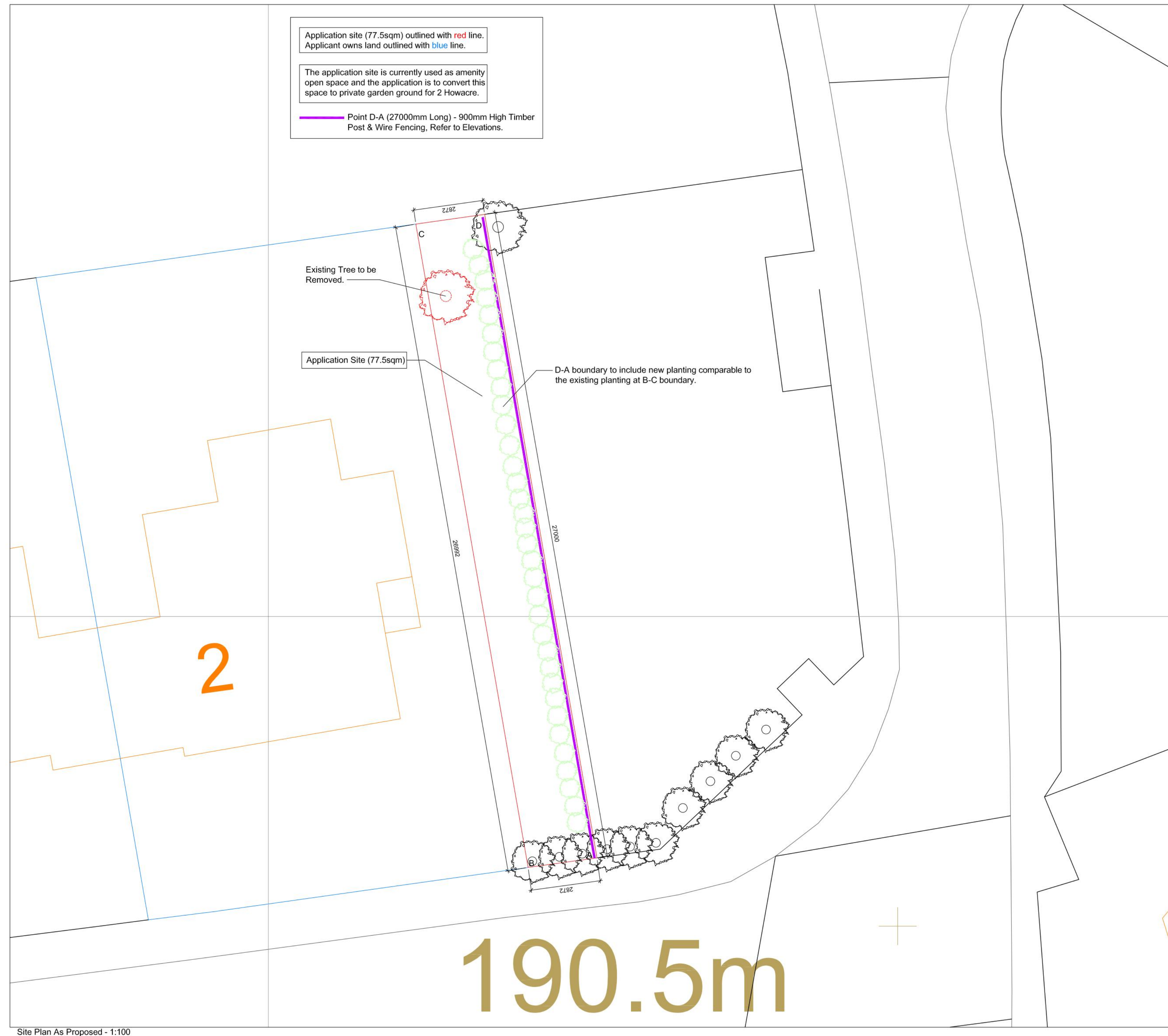
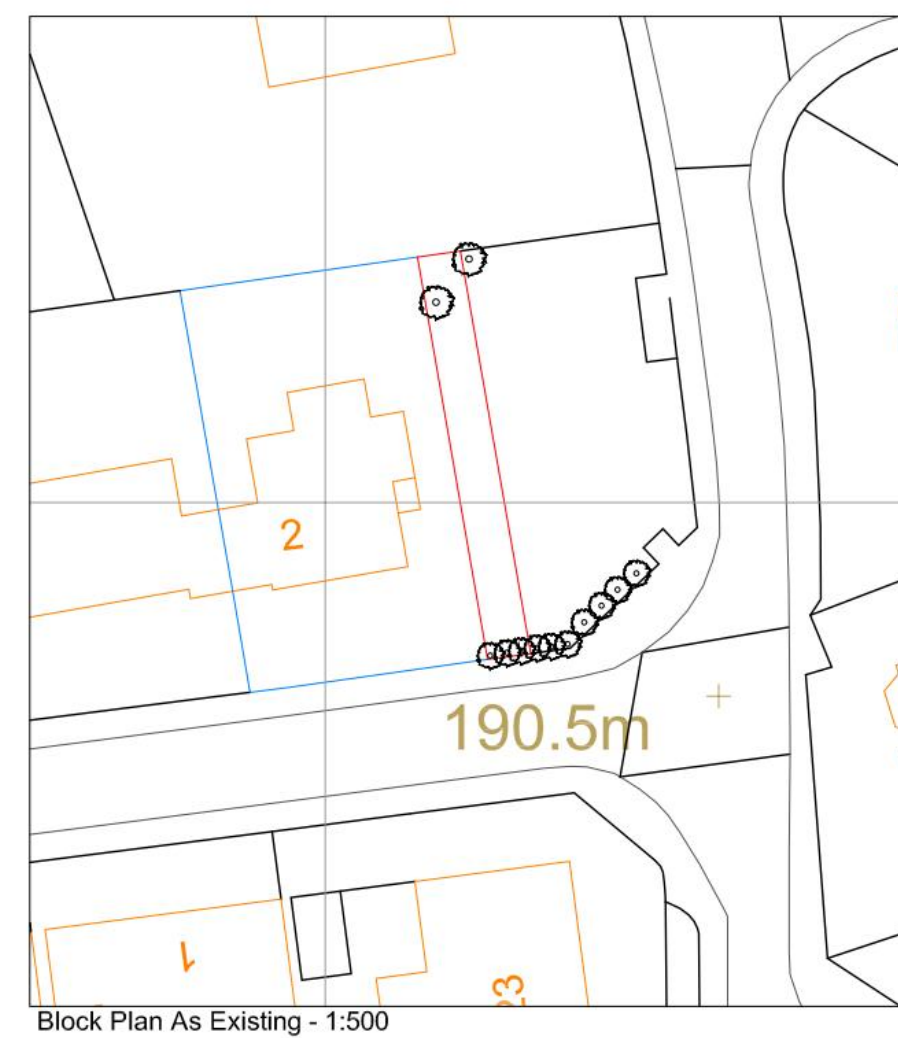
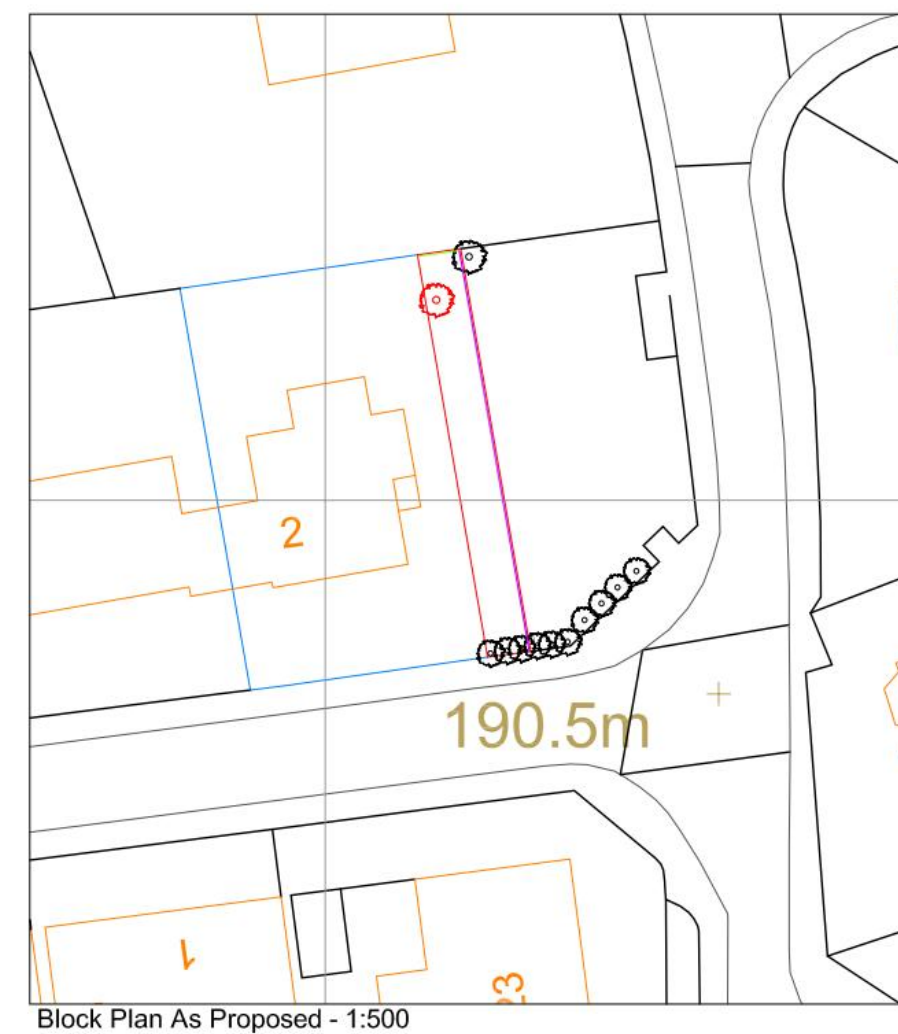
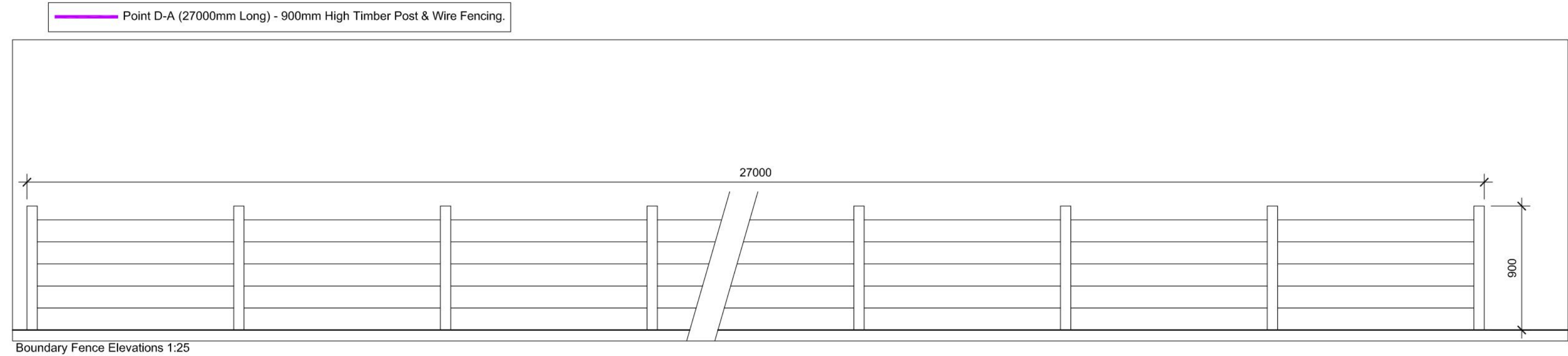
Mr & Mrs Christison
2 Howacre
Lanark, ML11 7PL

Existing & Proposed Drawings

Scale	Sheet size	Drawn by	Date
As Indicated	A1	BMcM	09.10.19

File name
AR19072

Drawing number AR19072 (PL) 001 Revision A



Appendix 6

4g

Further Representations

Further Representation From

- ◆ Statement of Observations from Planning Officer on Applicant's Notice of Review
- ◆ Frederic Joynes
- ◆ Phil Manners
- ◆ Joan Scott
- ◆ Mr and Mrs Herriott
- ◆ Mr and Mrs Boag

Planning Application No: P/19/1545**Change of Use of Open Space to Form Additional Garden Ground and Erection of Boundary Fence****2 Howacre Lanark ML11 7PL****1.0 Planning Background**

- 1.1 Planning permission was sought for the change of use of part (77 square metres) of an established area of public open space to form additional garden ground and the erection of a boundary fence on the site, located within a residential area at 2 Howacre, Lanark. After due consideration of the application in terms of the Local Development Plan and other material planning considerations the application was refused by the Council under delegated powers on 20 December 2019. The report of handling dated 5 December 2019 explains the decision and the reasons for refusal are listed in the decision notice.
- 1.2 It should be noted that on 13 May 2019 a previous application (ref P/19/0757) was submitted for the change of use of a larger area (155 square metres)of public open space to form additional garden ground and the erection of a boundary fence at 2 Howacre Lanark. That application was subsequently withdrawn by the applicant on 11 October 2019 and the current amended application was subsequently lodged.

2.0 Assessment against the development plan and other relevant policies

- 2.1 Section 25 of the Town and Country Planning (Scotland) Act 1997, as amended, requires that an application for planning permission is determined in accordance with the Development Plan unless material considerations indicate otherwise. The development plan in this instance comprises the adopted South Lanarkshire Local Plan and an assessment of the development proposal against the relevant policies is detailed in the Officer Report, dated 05 December 2019.

3.0 Other Material Considerations

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

consistent with the current adopted South Lanarkshire Local Development Plan. The relevant Policies are 3 - General Urban Areas and Settlements and 5 – Development Management and placemaking of the approved Proposed South Lanarkshire Local Development Plan 2.

4.0 Observations on applicants 'Notice of Review'

- 4.1** The applicant's grounds for the review are based on his response to the council's reasons for the refusal of the planning application. The grounds for the review are summarised as follows:

Reason for refusal 01. The proposal is contrary to Policies: 4 and 6 of the adopted the South Lanarkshire Local Development Plan in that it will not safeguard the character and enhance the amenity enjoyed by the residents of the local area.

The applicant feels that the first/original application addressed these concerns and that they more than safeguard the character and enhance the amenity space.

Response: As stated within the officer report (paragraph 5.3) the proposal would lead to a loss of 77 square metres or 20% of one of a limited number of public open spaces areas in the area. Given the overall size of the established public open space (391 Square metres), a reduction in size of such a magnitude would lead to a relatively significant reduction in the physical size of the existing valued amenity area which currently makes a significant contribution to the character and amenity of the surrounding area. The applicant has not shown or illustrated how a reduction in size of an existing public open space has more than safeguarded the character and enhance the amenity space.

- 4.2 Reason for refusal 02. The proposal is contrary to Policy DM 13 of the South Lanarkshire Local Development Plan in that it would result in the loss of or damage to valued public open space and local landscape which makes a significant contribution to the character and amenity of the area.**

The applicant feels that they compromised greatly and reduced their original application by 50%. The reference made in policy DM13 to "loss of public space" was something that was never mentioned to them throughout the process starting from e-mail discussions with SLC/Estates (September 2017) to both planning applications with planning officers (October 2019). They were under the impression that as adjacent property owners they had every chance of succeeding in acquiring the land.

Response: The application site is in the Council ownership and when the applicant approached the Council about purchasing the land they were advised that this would be dependent on them securing planning permission for the change of use. The applicants originally applied for a larger area of the public

open space but subsequently withdrew the application on 11 October 2019 after being advised that the proposal could not be supported in planning terms. The amended application was duly assessed but raised the same concerns which led to the decision to refuse.

4.3 Reason for refusal 03. If approved, the proposal would set an undesirable precedent which could encourage further similar applications for the developments prejudicial to priority green space designations.

The applicants are of the view that historically other applications to extend gardens into spaces have been approved.

Response: Notwithstanding the fact that the applicants have provided no evidence to substantiate the above, each proposal is considered on its own merits.

5 Conclusions

The proposed development does not comply with the requirements of Policies 4 and 6 of the South Lanarkshire Local Development (2015) and in particular Policy DM 13 of Supplementary Guidance 3: Development Management Placemaking and Design. Further, it does not accord with Policies 3 and 5 of the approved Proposed South Lanarkshire Local Development Plan 2. It is respectfully requested that the Review Body refuse planning permission for the proposed development.

From: Frederic Joynes [REDACTED]
Sent: 09 March 2020 19:40
To: Planning LRB <PlanningLRB@southlanarkshire.gov.uk>
Subject: Planning application P/19/1545

4g

NOTICE OF REVIEW - TOWN AND COUNTRY PLANNING (SCEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE (SCOTLAND) REGULATIONS 2013 PLANNING APPLICATION P/19/1545 PROPOSED CHANGE OF USE OF OPEN SPACE TO FORM ADDITIONAL GARDEN GROUND AND ERECTION OF BOUNDARY FENCE ADJACENT TO 2 HOWACE LANARK BY MR COLIN CHRISTISON NOTICE OF REVIEW.

Dear Sir / Madam,

I note that a request for a review of refusal of Planning Application P/19/1545 has been submitted to the Council. My objections to the application for planning permission still stand and hope they will still be considered by the Planning Local Review Body.

F H Joynes
17 Mousebank Road
Lanark
ML11 7 PE

Sent from my iPad

From: Phil Manners [REDACTED]
Sent: 09 March 2020 13:36
To: Planning LRB <PlanningLRB@southlanarkshire.gov.uk>
Subject: Your Ref: PLRB/NOR/CL/20/001

Dear sirs,

Planning Application No: PL/19/1545

I am aware that a request for review of the refusal for the above application has been submitted to the Council.

Please be aware that my original objections to this application still stand, and I would expect the Review Body to consider these in their deliberations.

Your faithfully,

Phil Manners

Heatherlea
27 Mousebank Road
LANARK ML11 7PE

From: Joan Scott [REDACTED]
Sent: 09 March 2020 17:09
To: Planning LRB <PlanningLRB@southlanarkshire.gov.uk>
Subject: Planning Application P/19/1545

4g

Dear Sirs

I am aware that a request for review of the refusal for the application P/19/1545 has been submitted to the Council.

I wish you to note that my original objections to this application for Planning Permission still stand and I would expect the Planning Local Review Body to consider these in their deliberations.

Regards

Mrs Joan Scott BArch, FRIAS(rtf) RIBA(rtd)
23 Mousebank Road
Lanark
ML11 7PE

Sent from my iPhone

From: David Herriott [REDACTED]
Sent: 11 March 2020 12:30
To: Planning LRB
Subject: Planning Application P/19/1545

Referring to your letter PLRB/NOR/CL/20/001 dated 6th March concerning a Notice of Review to the above referenced Planning Application we would reply in the following manner.

Our original objections lodged against Planning Application P/19/1545 still stand unaltered and we trust that you will take account of these comments in your upcoming Planning Review.

Regards

Kerstin and David Herriott
4 Howacre, Lanark ML11 7PL

From: Douglas Boag [REDACTED]
Sent: 15 March 2020 17:03
To: Planning LRB
Subject: Planning Application No: P/19/1545

Dear Sirs

RE: Notice of review - Town and Country Planning (schemes of Delegation and Local Review Procedure) (Scotland)
Regulation 2013 Planning Application No: P/19/1545
Proposal: Change of Use of Open Space to Form Additional Garden and Erection of Boundary Fence
Location: 2 Howacre, Lanark ML11 7 PL
Applicant: Mr C Christian

I am aware that a request for review of the refusal for the application P/19/1545 has been submitted to the Council. I wish you to note that my original objections to this application for Planning Permission still stand and I would expect the Planning Local Review Body to consider these in their deliberations.

Regards

Douglas and Lyn Boag
22 Staikhill
Lanark
ML11 7PW

