

11/01/2021

Dear Sir/Madam

Notice of Review – Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013

Local Review Body – Comments made on behalf of appellant regarding Planning Authority's Representations

Case: Planning Reference, P/20/0469 - Subdivision of garden ground and the erection of a two-storey detached dwelling at the residential Property known as 15 Dunedin Drive, East Kilbride G75 8QQ.

The Appellant has considered the Planning Authority's response and would like to bring his observations to the attention of the Local Review Body. He seeks a reasonable assessment of his proposal and looks to the Members within the Review Body for that. To achieve this the Appellant is aware that Members need to have the facts accurately presented and he attempts to briefly set those out below.

Essentially, the Planning Authority argue that the proposed plot to be formed and the plot that will remain at 15 Dunedin Drive, will not fit in with the pattern of development in the area.

Also, that the garden sizes for the new plot and remaining plot are too small compared to those within the area – the rear gardens being a particular issue.

Further, the two-storey height, elevated position, and the associated loss of trees, will result in a building that will dominate its immediate surroundings, resulting in a significant adverse visual impact.

In addition, the Planning Authority consider the planning consent they granted across the road at 13 Dunedin Drive (Reference EK/10/0007) for a strikingly similar development is not relevant because it was consented prior to the current Development Plan policies being in place and it was not built.

Respectfully, the Planning Authority are reminded of the following:

Planning Authority's Previous Recognition and Acceptance of Varied Development Types Within Area – Recently in 2019 when approving a very large two storey side and rear extension with front porch and rear balcony at **14 Dunedin Drive** (Reference P/19/0313), which is only circa 15m from the application site, the Planning Authority considered that proposal acceptable because in the words of the Planning Officer within the Report of Handling... ***“the street contains a wide range of house types of various styles and sizes, with no uniform design type”***.

Accordingly, the Planning Authority's view that the subject proposal which is a standard two storey dwelling is somehow out of place or too tall to be acceptable within the area, is at odds with their recent statement above.

Essentially the Applicant merely wishes his application to be dealt with in the same manner as other applications in the area with regard to this matter.

Planning Authority's Acceptance of a Similar Development Directly Across the Road -

The proposed garden subdivision and house plot across the road at 13 Dunedin Drive/1 Inglewood Crescent (Reference EK/10/0007) was considered acceptable by the Planning Authority when reviewed against policies within the South Lanarkshire Local Plan Adopted 2009.

The Planning Authority disregard this because that house was granted when a previous Development Plan (the 2009 Plan) was in force and the house was not built. However, neither of these facts are reasons to disregard the granting of permission for that house.

It is important to reiterate that there is little practical difference between the planning policies contained within the 2009 plan and the current adopted plan/proposed plan, in relation to the issues that the Planning Authority are founding their current refusal on. (We have attached extracts of the Policies from the relevant Local Plans for ease of reference).

If the Planning Authority are worried about breaking an established pattern of development or about plot/garden sizes, or the height of any new house, those would also have been factors to be given the same weight previously when granting permission across the road for a strikingly similar proposal.

In this regard in the Conclusion of the Report of Handling for the development across the road, the Planning Officer stated, “ ***The scale, size of plot and type of dwelling are comparable with those in the surrounding area...The rear garden sizes exceed the required 70sqm in the Residential Design Guide.***”

Again, the Applicant merely wishes his application to be dealt with in the same manner as other applications in the area with regard to these factors.

Garden Sizes in the Immediate Area that are Similar to the Applicant's Proposal – The Planning Authority consider the plots to be formed (for the new house and remaining house) at 15 Dunedin Drive to be too small. This would seem to be a particular issue in relation to rear garden sizes and indeed private rear garden space is recognised as important by the Applicant.

The Applicant offers Members the comparison of rear garden sizes for a mix of detached and semi-detached dwellings within the immediate area (see table on the following page).

We have defined the rear gardens as the garden space behind the front elevation of each house that is not used as driveway and is delineated by a boundary e.g. a fence, hedge or wall. The diagram which follows the table shows how we have defined the rear garden space for the proposed dwelling and remaining dwelling at 15 Dunedin Drive.

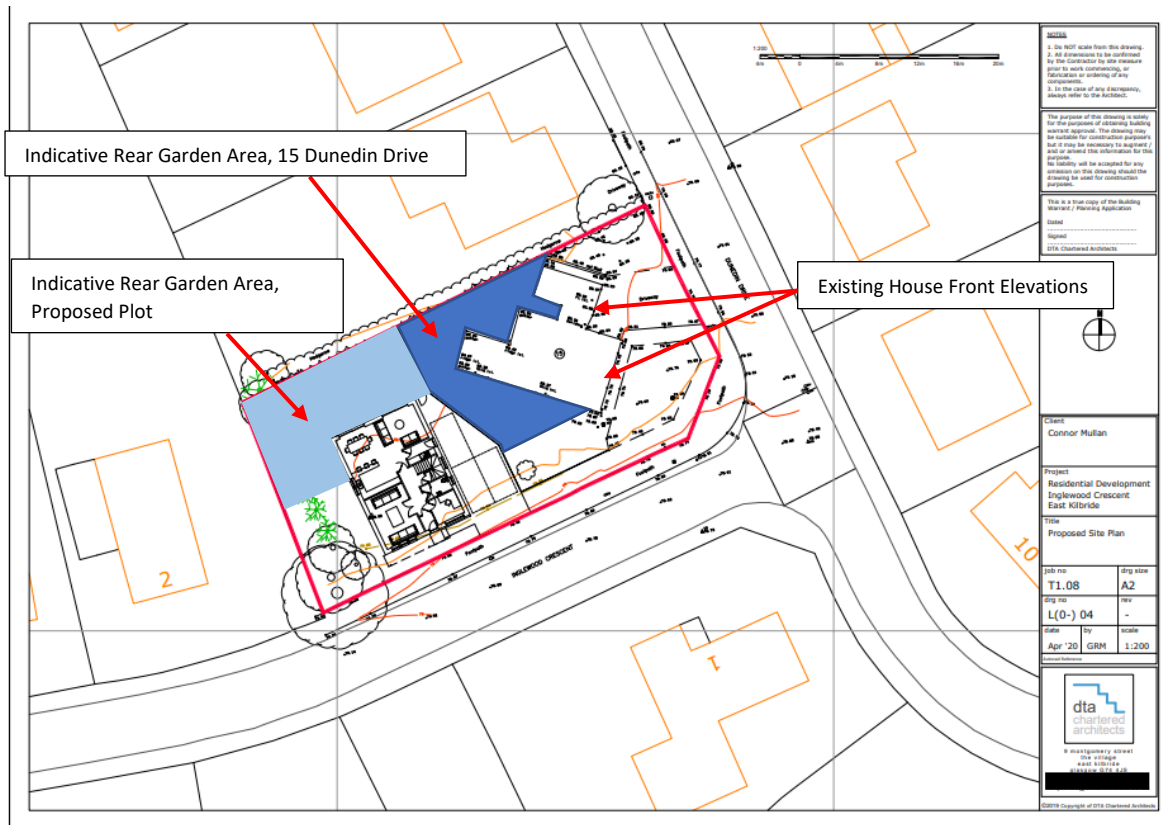
Members will note when looking at the table on the next page that there are garden sizes within the immediate area that are comparable to those associated with the proposed plots and indeed some are smaller.

Essentially, there is a variation of rear garden sizes and garden sizes generally within the area and the Applicants' proposal will simply become part of that mix.

Table of Comparable Garden Sizes

Address	Rear Garden Size (sqm) Approx.
15 Dunedin Drive (proposed remaining)	150
Proposed Plot, 15 Dunedin Drive	160
47 Dunedin Drive	140
44 Dunedin Drive	72.5
46 Dunedin Drive	129
50 Dunedin Drive	131
52 Dunedin Drive	171
1 Otago Park	178
30 Inglewood Crescent	154
13 Dunedin Drive/1 Inglewood Crescent (Approved plot)	170
13 Dunedin Drive/1 Inglewood Crescent (remaining)	170
31 Westport	140
1 Winton Park	178

Indicative Rear Garden Areas Proposed:



Tree Loss and height of Proposed Plot and House - The existing house as 15 Dunedin Drive has a quite a significant ridge height. The ground levels within the proposed plot and those of the remaining house at 15 Dunedin Drive are approximately the same. As has been mentioned in the Applicant's Statement of Case, no mature trees will be affected by the proposal.

The Applicant feels strongly that the Planning Authority's statement within their Response that...*"the two-storey height, elevated position, and the associated loss of trees, will result in a building that will dominate its immediate surroundings, resulting in a significant adverse visual impact"*...is incorrect.

Proposed Sale of 15 Dunedin Drive and No Build Reservation – The Applicant wishes to advise Members that he still owns the property at 15 Dunedin Drive. However, he had expected his proposal for the new house to be acceptable for the reasons outlined above and within his previous Statement of Case. He therefore decided some time ago to sell the existing property to raise funds to develop the new plot.

The Applicant fully intends to follow through and sell the existing property, and to retain the proposed plot. The Applicant has secured a prospective purchaser for the existing property, who is fully aware of the garden subdivision and the related planning application. Therefore,

no prejudice to the planning process has occurred in this regard. It should be further noted that control of the necessary sightlines will be legally reserved to benefit the new plot.

Additionally, the purchase of the existing house with a circa 150sqm rear garden area proves that the garden is still of an attractive size and nature for the existing house.

The Applicant also wishes to highlight that his proposed dwelling in no way interferes with the no build reservation strip referred to by neighbours in some of their correspondences.

Conclusion

Members will be aware that if a proposed development accords with the Council's Development Plan it must under statute be consented. In that regard Section 25 of the Town and Country Planning (Scotland) Act 1997 states that a Planning Authority's decision on a planning application must be made in accordance with the Development Plan – unless material considerations indicate otherwise.

The Applicant has demonstrated within his Statement of Case and this additional letter of response that the proposed dwelling is acceptable in planning terms and accords with the Council's planning policy. Therefore, planning consent must be granted.

In this regard, the application site lies within the settlement boundary area where housing is the most appropriate and acceptable land use. The scale, size, massing, plot/garden size and external appearance of the proposal is such that it will have no adverse impact on the setting of the surrounding area and will preserve the character of the area.

There will be no negative impact on streetscape. In this regard the scale, height and massing of the proposal integrates/blends well with the varied nature of dwellings in Inglewood Crescent and Dunedin Drive. House types in this part of Hairmyres vary considerably in terms of height and footprint. The garden grounds vary in size, shape and level. Inglewood Crescent and Dunedin Drive exhibit one of the most varied collections of house types and plot shapes in East Kilbride, largely as a function of the number of individually built dwellings such as the one proposed. For example, there are two storey houses next to bungalows, regular shaped plots next to irregular shaped plots, varying front garden depths, rear garden sizes etc – the list is extensive.

The plot size being proposed for both the new house and the remaining dwelling will still be substantial in modern terms. Indeed, the recent marketing of the remaining dwelling with a proposed smaller garden area, has created no problems for prospective purchasers on that basis. Further, it is important to note that the proposed dwelling mimics to a very significant degree a planning permission for a dwelling directly across the road.

There is no overlooking, over shadowing or other impact on amenity for any property. Indeed, there have been approvals by the Planning Authority of proposals exhibiting poorer characteristics in these regards.

Built heritage will not be adversely affected and there will be no significant negative impact on the natural environment. There are no ecological constraints (flora or fauna) and no flood risk derives from the proposal.

There is no prospect of undesirable precedent being set if the application is approved.



Accordingly, the proposal accords with Policies 4, DM1 and DM3 of the South Lanarkshire Local Development Plan (adopted) and the associated Supplementary Guidance and contrary to Policies 5, DM1 and DM3 of the proposed South Lanarkshire Local Development Plan 2. The Applicant respectfully requests that Members grant planning permission subject to appropriate conditions.

South Lanarkshire Local Plan Adopted 2009:

RES 6 Residential Land Use Policy

Within these areas, the Council will oppose the loss of houses to other uses and will resist any development that will be detrimental to the amenity of those areas. In particular the Council will not approve 'bad neighbour' uses which may by virtue of visual impact, noise, smell, air pollution, disturbance, traffic or public safety be detrimental to residential areas.

Developments of an ancillary nature may be acceptable e.g. guest houses, children's nurseries, medical or dental surgeries or single retail development for local needs. Each application will be judged on its own merits with particular consideration given to the impact on residential amenity and/or proposed servicing and parking arrangements and an assessment of the contribution of the proposal to meeting an identified local need.

All new development must comply with Council design policies as set out in ENV 11 'Design Quality Policy' and in Volume II: Development Policies, DM 1 – Development Management Policy.

In addition any development proposed must satisfy the following criteria:

- The proposed development must relate satisfactorily to adjacent and surrounding development in terms of scale, massing, materials and intensity of use, except in circumstances where the existing local characteristics are considered to be of poor quality or detrimental to the overall character of the area. In such cases, the new development should be of good quality design and enhance the environment in which it is located.
- The character and amenity of the area must not be impaired by reason of traffic generation, parking, visual intrusion, noise or emission of gases or particulates.
Volume I: Development Strategy 50 Land for Housing
- 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.
- The development must be adequately serviced in terms of cycle, pedestrian and vehicular access, parking and accessibility to public transport.
- There must be no adverse effect on public safety.

ENV 11 Design Quality Policy

The quality of the design and layout of new developments must be such that they can demonstrate the application of the principles of sustainable development and make a positive contribution to the character and appearance of the urban or rural environment in which it is located.

ENV 30 New Development Design Policy

New development will require to promote quality and sustainability in its design and layout and should enhance or make a positive contribution to the character and appearance of the urban or rural environment in which it is located.

In assessing new developments, the Council will require well designed proposals which integrate successfully with their surroundings and which are well related to existing

development, public transport, local services and facilities. Design which is of poor quality or which does not respect its context will be refused.

New developments will require to:

- (a) respect the local context and be appropriate to the character and topography of the site in terms of layout, scale, proportion, massing and appearance of buildings, structures and landscaped and hard surfaced areas;
- (b) be of a high quality design which is sympathetic to local traditions of form, detailing and materials. Modern, innovative design can reflect local tradition through scale, massing, siting and colour rather than replicating existing building forms. Where local tradition is indistinct or of poor quality, then development should be of an imaginative and innovative design which improves the visual quality of the area in which it is located and which creates a strong sense of place;
- (c) ensure that any archaeological, built heritage, landscape features and wildlife interests on the site are identified and incorporated into the overall layout and design of the development, with appropriate measures taken to enhance and/or protect the setting of these features; Volume II: Development Policies, Guidance and Appendices 44 Design
- (d) address sustainable development issues including the incorporation of energy efficient designs and layouts, the use of environmentally friendly building materials from renewable or local sources, sustainable drainage systems, re-use/recycling of materials, water and waste and the use of alternative energy sources;
- (e) make provision for footpaths, cycle routes, access to public transport and create appropriate linkages to local centres and services;
- (f) ensure appropriate provision of open spaces and landscaping as an integral part of the development which may also provide an opportunity to enhance the biodiversity value of the local area, together with measures for maintenance of these. These spaces should create an attractive environment which, in larger schemes, link together to create an area with a clear identity and structure
- (g) ensure provision of an appropriate road layout in accordance, where appropriate, with the Council's Guidelines for Development Roads. Proposals relating to residential development shall require to pay due regard to the guidance set down within SPP17: Planning for Transport; PAN 67: Housing Quality; and PAN 76: New Residential Streets ;
- (h) ensure that there is no conflict with adjacent land uses and no adverse impact on existing or proposed properties in terms of overlooking, loss of privacy, overshadowing, noise or disturbance;
- (i) make provision in development proposals (including extensions, alterations and changes of use) for any building that the public may use, for the provision of safe, easy and inclusive access for all people regardless of disability, age or gender. This should include access to, into and within the building and its facilities, as well as appropriate car parking and access to public transport provision. Such buildings to include, but not limited to, shops, restaurants, community buildings, health and leisure facilities etc;
- (j) incorporate crime prevention and community safety considerations within the layout and design of the development;
- (k) minimise the generation of waste during its construction and operation and be designed to include appropriate provision for the recycling, storage, collection and composting of waste materials.

All new developments, whether based on traditional form or of innovative and contemporary design, will require to be sensitive to the local character of the area in

which it is located. Where the local character is indistinct or of a poor quality, then the new development will be encouraged to create a distinct identity which improves the quality of the environment in which it is located.

A Design Statement will be required to accompany planning applications for new development in the circumstances defined by ENV 32 'Design Statements Policy'.

ENV 31 New Housing Development Policy

New housing development will require to promote quality and sustainability in its design and layout and should make a positive contribution to the character and appearance of the urban or rural environment in which it is located. In assessing new housing developments, the Council will seek well designed proposals which integrate successfully with their surroundings and which are well related to existing development, public transport, local services and facilities. Poorly designed developments or developments which take no account of their context, will be refused.

Residential developments will require to:

- (a) respect the local context and be appropriate to the character and topography of the site in terms of layout, scale, proportion, massing and appearance of buildings, structures and landscaped and hard surfaced areas;
- (b) be of a high quality design which is sympathetic to local traditions of form, detailing and materials or, alternatively, where local tradition is indistinct or of poor quality, then it should be of an imaginative and innovative design which improves the visual quality of the area in which it is located and which creates a strong sense of place;
- (c) ensure that any archaeological, built heritage, landscape features and wildlife interests on the site are identified and incorporated into the overall layout and design of the development, with appropriate measures taken to enhance and/or protect the setting of these features;
- (d) address sustainable development issues including the incorporation of energy efficient designs and layouts, the use of environmentally friendly building materials from renewable or local sources, sustainable drainage systems, re-use/recycling of materials, water and waste and the use of alternative energy sources;
- (e) make provision for cycle routes, footpaths, access to public transport and create appropriate linkages to local centres, community and recreational facilities, shops, schools and services;
- (f) ensure appropriate provision of public and private open spaces, play areas and landscaping as an integral part of the development which may also provide an opportunity to enhance the biodiversity value of the local area, together with measures for maintenance of these; Volume II: Development Policies, Guidance and Appendices 46 Design
- (g) ensure provision of an appropriate road layout in accordance, where appropriate, with the Council's Guidelines for Development Roads. Proposals relating to residential development shall require to pay due regard to the guidance set down within SPP17: Planning for Transport; PAN 67: Housing Quality; and PAN 76: New Residential Streets;
- (h) ensure that there is no conflict with adjacent land uses and no adverse impact on existing or proposed properties in terms of overlooking, loss of privacy, overshadowing, noise or disturbance;

- (i) by virtue of their location and physical features, residential developments should meet the highest standards of accessibility and inclusion so that all potential users, regardless of disability, age or gender can use them safely and easily;
- (j) incorporate crime prevention and community safety considerations within the layout and design of the development;
- (k) minimise the generation of waste during its construction and operation and be designed to include appropriate provision for the recycling, storage, collection and composting of waste materials.

The design of new residential areas will require to be sensitive to the local character of the area in which they are located, however this should not inhibit imaginative and innovative schemes from coming forward. In addition, where the local character is indistinct or of a poor quality, then the new development will be encouraged to create a distinct identity which improves the quality of the environment in which it is located.

A Design Statement will be required to accompany planning applications for new development in the circumstances defined by ENV 32 'Design Statements Policy'. The extent to which the applicant has had regard to the above criteria should be set out in a Design Statement and should demonstrate how the proposal improves the quality of the environment. In addition, developers should make reference to and incorporate the criteria specified within the approved South Lanarkshire Council 'Residential Development Guide'.

Residential development within the rural area should take account of ENV 34 'Development in the Countryside Policy' and the guidance contained within the Council's 'Rural Building Conversion and New House Design Guidance'.

DM 1 Development Management Policy

All planning applications will require to take account of the local context and built form and should be compatible with adjacent buildings and surrounding streetscape in terms of scale, massing, design, external materials and impact on amenity.

Development will require to have no significant adverse impact on the local environment and to enhance its quality and appearance. When assessing applications, the Council will require proposals to comply with the following:

- (a) respect the local context;
- (b) be of a layout, form and design which makes a positive contribution to the area;
- (c) make use of materials appropriate to the locality;
- (d) have no significant adverse impact on visual amenity, landscape character, habitats or species, including those given statutory protection, or wider environmental amenity;
- (e) ensure accessibility for all; Volume II: Development Policies, Guidance and Appendices 70 Development Management Policies
- (f) incorporate safety and security measures within the proposal;
- (g) make appropriate open space and landscape provision;
- (h) provide suitable access, parking and have no adverse implications for public safety;
- (i) make appropriate infrastructure provision to serve the development;
- (j) address sustainability issues through energy efficient design, layout and environmentally friendly building practices;

- (k) Where appropriate demonstrate that the development will not result in negative impact on the water environment as required by the Water Framework Directive and related regulations;
- (l) there will be no significant adverse effects on air, water or soil quality and as appropriate, mitigation to minimise any adverse effects to be provided; and
- (m) take account of any supplementary design guidance prepared by the Council.

DM 5 Sub-Division of Garden Ground Policy

There will be a presumption against the development of a new house (or houses) within the curtilage of an existing house unless all of the following criteria can be met:

- (a) The proposed house plot(s) and that remaining to the existing house are comparable with those nearby in terms of size, shape, and amenity (i.e. the proposal accords with the established pattern of development in the surrounding area).
- (b) The proposed house(s) will have a proper road frontage of comparable size with those of surrounding curtilages. Volume II: Development Policies, Guidance and Appendices 78 Development Management Policies
- (c) The proposed vehicular access is of an adequate standard and will not have adverse implications for traffic safety or adversely affect the amenity of adjacent properties by virtue of noise or loss of privacy.
- (d) The garden space allocated to the proposed house(s) and remaining for the existing house should be sufficient for the recreational, amenity and drying needs of the occupants.
- (e) The proposed development will not cause an unacceptable reduction in privacy to existing houses and will, itself, enjoy a degree of privacy comparable with surrounding dwellings.
- (f) The proposed development will not overshadow adjacent properties to a degree which results in a loss of amenity or itself be adversely affected by overshadowing.
- (g) All existing features such as trees, hedges, walls, fences and buildings that contribute to the character of the area will be retained and not adversely affected by the development.
- (h) Adequate parking for both the proposed and existing house must be provided within the site and must not be harmful to the established character and amenity of the area.
- (i) The proposed house(s) must be of a scale, massing, design and materials sympathetic to the character and pattern of development in the area and must not result in a development that appears cramped, visually obtrusive or be of an appearance which is so out of keeping with the established character that it is harmful to the amenity of the area
- (j) The proposal must not jeopardise or be prejudicial to any further desirable development in the vicinity.
- (k) The proposal will not result in an adverse effect on built heritage and/or nature conservation interests.

South Lanarkshire Council Local Development Plan Adopted 2015

Policy 4 Development management and placemaking

All development proposals will require to take account of and be integrated with the local context and built form. Development proposals should have no significant adverse impacts on the local community and where appropriate, should include measures to enhance the environment as well as address the six qualities of placemaking (as detailed in Appendix 1 of the DMPDSG). When assessing development proposals, the Council will ensure that:

- i. there is no significant adverse impact on adjacent buildings or streetscape in terms of layout, scale, massing, design, external materials or amenity;
- ii. there is no significant adverse impact on landscape character, built heritage, habitats or species including Natura 2000 sites, biodiversity and Protected Species nor on amenity as a result of light, noise, odours, dust or particulates;
- iii. the proposed development is accessible for all, provides suitable access and parking, encourages active travel and has no adverse implications for public safety;
- iv. the proposal includes appropriate integrated and accessible infrastructure, open space, green infrastructure and landscape provision;
- v. sustainability issues are addressed through energy efficient design, layout, site orientation and building practices;
- vi. the development does not result in any significant adverse impact on the water environment as required by the Water Framework Directive and related regulations and as appropriate, mitigation to minimise any adverse effects is provided; and
- vii. there are no significant adverse effects on air quality (particularly in and around Air Quality Management Areas), or on water or soil quality and, as appropriate, mitigation to minimise any adverse effects is provided; and
- viii. risks to new development from unstable land resulting from past mining activities are fully assessed and, where necessary, mitigated prior to development.

Development proposals must also accord with other relevant policies and proposals in the development plan and with appropriate supplementary guidance.

Policy 6 General urban area/ settlements

Within the urban areas and settlements identified on the proposals map, residential developments and those of an ancillary nature such as guest houses, children's nurseries, medical facilities, community uses, small scale retail or workshop units may be acceptable, provided they do not have a significant adverse affect on the amenity and character of the area. Developments, particularly 'bad neighbour' uses which by virtue of visual impact, noise, smell, air pollution, disturbance, traffic or public safety will not be permitted if they are detrimental to the amenity of residents.

Each proposal will be judged on its own merits with particular consideration given to the impact on the amenity of the area, proposed servicing and parking arrangements and where appropriate, an assessment of the contribution of the proposal to meet an identified local need.

Development proposals must also accord with other relevant policies and proposals in the development plan and appropriate supplementary guidance.

3.0 Development management, placemaking and design framework

Overarching framework

3.1 Good design is essential to the creation of successful places. To deliver good design and ensure that developments of high quality are created there must be a co-ordinated and integrated policy approach. General design criteria to be applied within development are provided in DM1 and in Appendix 1 - Design and access.

3.2 Appendix 1 identifies the key attributes that are considered to be fundamental to the delivery of successful streets, spaces, villages, towns and cities. It is important that planning applications are tailored to reflect this design advice.

Policy DM1 Design

The Council will expect the design and layout of new development on sites allocated within the Local Development Plan to conform to the approved development framework and/or masterplan (whichever is appropriate) for the site. Where appropriate, the design and layout of all new development will be assessed in relation to the following criteria:

- Policies 2 and 4 of the SLLDP
- Appendix 1 - Design and access
- Appendix 2 - Council's Residential Design Guide
- Appendix 3 - Council's Shop Front Design Guide

- Appendix 4 - Windows and Doors for Listed Buildings and Conservation Areas
- Policy DM2 – House extensions and alterations
- Policy DM3 – Sub-division of garden ground
- Policy DM4 – Conversion of domestic outbuildings
- Policy DM5 – Extended family accommodation
- Policy DM6 – Sub-division of property for residential use
- Policy DM7 – Demolition and redevelopment for residential use
- Policy DM8 – Hot food shops
- Policy DM9 – Advertisement displays
- Policy DM10 – Electronic communications development
- Policy DM11 – Working from home
- Policy DM12 – Mobile snack vans
- Policy DM13 – Developments within general urban area/settlement
- Policy DM14 – Tourist facilities and accommodation
- Policy DM15 – Gypsies/Travellers and Occupational Travellers sites
- Douglas Conservation Area Character Appraisal
- Leadhills Conservation Area Character Appraisal
- Rutherglen Conservation Area Character Appraisal
- New Lanark and Falls of Clyde Conservation Area Character Appraisal
- Other design guidance provided in any Supplementary Guidance produced and where appropriate, when adopted
- New Lanark World Heritage Site Management Plan
- Other Conservation Area Character Appraisals

5.0 Subdivision of garden ground

5.1 Throughout South Lanarkshire, pressure exists for the subdivision of garden ground belonging to existing dwellings, to allow for the development of additional houses within them. Whilst some gardens may be capable of accommodating additional dwelling units, this type of proposal has the potential to adversely affect residential amenity, if standards relating to distances between dwellings, garden sizes, access, parking and privacy cannot be met. In addition, this type of proposal can erode the established layout and character of an area.

Policy DM3 Subdivision of garden ground

The development of a new house (or houses) within the curtilage of an existing house will be considered favourably where it can be demonstrated that the proposal complies with the following criteria:

- The proposed house(s) is of a scale, massing, design and material sympathetic to the character and pattern of development in the area and does not result in a development that appears cramped, visually obtrusive or be of an appearance which is so out of keeping with the established character that it is harmful to the amenity of the area.
- The proposed house plot(s) and that remaining to the existing house are comparable with those nearby in terms of size, shape, and amenity, the proposal accords with the established pattern of development in the surrounding area.
- The proposed house(s) should have a proper road frontage of comparable size and form to surrounding curtilages unless the proposal reflects the development pattern of the area.

- The proposed vehicular access is of an adequate standard and will not have adverse implications for traffic safety or adversely affect the amenity of adjacent properties by virtue of noise or loss of privacy.
- The garden space allocated to the proposed house(s) and remaining for the existing house should be sufficient for the recreational, amenity and drying needs of the occupants.
- The proposed development will not cause an unacceptable reduction in privacy to existing houses and will, itself, enjoy a degree of privacy comparable with surrounding dwellings.
- The proposed development will not overshadow adjacent properties to a degree which results in a significant loss of amenity or itself be significantly adversely affected by overshadowing.
- All existing features such as trees, hedges, walls, fences and buildings that contribute to the character of the area should be retained and should not be adversely affected by the development.
- Adequate parking for both the proposed and existing house must be provided within the site and must not be harmful to the established character and amenity of the area.
- The proposal must not jeopardise or be prejudicial to any further desirable development in the vicinity.
- It takes account of any supplementary guidance prepared by the Council, where relevant to the proposal.

Proposed South Lanarkshire Council Local Development Plan 2

Policy 3 General Urban Areas and Settlements

Within the urban areas and settlements identified on the proposals map, residential developments on appropriate sites will generally be acceptable. Proposals for uses that are ancillary to residential areas will be assessed on their individual merits, with particular regard to their affect on the amenity and character of the area.

Particular consideration will be given to likely impacts on the amenity of the area. This will include locally important greenspace, local services and facilities, proposed servicing, parking arrangements and access.

Developments which would be detrimental to the amenity of residents and the wider community or to the character of the surrounding area will not be permitted. This particularly applies to 'bad neighbour' uses which can affect neighbours by virtue of visual impact, noise, smell, air pollution, disturbance, traffic or public safety.

Development proposals must also accord with other relevant policies and proposals in the development plan. Refer to Appendix 1 for relevant Volume 2 policies and additional guidance.

Policy 5 Development Management and Placemaking

In order to ensure that development takes account of the principles of sustainable development, all proposals require to be well designed and integrated with the local area. Proposals should have no significant adverse impacts on the local community and the environment. Where appropriate, proposals should include measures to enhance the environment and address the six qualities of placemaking. Further detail is included in supporting planning guidance on Design and Placemaking.

When assessing development proposals, the Council will ensure that, where appropriate;

1. there is no significant adverse impact on adjacent buildings or streetscape in terms of layout, scale, massing, design, external materials or amenity;
2. the development shall not have a significant adverse impact on the amenity of any nearby residential properties in terms of overshadowing, overlooking or other loss of residential amenity as a result of light, noise, odours, dust or particulates or other emissions;
3. the proposed development provides suitable access and parking, encourages active travel, has no adverse implications for public safety and incorporates inclusive access for all people, regardless of disability, age or gender;
4. sustainability issues are addressed through carbon reduction measures and energy efficient design, layout, site orientation and building practices, including provision for heat network infrastructure and safeguarding space for future pipework/piperuns and energy centres;
5. risks to new development from unstable land resulting from past mining activities are fully assessed and, where necessary, mitigated prior to development;
6. the development will have no significant impact on the natural or historic environment and no adverse impact on the integrity of any Natura 2000 sites;
7. the development does not result in, or can mitigate against, any significant adverse impact on quiet areas, the water environment, air quality or soil quality;
8. the proposal includes appropriate:

- utility and roads infrastructure
- open space, green infrastructure and landscape provision
- water management (including foul drainage) and Sustainable Drainage Systems (SuDS) including the provision of SuDS during construction of the development.

Development proposals must also accord with other relevant policies and proposals in the development plan. Refer to Appendix 1 for relevant Volume 2 policies and additional guidance.

Policy DM1 New Development Design

New development will require to promote quality and sustainability in its design and layout and should enhance or make a positive contribution to the character and appearance of the urban or rural environment in which it is located.

New developments will require to:

1. Respect the local context and be appropriate to the character and topography of the site in terms of layout, scale, proportion, massing and appearance of buildings, structures and landscaped and hard surfaced areas.
2. Be of a high quality design which is sympathetic to local traditions of form, detailing and materials. Modern, innovative design can reflect local tradition through scale, massing, siting and colour rather than replicating existing building forms. Where local tradition is indistinct or of poor quality, development should be of an imaginative and innovative design which improves the visual quality of the area in which it is located and which creates a strong sense of place.
3. Ensure that any archaeological, built heritage, landscape features and nature conservation interests on the site, or those adjacent to the site, are identified and incorporated into the overall layout and design of the development, with appropriate measures taken to enhance and/or protect the setting of these features.
4. Address sustainable development issues including the incorporation of energy efficient designs and layouts (including heat networks), the re-use/recycling of materials, water and waste, and the use of alternative energy sources.
5. Incorporate the use of sustainable drainage systems (SuDS).
6. Make provision for creating new or extending existing footpaths, cycle routes and access to public transport, and appropriate linkages to local centres and services.
7. Ensure appropriate provision of green infrastructure, including open space and landscaping as an integral part of the development.
8. Ensure provision of an appropriate road layout and parking, and where appropriate electric vehicle charging points, in accordance with the Council's Guidelines for Development Roads and the Local Transport Strategy.
9. Ensure that there is no conflict with adjacent land uses and no adverse impact on existing or proposed properties in terms of overlooking, loss of privacy, overshadowing, noise or disturbance.
10. Make provision for any building that the public may use, of safe, easy and inclusive access for all people regardless of disability, age or gender.
11. Incorporate crime prevention and community safety considerations within the layout and design of the development.
12. Minimise the generation of waste during its construction and operation and be designed to include appropriate provision for the recycling, storage, collection and composting of waste materials once completed and occupied.
13. New houses, business properties and redevelopment proposals should be designed in such a way as to incorporate high speed broadband connection.

Where appropriate, a Design and Access Statement will be required to accompany planning applications for major developments.

Policy DM3 Subdivision of Garden Ground

The development of a new house (or houses) within the curtilage of an existing house will only be considered where it can be demonstrated that the proposal complies with the following criteria:

1. The proposed house(s) is of a scale, massing, design and material sympathetic to the character and pattern of development in the area and does not result in a development that appears cramped, visually obtrusive or is of an appearance which is out of keeping with the established character or is harmful to the amenity of the area.
2. The proposed house plot(s) and that remaining to the existing house are comparable with those nearby in terms of size, shape, and amenity and accords with the established pattern of development in the surrounding area.
3. The proposed house(s) should have a proper road frontage of comparable size and form to surrounding curtilages unless the proposal reflects the development pattern of the area.
4. The proposed vehicular access is of an adequate standard and will not have adverse implications for traffic safety or adversely affect the amenity of adjacent properties by virtue of noise or loss of privacy.
5. The garden space allocated to the proposed house(s) and that remaining for the existing house should be sufficient for the recreational and amenity needs of the occupants.
6. The proposed development will not cause an unacceptable reduction in privacy to existing houses and will, itself, enjoy a level of privacy comparable with surrounding dwellings.
7. The proposed development will not overshadow adjacent properties to a degree which results in a significant loss of amenity for residents or is significantly adversely affected by overshadowing.
8. All existing features such as trees, hedges, walls, fences and buildings that contribute to the character of the area should be retained and should not be adversely affected by the development.
9. Adequate parking for both the proposed and existing house must be provided within the site and must not be harmful to the established character and amenity of the area.
10. The proposal must not jeopardise or be prejudicial to any future development proposals in the vicinity.