



Council Offices, Almada Street  
Hamilton, ML3 0AA

Friday, 30 April 2021

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, 10 May 2021  
**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, Stephanie Callaghan, Margaret Cowie, Ian Harrow, Martin Lennon, Katy Loudon, Joe Lowe, Lynne Nailon, Collette Stevenson

## BUSINESS

### 1 Declaration of Interests

- 2 **Minutes of Previous Meeting** 3 - 4  
Minutes of the meeting of the Planning Local Review Body held on 25 January 2021 submitted for approval as a correct record. (Copy attached)

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### Item(s) for Decision

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- 3 **Review of Case - P/20/1115 for Erection of Detached House at 45 Hunthill Road, Blantyre** 5 - 8  
Report dated 29 April 2021 by the Executive Director (Finance and Corporate Resources). (Copy attached)
- 3a **Appendix 1 Planning Application Form** 9 - 18
- 3b **Appendix 2(a) Report of Handling** 19 - 30
- 3c **Appendix 2(b) Consultation Responses** 31 - 38
- 3d **Appendix 2(c) Representations** 39 - 54
- 3e **Appendix 3 Site Photographs and Location Plan** 55 - 62
- 3f **Appendix 4 Planning Decision Notice and Reasons for Refusal** 63 - 72
- 3g **Appendix 5 Notice of Review** 73 - 82
- 3h **Appendix 6 Further Representations** 83 - 94
- 3i **Appendix 7 Applicant's Comments on Further Representations** 95 - 106

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### Urgent Business

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- 4 **Urgent Business**  
Any other items of business which the Chair decides are urgent.

### ***For further information, please contact:-***

Clerk Name: Stuart McLeod

Clerk Telephone: 01698 454815

Clerk Email: [stuart.mcleod@southlanarkshire.gov.uk](mailto:stuart.mcleod@southlanarkshire.gov.uk)

## PLANNING LOCAL REVIEW BODY (PLRB)

2

Minutes of meeting held via Microsoft Teams on 25 January 2021

### Chair:

Councillor Isobel Dorman

### Councillors Present:

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

### Councillors' Apologies:

Councillor Graham Scott, Councillor David Shearer

### Attending:

#### Community and Enterprise Resources

G McCracken, Planning Adviser to the Planning Local Review Body

#### Finance and Corporate Resources

J Burke, Administration Assistant; S McLeod, Administration Officer; G Stewart, Legal Adviser to the Planning Local Review Body

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### 1 Declaration of Interests

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No interests were declared.

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### 2 Minutes of Previous Meeting

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The minutes of the meeting of the Planning Local Review Body held on 30 November 2020 were submitted for approval as a correct record.

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

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### 3 Review of Case P/20/0469 for Sub-Division of Garden Ground and Erection of a 2 Storey Detached House at 15 Dunedin Drive, East Kilbride

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A report dated 14 January 2021 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/20/0469 by C Mullan for the sub-division of garden ground and erection of a 2-storey detached house at 15 Dunedin Drive, East Kilbride.

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 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's agent 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 PLRB heard the Planning Adviser in relation to the case.

The PLRB considered 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 taken 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 placemaking
  - ◆ Policy 6 – general urban area/settlements
  - ◆ Policy DM1 – design
  - ◆ Policy DM3 – sub-division of garden ground
  - ◆ Policy DM13 – development within general urban area/settlements
- ◆ the relevant policies contained in the Proposed South Lanarkshire Local Development Plan 2:-
  - ◆ Policy 3 – general urban areas and settlements
  - ◆ Policy 5 – development management and placemaking
  - ◆ Policy DM1 – new development design
  - ◆ Policy DM3 – sub-division of garden ground

**The Committee decided:**

that the decision taken by officers, in terms of the Scheme of Delegation, to refuse planning permission for planning application P/20/0469 by C Mullan for the sub-division of garden ground and erection of a 2-storey detached house at 15 Dunedin Drive, East Kilbride be upheld.

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#### **4 Urgent Business**

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There were no items of urgent business.

# Report

3

Report to: **Planning Local Review Body**  
 Date of Meeting: **10 May 2021**  
 Report by: **Executive Director (Finance and Corporate Resources)**

Subject: **Review of Case – Application P/20/1115 for Erection of Detached House**

## 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: Mr and Mrs Duffy  
 Proposal: Erection of Detached House  
 Location: 45 Hunthill Road, Blantyre, G72 9SR  
 Council Area/Ward: 15 Blantyre

### 1.3. Reason for Requesting Review

☒ Refusal of Application      ☐ Conditions imposed      ☐ 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 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. 3 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. Comments from the applicant are contained in the submission attached as **Appendix 7**.

**Paul Manning**

**Executive Director (Finance and Corporate Resources)**

29 April 2021

## **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:-

Stuart McLeod, Administration Officer

Ext: 4815 (Tel: 01698 454815)

E-mail: [stuart.mcleod@southlanarkshire.gov.uk](mailto:stuart.mcleod@southlanarkshire.gov.uk)



# Appendix 1

3a

## Planning Application Form



Montrose House 154 Montrose Crescent Hamilton ML3 6LB Tel: 0303 123 1015 Email: [planning@southlanarkshire.gov.uk](mailto: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 100176937-002

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.

## 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)

Erection of Dwelling @ 45 Hunthill Road, Blantyre G72 9SR

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:	McEwan Designs		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Alan	Building Name:	
Last Name: *	McEwan	Building Number:	99
Telephone Number: *		Address 1 (Street): *	philips wynd
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Hamilton
Fax Number:		Country: *	United Kingdom
		Postcode: *	ML3 8PH
Email Address: *			
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

## Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Mr & Mrs	Building Name:	
First Name: *	Maurice	Building Number:	45
Last Name: *	Duffy	Address 1 (Street): *	Runthill Road
Company/Organisation:		Address 2:	
Telephone Number: *		Town/City: *	Blantyre
Extension Number:		Country: *	UK
Mobile Number:		Postcode: *	G72 9SR
Fax Number:			
Email Address: *			

## Site Address Details

Planning Authority: South Lanarkshire Council

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

Address 1: 45 HUNTHILL ROAD

Address 2: BLANTYRE

Address 3:

Address 4:

Address 5:

Town/City/Settlement: GLASGOW

Post Code: G72 9SR

Please identify/describe the location of the site or sites

Northing

657011

Easting

267642

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

☐ Yes ☒ No

## Site Area

Please state the site area:

1232.00

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)

Garden

## 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.

<p>Are you proposing any change to public paths, public rights of way or affecting any public right of access? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>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.</p>
<p><b>Water Supply and Drainage Arrangements</b></p> <p>Will your proposal require new or altered water supply or drainage arrangements? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *</p> <p><input checked="" type="checkbox"/> Yes – connecting to public drainage network</p> <p><input type="checkbox"/> No – proposing to make private drainage arrangements</p> <p><input type="checkbox"/> Not Applicable – only arrangements for water supply required</p>
<p>Do your proposals make provision for sustainable drainage of surface water?? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (e.g. SUDS arrangements) *</p> <p>Note:-</p> <p>Please include details of SUDS arrangements on your plans</p> <p>Selecting 'No' to the above question means that you could be in breach of Environmental legislation.</p>
<p>Are you proposing to connect to the public water supply network? *</p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No, using a private water supply</p> <p><input type="checkbox"/> No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>
<p><b>Assessment of Flood Risk</b></p> <p>Is the site within an area of known risk of flooding? * <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Don't Know</p> <p>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.</p> <p>Do you think your proposal may increase the flood risk elsewhere? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p>
<p><b>Trees</b></p> <p>Are there any trees on or adjacent to the application site? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>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.</p>
<p><b>All Types of Non Housing Development – Proposed New Floorspace</b></p> <p>Does your proposal alter or create non-residential floorspace? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>

## 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

## Certificate Required

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

Certificate A

## Land Ownership Certificate

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

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) 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.

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

Signed: Alan McEwan

On behalf of: Mr & Mrs Maurice Duffy

Date: 26/08/2020

☒ 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)

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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 Alan McEwan

Declaration Date: 15/08/2019



# Appendix 2

3b

## Report of Handling

Report dated 22 January 2021 by the Council's Authorised Officer under the Scheme of Delegation



	<b>Delegated Report</b>	Reference no.	P/20/1115
			<b>3b</b>
		Date	January 2021

<b>Planning proposal:</b>	Erection of detached dwellinghouse
<b>Location:</b>	45 Hunthill Road Blantyre G72 9SR

**Application Type :** Detailed planning application

**Applicant :** Mr & Mrs Maurice Duffy

**Location :** 45 Hunthill Road  
Blantyre  
G72 9SR

**Decision:** Application refused

**Report by:** Area Manager (Planning & Building Standards)

#### Policy reference:

#### South Lanarkshire Local Development Plan (adopted 2015)

Policy 4 - Development management and placemaking

Policy 6 - General urban area/settlements

#### Development Management, Placemaking and Design Supplementary Guidance (2015)

Policy DM3 - Subdivision of garden ground

#### Proposed South Lanarkshire Local Development Plan 2 (2018)

Policy 3 – General urban area/settlements

Policy 5 - Development Management and Placemaking

Policy DM3 - Subdivision of Garden Ground

#### Assessment

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

#### Consultations

#### Summary of response

Roads Development Management Team

A previous application submitted in August 2019 under planning reference P/19/1295 was subsequently withdrawn. This earlier application included proposals for a new four-bed detached dwelling being accessed off a driveway serving the existing residential property at 45 Hunthill Road.

We previously identified that the existing driveway was too narrow to support multiple properties.

The proximity of an existing boundary wall belonging to 43 Hunthill Road created a pinch point restricted to 2.70metres wide. Our previous recommendation was for the existing driveway to be widened to 5.0metres to accommodate passing vehicles on what would become a shared access. This information was shared with the applicant at a site meeting on 5<sup>th</sup> November 2019.

### **Proposals**

The current application shows proposals for a new four-bed detached dwelling on what is currently designated as private garden ground associated with 45 Hunthill Road.

Based on the SCOTS National Roads Development Guide the applicant should provide a minimum of three parking spaces to serve the proposed four-bedroom house. There are three spaces shown on the site layout allocated to the proposed dwelling. These spaces should be provided in 3.0metre by 6.0metre modules and their outline/extents should be clearly marked on the site layout to ensure that they can satisfactorily accommodated. These three new spaces are separate to the three parking spaces shown serving the existing property at 45 Hunthill Road.

There is a shared driveway to the front of both car parking areas; this appears to adequately facilitate the turning of vehicles such that they can enter and exit the access in a forward gear.

The proposed site plan, drawing L01, shows an access width dimension of 4.13metres at the heel kerb line; the minimum driveway width for a shared access should be 5.0metres. However, the access remains constrained by the existing pinch point referred to above which prevents two-way vehicle movement. The current application does not include any proposal for removal of the existing 2.70metre wide pinch point to create a widened shared access.

Our office spoke with the applicant on Wednesday 23<sup>rd</sup> September 2020 to discuss the application and we were advised that they are not in a position to secure the land owned by 43 Hunthill Road to facilitate a widening of the access.

### **Conclusions**

Given all of the above, we are unable to support the application until such times as the applicant has demonstrated that two-way vehicle movements can be accommodated within the access.

Environmental Services

No response to date.

Scottish Water

No objection

**Representation(s):**

▶	3	Objection letters
▶	1	Support letters
▶	0	Comment letters

## **Planning Application Delegated Report**

### **1 Application Summary**

- 1.1 The applicant seeks planning permission for the sub division of garden ground and the erection of a dwellinghouse at 45 Hunthill Road, Blantyre.
- 1.2 The built layout of the immediate surrounding area at this part of Hunthill Road is relatively conventional in character with most houses having a proper road frontage. The houses are generally single and one and a half storey properties and whilst it is acknowledged that two storey properties can be found in the wider area these are remote from the application site.
- 1.3 The proposed house will have four bedrooms (2 ensuite), will have accommodation over 2 stories and will be positioned in the rear garden of the existing 'donor' house behind the adjacent neighbours property at 43 Hunthill Road. The proposed site would utilise the existing access off 45 Hunthill Road with a shared driveway.
- 1.4 In terms of planning history, a planning application (P/19/1295) for a similar proposal was withdrawn following concerns raised by the Planning Service. It should also be noted that the applicant has also had pre-application discussions and both Planning and Roads and Transportation Services raised concerns in relation to the proposal. It should also be noted that planning consent was granted for a rear extension (HM/08/0159) in July 2008.
- 1.5 The determining issues in the consideration of this application its compliance with the South Lanarkshire Local Development Plan (2015) and in particular Policy 4 – Development management and placemaking and Policy 6 – General urban area/settlements. In addition Policy DM3 – Subdivision of garden ground of the Development management, placemaking and design supplementary guidance is also relevant to the assessment of this application.
- 1.6 On 17 August 2020 the Directorate for Planning and Environmental Appeals issued its report of the Examination of the proposed South Lanarkshire Local Development Plan 2. A number of amendments to policy have been recommended which will be carried through to the adoption stage. For the purposes of determining planning applications the Council will assess proposals against the policies contained within the proposed South Lanarkshire Local Development Plan 2 alongside the Reporters amendments. Whilst the Reporters amendments have yet to be ratified by South Lanarkshire Council they are nevertheless a material consideration. In this instance Policy 3 – General urban area/settlements, Policy 5 – Development Management and Placemaking, and Policy DM3 - Subdivision of garden ground is also relevant to the assessment of this application. A full assessment of the proposal against these specific policies is contained in Section 3 of this report.

### **2 Representation(s)**

- 2.1 Statutory neighbour notification was carried out and the application was advertised for neighbour notification purposes. Four letters of representation were submitted, three

objecting to the proposal and one which appears to have been submitted by the applicant in support of their planning application. The contents of the letters are summarised below.

- a) **Concerns over road safety and that the proposal can't comply with Transport Scotland's required visibility splays. Width of access is not wide enough to allow lorry's/vans to enter the rear of the property to deliver building supplies. Potential disruption to neighbour entering and leaving their property outside which there have been numerous accidents over the years.**

**Response:** As detailed previously, Roads and Transportation Services are unable to support the application because the shared access is not wide enough.

- b) **It should be noted that the drawing LO1 submitted with the application earlier this year and in August is misleading in that it shows the boundary with Number 43 Hunthill Road on the wrong line contrary to land registry documents. The boundary between Nos 43 and 45 is a stone wall approximately 1.1m high and is the property of No 43. This drawing should be withdrawn. Note that the effect of a correction to show the wall will nullify the statement made on the drawing '120 x 2.5m visibility splay easily achievable'. The stone wall is on plan 'in the way' and is too high to satisfy requirements.**

**Response:** Potential ownership and boundary disputes are ultimately a civil matter to be resolved privately between the parties involved and must not therefore unduly influence the determination of this application. Nevertheless Roads and Transportation Services are unable to support the application as detailed previously.

- c) **Drainage on pavement is very poor outside number 45 Hunthill Road.**

**Response:** Given the sites location with an established urban area it is considered that it would be capable of being served. Furthermore, Scottish Water have offered no objection to the proposal.

- d) **Concerns over structure of neighbouring wall from vehicles parking.**

**Response:** This is ultimately a civil issue and does not constitute a material planning consideration in the assessment of this planning application.

- e) **The application form indicates there are no trees on site however there are trees on the boundary between 43 and 45 Hunthill Rd. The application form also indicates that the access will not be altered which needs clarified.**

**Response:** Noted. Roads and Transportation Services are unable to support the application as detailed previously

- f) **The applicant has commented in support of their current planning application that they had a back extension built over 10 years ago with no access or entry problems or comments from neighbours.**

**Response:** The planning history of the site has previously been noted. It is considered that this provides no justification for the current proposal which is contrary to policy as detailed in the assessment and conclusions below.

### **3 Assessment and Conclusions**

- 3.1 Section 25 of the Town and Country Planning (Scotland) Act 1997, states that planning applications must be determined in accordance with the development plan, unless other material considerations indicate otherwise. The main determining issues therefore in the assessment of this application are whether the development is in compliance with national and local development plan policy and whether there are any other material planning considerations that would outweigh the provisions of the development plan.
- 3.2 Scottish Planning Policy (SPP) advises that proposals should be determined in accordance with the provisions of the development plan and all developments should contribute to sustainable development.
- 3.3 In terms of the South Lanarkshire Local Development Plan, Policy 4 seeks to ensure that all development proposals take account of the local context and built form. In this case the proposal is residential in nature and this accords with the surrounding land uses. That said the proposal fails to take into consideration and respect the character of the immediate area and surrounding properties. The built layout of the immediate surrounding area at this part of Hunthill Road is relatively conventional in character with most houses having a proper road frontage. The houses are generally single and one and a half storey properties and whilst it is acknowledged that two storey properties can be found in the wider area these are remote from the application site. Given the above context the introduction of a two-storey property within the site would be out of character and detrimental to the immediate area. Indeed the development of a detached dwellinghouse at the rear of the site would represent a form of backland development due to the absence of a proper road frontage. Given the proposed sites physical characteristics, being relatively long and narrow, and the requirement to utilise the existing access to the site, it is not possible to provide proper road frontage comparable with existing properties. The proposal therefore does not comply with the fundamental requirement of Policy 4 in terms of taking account of and being integrated with the local context and built form.
- 3.4 Policy 6 seeks to safeguard, protect and enhance the quality of life of the residents of South Lanarkshire within its main urban areas and small settlements. To achieve this the character and amenity of these areas has to be safeguarded and when possible enhanced. In this case it is considered that the proposed dwellinghouse is not in keeping with the character and settlement pattern of the immediate area as detailed above in paragraph 3.3 and on this basis it is considered that the proposal is not acceptable in terms of this policy. In addition, as detailed previously Roads and Transportation Services are unable to support the application because the shared driveway access width does not comply with minimum standards and therefore the applicant has failed to demonstrate that two-way vehicle movements can be accommodated within the access. On this basis it is considered that the proposal would have an adverse impact on pedestrian and vehicular safety, contrary to Policy 6.
- 3.5 With regards to Policy DM3 relating to the subdivision of garden ground, any proposal must be sympathetic to the character and pattern of development in the surrounding area in

terms of scale, massing and design. In this respect it is considered that the introduction of a dwellinghouse at this location is not consistent with the established pattern within the immediate area. The proposed dwellinghouse would not provide an appropriate road frontage of comparable size reflective of surrounding curtilages, a pre-requisite of Policy DM13. Additionally it would also have a substandard access contrary to the requirements of Roads and Transportation Services. Policy DM13 also requires that both the proposed and remaining plots are sympathetic to the character and pattern of development in the area and do not result in a development that appears cramped, visually obtrusive or be of an appearance that is harmful to the character and amenity of the area. In this connection it must be emphasised that the proposed dwellinghouse is a form of backland development which would generally be alien to the established character and pattern of development in the immediate area.

- 3.6 On 17 August 2020 the Directorate for Planning and Environmental Appeals issued its report of the Examination of the proposed South Lanarkshire Local Development Plan 2. A number of amendments to policy have been recommended which will be carried through to the adoption stage. For the purposes of determining planning applications the Council will assess proposals against the policies contained within the proposed South Lanarkshire Local Development Plan 2 alongside the Reporters amendments. Whilst the Reporters amendments have yet to be ratified by South Lanarkshire Council they are nevertheless a material consideration. The proposed development has been considered against the relevant policies in the proposed Local Development Plan 2 and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan. It is therefore considered that the proposal does not accord with Policy 3, Policy 5 and Policy DM3 of the proposed Local Development Plan 2.
- 3.7 As detailed previously Roads and Transportation Services have raised concerns that the proposed shared access is substandard and therefore do not support the proposal. On this basis it is considered that the proposal would have an adverse impact on pedestrian and vehicular safety.
- 3.8 Neighbour notification procedures were undertaken and the application was advertised in the Hamilton Advertiser. The objections raised through third party representation, in terms of access width/road safety have merit and can be supported in this instance.
- 3.9 On the basis of the above, the proposal is considered to represent an unacceptable form of development at this location and it is recommended that planning permission be refused for the proposed development in this instance.

#### **4 Reason for decision**

- 4.1 The proposal is contrary to Policies 4, 6 and DM3 of the adopted South Lanarkshire Local Development Plan 2015 and Policies 3, 5 and DM3 of the Proposed South Lanarkshire Local Development Plan 2 and there is no justification for a departure from policy.

**Delegating officer: Bernard Darroch**

**Date: 22 January 2021**

### Previous references

- ◆ P/19/1295 – Erection of dwellinghouse withdrawn.
- ◆ HM/08/0159 - Erection of rear extension to dwelling, granted.

### 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 02.09.2020
  
- ▶ Consultations
  - Roads Development Management Team 29.09.2020
  - Scottish Water 02.09.2020
  
- ▶ Representations
  - Mrs Isobel Neeson, 74 Hunthill Road, Blantyre, G72 9SP, , Dated: 08.10.2020
  - Mrs Isobel Neeson, 74 Hunthill Road, Blantyre, Glasgow, South Lanarkshire, G72 9SP Dated: 16.09.2020
  - Mr Neil Mactaggart, 43 Hunthill Road, Blantyre, G72 9SR, , Dated: 14.09.2020
  - Mr Maurice Duffy, 45hunthill rd, Blantyre, Blantyre, G729sr, Dated: 29.09.2020

### Contact for further information

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

Murray Reid, Planning officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB  
Phone: 01698 453625  
Email: [murray.reid@southlanarkshire.gov.uk](mailto:murray.reid@southlanarkshire.gov.uk)

## **Planning Application**

**Application number:** P/20/1115

### **Reasons for refusal**

01. The proposal is contrary to Policy 4 of the adopted South Lanarkshire Local Development Plan and Policy DM3 of the associated Development Management, Placemaking and Design Supplementary Guidance in that the proposed house plot would not integrate satisfactorily with local context and built form and the development of the plot would adversely impact on the layout and design of the existing streetscape.
02. The proposal is contrary to Policy 6 of the adopted South Lanarkshire Local Development Plan and Policy DM3 of the associated Development Management, Placemaking and Design Supplementary Guidance in that the proposed house plot would not relate satisfactorily with adjacent and surrounding properties, and if approved would have a detrimental impact on the character and amenity of the area.
03. The proposal is contrary to Policy 6 of the adopted South Lanarkshire Local Development Plan and Policy DM3 of the associated Development Management, Placemaking and Design Supplementary Guidance in that the proposed shared driveway access width does not comply with minimum standards required by Roads and Transportation Services and therefore the applicant has failed to demonstrate that two-way vehicle movements can be accommodated within the access, to the detriment of pedestrian and vehicular safety.
04. The proposal is contrary to Policy DM3 of the Development Management, Placemaking and Design Supplementary Guidance associated with the adopted South Lanarkshire Local Development Plan in that the proposed house would not be in keeping within the established pattern of development in the immediate surrounding area. Furthermore, the proposed house would not retain a proper road frontage of comparable size and form to surrounding curtilages.
05. The proposal is contrary to Policy 3 of the proposed South Lanarkshire Local Development Plan 2 in that the proposed house plot would not relate satisfactorily with adjacent and surrounding properties, and if approved would have a detrimental impact on the character and amenity of the area.
06. The proposal is contrary to Policy 5 of the proposed South Lanarkshire Local Development Plan 2 in that the proposed house plot would not integrate satisfactorily with local context and built form and the development of the plot would adversely impact on the layout and design of the existing streetscape.
07. The proposal is contrary to Policy 6 and DM3 of the proposed South Lanarkshire Local Development Plan 2 in that the proposed shared driveway access width does not comply with minimum standards required by Roads and Transportation Services and therefore the applicant has failed to demonstrate that two-way vehicle movements can be accommodated within the access, to the detriment of pedestrian and vehicular safety.

08. The proposal is contrary to Policy DM3 of the proposed South Lanarkshire Local Development Plan 2 in that the proposed house, would not be in keeping within the established pattern of development in the surrounding area. Furthermore, the proposed house would not retain a proper road frontage of comparable size and form to surrounding curtilages.

#### **Reason(s) for decision**

The proposal is contrary to Policies 4, 6 and DM3 of the adopted South Lanarkshire Local Development Plan 2015 and Policies 3, 5 and DM3 of the Proposed South Lanarkshire Local Development Plan 2 and there is no justification for a departure from policy.

#### **Informatives**

01. This decision relates to drawing numbers:

<b>Reference</b>	<b>Version No:</b>	<b>Plan Status</b>
Location Plan		Refused
L01		Refused
L02		Refused
Floor plans		Refused
Elevations		Refused

## Consultation Responses

- ♦ Response dated 2 September 2020 from Scottish Water
- ♦ Response dated 24 September 2020 from Roads and Transportation Services



Wednesday, 02 September 2020



Local Planner  
Planning & Economic Development Community & Enterprise Resources  
South Lanarkshire Council  
Hamilton  
ML3 8RE

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

Development Operations  
Freephone Number - 0800 3890379  
E-Mail - [DevelopmentOperations@scottishwater.co.uk](mailto:DevelopmentOperations@scottishwater.co.uk)  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk)

Dear Sir/Madam

**SITE: 45 Hunthill Road, , Blantyre, G72 9SR**  
**PLANNING REF: P/20/1115**  
**OUR REF: DSCAS-0021303-H7P**  
**PROPOSAL: Erection of detached dwellinghouse**

**Please quote our reference in all future correspondence**

### **Audit of Proposal**

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 Capacity Assessment**

Scottish Water has carried out a Capacity review and we can confirm the following:

- ▶ There is currently sufficient capacity in the CAMPS Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

### **Waste Water Capacity Assessment**

- ▶ This proposed development will be serviced by BOTHWELLBANK Waste Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity currently so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water via [our Customer Portal](#) or contact Development Operations.

### **Please Note**

- ▶ The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.
- 

## **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 from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, 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](mailto:sw@sisplan.co.uk)
  - ▶ [www.sisplan.co.uk](http://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 information on how to submit application to Scottish Water at [our Customer Portal](#).

## **Next Steps:**

### **▶ All Proposed Developments**

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) 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 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](http://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 laundrettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email [TEQ@scottishwater.co.uk](mailto: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 [here](#).
- ▶ 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](http://www.resourceefficientscotland.com)

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at [planningconsultations@scottishwater.co.uk](mailto:planningconsultations@scottishwater.co.uk).

Yours sincerely,

**Planning Application Team**

Development Operations Analyst

[developmentoperations@scottishwater.co.uk](mailto:developmentoperations@scottishwater.co.uk)

**Scottish Water Disclaimer:**

*"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."*

**Community and Enterprise Resources**  
Executive Director **Michael McGlynn**  
**Roads and Transportation Services – Transportation Engineering**

<b>To:</b>	Planning	<b>Planning No:</b>	<b>Application</b> P/20/1115
<b>From:</b>	Development Management Roads and Transportation Services	<b>Case Officer:</b> <b>Contact:</b> <b>Phone Ext:</b>	Murray Reid Mark Kirk 01698 454295
		<b>Date:</b>	24 September 2020

**Subject:** OBSERVATIONS ON PLANNING APPLICATION P/20/1115

**Location:** Land at 45 Hunthill Road, Blantyre, G72 9SR

We refer to the above application and would comment as follows.

### Background

A previous application submitted in August 2019 under planning reference P/19/1295 was subsequently withdrawn. This earlier application included proposals for a new four-bed detached dwelling being accessed off a driveway serving the existing residential property at 45 Hunthill Road.

We previously identified that the existing driveway was too narrow to support multiple properties.

The proximity of an existing boundary wall belonging to 43 Hunthill Road created a pinch point restricted to 2.70metres wide. Our previous recommendation was for the existing driveway to be widened to 5.0metres to accommodate passing vehicles on what would become a shared access. This information was shared with the applicant at a site meeting on 5<sup>th</sup> November 2019.

### Proposals

The current application shows proposals for a new four-bed detached dwelling on what is currently designated as private garden ground associated with 45 Hunthill Road.

Based on the SCOTS National Roads Development Guide the applicant should provide a minimum of three parking spaces to serve the proposed four-bedroom house. There are three spaces shown on the site layout allocated to the proposed dwelling. These spaces should be provided in 3.0metre by 6.0metre modules and their outline/extents should be clearly marked on the site layout to ensure that they can satisfactorily accommodated. These three new spaces are separate to the three parking spaces shown serving the existing property at 45 Hunthill Road.

There is a shared driveway to the front of both car parking areas; this appears to adequately facilitate the turning of vehicles such that they can enter and exit the access in a forward gear.

The proposed site plan, drawing L01, shows an access width dimension of 4.13metres at the heel kerb line; the minimum driveway width for a shared access should be 5.0metres. However, the access remains constrained by the existing pinch point referred to above which prevents two-way vehicle movement. The current application does not include any proposal for removal of the existing 2.70metre wide pinch point to create a widened shared access.

Montrose House, 154 Montrose Crescent, Hamilton ML3 6LB  
Email: [enterprise.hq@southlanarkshire.gov.uk](mailto:enterprise.hq@southlanarkshire.gov.uk)

Our office spoke with the applicant on Wednesday 23<sup>rd</sup> September 2020 to discuss the application and we were advised that they are not in a position to secure the land owned by 43 Hunthill Road to facilitate a widening of the access.

**Conclusions**

Given all of the above, we are unable to support the application until such times as the applicant has demonstrated that two-way vehicle movements can be accommodated within the access.

Please do not hesitate to contact me should you require any further information.

**Colin Park**  
**Engineer Park**

# Appendix 2(c)

3d

## Representations

### Representation From

- ♦ Mr Neil MacTaggart, by email

### Dated

10/09/20  
and  
23/09/20

- ♦ Mrs Isobel Neeson, by email

14/09/20

- ♦ Mr Maurice Duffy, by email

29/09/20

- ♦ Mr Alex Neeson (on behalf of Isobel Neeson), 74 Hunthill Road, Blantyre  
G72 9SR

05/10/20



**From:** neil mactaggart [REDACTED]  
**Sent:** 23 September 2020 12:54  
**To:** Reid, Murray; Planning  
**Subject:** FW: Proposed Development 45 Hunthill Rd Your Ref P/20/1115  
**Attachments:** 45 HUNTHILL 1.pdf; 45 HUNTHILL 2.pdf; 43 HUNTHILL RD 1.pdf; 43 HUNTHILL 2.pdf; PROPOSED\_SITE\_PLAN-4894085.pdf

To Whom May concern

I checked the objection comment I made, on the application for planning permission for 45 Hunthill Rd  
The cover note below seems to be missing, just the attachments above are there, so its bit confusing what objection is relating to, could you please make sure this is attached to my objection.

I also noticed on Application that under section

**Access+Parking.** quote-Are you proposing to alter Access and box is ticked **NO**  
Would like this point clarified as on application.

**Trees.** Quote- are there any trees on site and box is ticked **No**

Would also like this point clarified, as there are trees on boundary between 43 and 45 Hunthill Rd,  
In a previous discussion with owners of 45 Hunthill Rd, these trees would be staying and just topped to let some light in

Best Regards

Neil Mactaggart

Sent from [Mail](#) for Windows 10

---

**From:** [REDACTED]  
**Sent:** 10 September 2020 13:57  
**To:** [planning@southlanarkshire.gov.uk](mailto:planning@southlanarkshire.gov.uk)  
**Subject:** Proposed Development 45 Hunthill Rd Your Ref P/20/1115

Sent from [Mail](#) for Windows 10

To Whom it Concerns,

I live at 43 Hunthill Rd, next door to proposed Development at 45 Hunthill Rd

I have no issues with the proposed dwelling being built in back garden of 45 Hunthill,

I have concerns with proposed access into 45 Hunthill, I have attached proposed Site plan drawing for the development, which shows boundary between 43 and 45 appearing to be different from Land Register of Scotland also attached for 45 and 43 Hunthill.

I have given no permission for any of my land or boundary walls to be used in this development, this wall has been part of this property for approximately 100yrs

I would like this concern to be clarified before permission is granted,

Best Regards

Neil Mactaggart



REGISTERS OF SCOTLAND



# Registers Direct - Land Register: View Title LAN95542

## Search Summary

**Date:** 02/08/2012 **Time:** 16:36:29  
**Search No.:** 2012-02270715 **User Reference:** Stephen Fletcher

## Sasine Search Sheet:

### A. PROPERTY SECTION

<b>Title Number:</b>	LAN95542	<b>Date of First Registration:</b>	23/09/1993
<b>Date Title Sheet updated to:</b>	12/10/2009	<b>Date Land Certificate updated to:</b>	01/04/2008
<b>Hectarage Code:</b>	0	<b>Interest:</b>	PROPRIETOR
<b>Map Reference:</b>	NS6756D		

### Description:

Subjects 45 HUNTHILL ROAD, BLANTYRE, GLASGOW G72 9SR edged red on the Title Plan.

*This is a Quick Copy which reflects the position at the date the Title Sheet was last updated.*

*It does not have the evidential status of an Office Copy.*

### B. PROPRIETORSHIP SECTION

**Title Number:** LAN95542

Entry Number	Date of Registration	Proprietor
1	01/04/2008	MAURICE DUFFY and MARIANNE DUFFY spouses, 45 Hunthill Road, Blantyre, Glasgow, G72 9SR equally between them and the survivor of them.

### Notes:

1. There are in respect of the subjects in this Title n terms of the Matrimonial Homes (Family Protection) of persons who were formerly entitled to the said su



**TITLE NUMBER** LAN213066

**A 1**

## **A. PROPERTY SECTION**

**DATE OF FIRST REGISTRATION**  
18 SEP 2005

**DATE TITLE SHEET UPDATED TO**  
18 SEP 2012

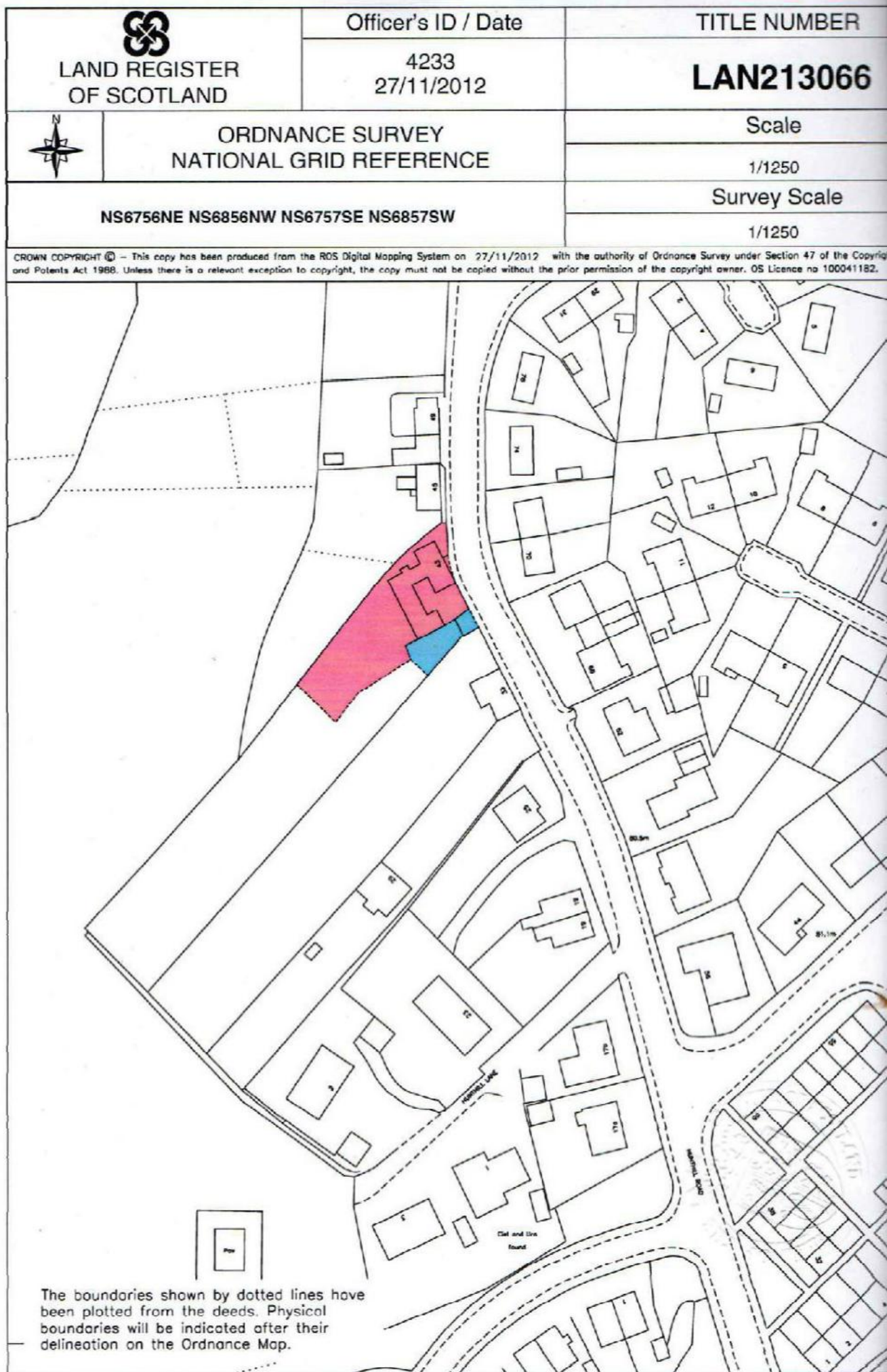
**DATE LAND CERTIFICATE UPDATED TO**  
18 SEP 2012

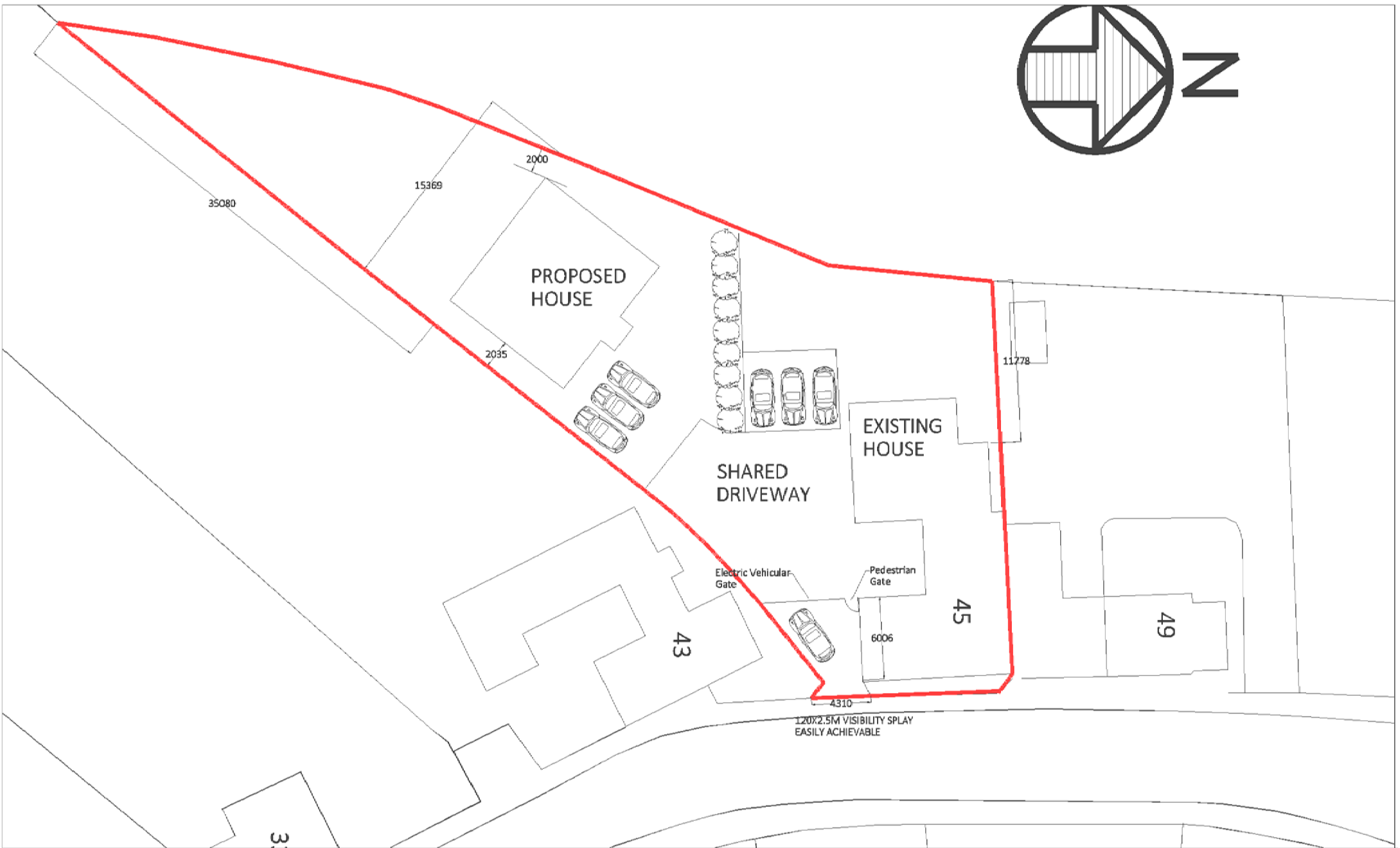
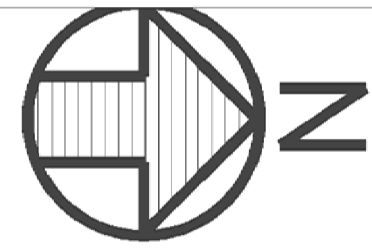
**REGISTERED**  
**DIETOR**

**MAP REFERENCE**  
NS6756NE

### **DESCRIPTION**

Subjects 43 HUNTHILL ROAD, BLANTYRE, GLASGOW G72 9SR tinted pink on the title Plan, together with a right in common with the subjects lying to the south west of the Subjects in this Title registered under 182655, in and to the area tinted blue on the said plan.



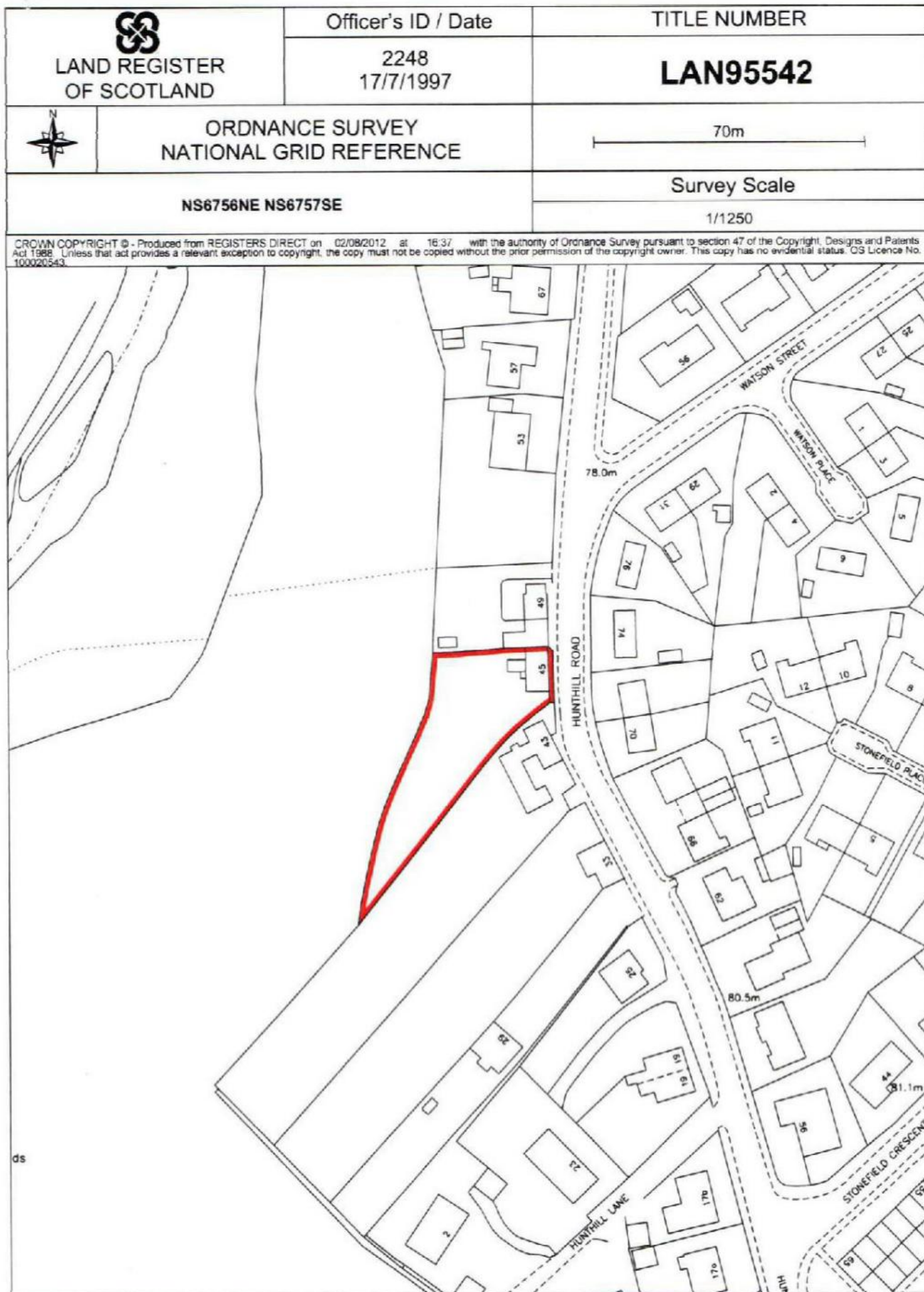


ARCHITECTURAL SERVICES  
99- PHILIPS WYND  
WELLHALL GRANGE  
HAMILTON ML3 8PH  
tel 07931871892/ 01698284194  
web : mcewandesigns.com  
e-mail : mcewandesigns@btinternet.com

project title:  
**Mr & Mrs Duffy  
45 Hunthill Road  
Blantyre**

drawn **Alan McEwan**  
checked  
1:250@ size A3  
scale  
date **MARCH 2019**  
drawing title  
**PROPOSED SITE PLAN**

job number  
drawing no.  
**L01**  
rev.  
date





**From:** Alex Touchrecords [REDACTED]  
**Sent:** 14 September 2020 14:49  
**To:** Planning  
**Subject:** Proposed planning application

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Mrs Isobel neeson, 74 Hunthill rd, high blantyre, south lanarkshire, Glasgow, g72 9sp.

Dear sirs,

Regarding your letter of notification concerning the house at 45 Hunthill road high blantyre of mr and mrs Maurice Duffy. Regarding planning permission to erect a dwelling house at the above address. No! I object.

Width of gateway at number 45 Hunthill rd, is not wide enough to allow lorry's/vans to enter the rear of the property to deliver building supplies.

As my land/property is adjacent to the entry/runway to my house, the road narrows there and the pavement is raised on side of the road that number 45 Hunthill rd is on. There have been numerous accidents there over the years.

If lorry's, cars, vans are parked outside on the pavement this will cause serious disruption to myself entering and exiting my property.

1. Drainage on pavement is very poor outside number 45 Hunthill rd,
- 2 parking of vehicles regarding structure of my wall would not do it any good.
3. Road safety.

Yours faithfully,

Mrs Isobel neeson

Sent from my iPhone



**From:** Planning  
**Sent:** 29 September 2020 19:30  
**To:** Planning  
**Subject:** Comments for Planning Application P/20/1115

3d

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

Comments were submitted at 7:30 PM on 29 Sep 2020 from Mr Maurice Duffy.

### Application Summary

**Address:** 45 Hunthill Road Blantyre G72 9SR

**Proposal:** Erection of detached dwellinghouse

**Case Officer:** Murray Reid

[Click for further information](#)

### Customer Details

**Name:** Mr Maurice Duffy

**Email:** [REDACTED]

**Address:** 45hunthill rd Blantyre Blantyre

### Comments Details

**Commenter Type:** Neighbour

**Stance:** Customer made comments in support of the Planning Application

**Reasons for comment:**

**Comments:** Hi Mr Duffy we had a back extension built over 10 years ago with no access or entry problems or comments from neighbours



I represent my mother, Mrs Isobel Neeson, 74 Hunthill Road Blantyre. She has already given objections and this document gives further information on the failure of the application to meet statutory requirements. These relate to the proposed entry from Hunthill Road.

It should be noted that the drawing LO1 submitted with the application earlier this year and in August is misleading in that it shows the boundary with Number 43 Hunthill Road on the wrong line. The boundary between Nos 43 and 45 is a stone wall approximately 1.1m high and is the property of No 43. This drawing should be withdrawn.

Note that the effect of a correction to show the wall will nullify the statement made on the drawing '120 x 2.5m visibility splay easily achievable' (although it is unclear what this statement actually means). The stone wall is on plan 'in the way' and is too high to satisfy requirements.

There are two requirements applicable to visibility splays and each is described in the document *Planning for small developments TRANSPORT SCOTLAND*. Neither of these are shown on the applications as being complied with. Note that the application is for more than one house to be accessed from the public road.

The example on page 5 of the document requires a 70m splay up and down Hunthill Road, whereas the maximum splay, on the plans (as corrected) would appear to be less than 4m when the 4.5m X-dimension is applied.

The example on page 6 of the document (designed to protect pedestrians) cannot be complied with either on plan or when wall heights measured to driveway levels (the driveway is lower than the road carriageway) are applied.

Should the standards of the Transport Scotland document not be met but approved by South Lanarkshire Council then my mother has the option to appeal to the Scottish Government.

5<sup>th</sup> October 2020

Mr Alex Neeson.

## Dewar, Katrina

---

**From:** Dewar, Katrina  
**Sent:** 08 October 2020 17:37  
**To:** Dewar, Katrina  
**Subject:** [REDACTED] 45 Hunthill road p/20/1115  
**Attachments:** 45 Hunthill Road.docx

Sent from my iPhone

Begin forwarded message:

**From:** Alex Touchrecords [REDACTED]  
**Date:** 5 October 2020 at 19:17:38 BST  
**To:** [REDACTED]  
**Subject:** Fwd: 45 Hunthill road p/20/1115

Sent from my iPhone

[REDACTED]

[REDACTED]

## **Appendix 3**

3e

**Site photographs and location plan**



Photo 1



Photo 2

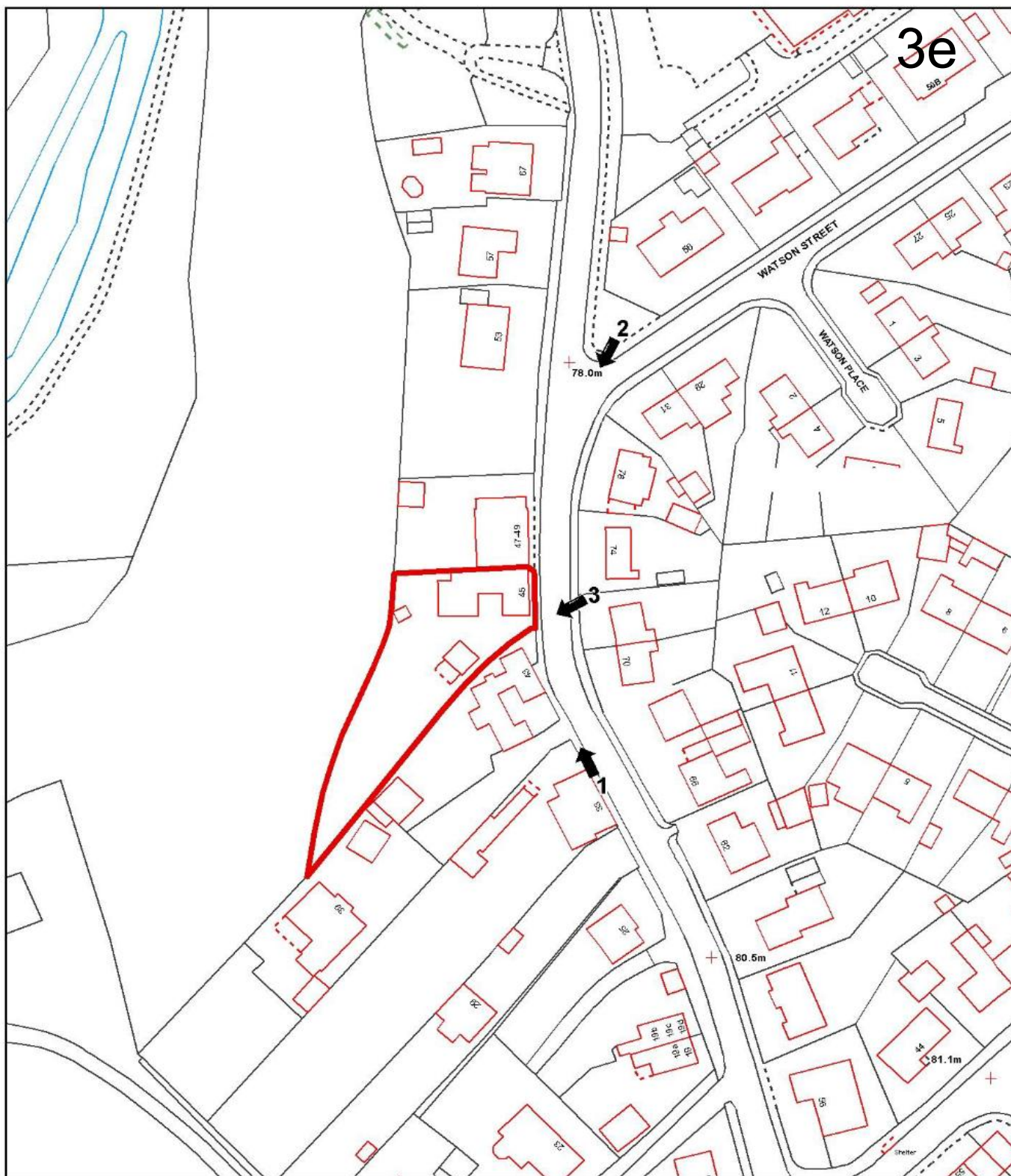


Photo 3





**Planning Review for application P/20/1115 - 45 Hunthill Road, Blantyre G72 9SR**  
**Location of photographs**



This map indicates from where photographs were taken

-  Application site
-  Photograph viewpoints
-  Settlement Boundary

**Community and Enterprise Resources  
 Planning and Economic Development**



Scale: 1:1,250

Date:

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O:\Enterprise\Planning\Local Planning\PLRB Notice of Review Maps



## **Appendix 4**

3f

### **Planning Decision Notice and Reasons for Refusal**





3f

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

Alan McEwan  
McEwan Designs  
99 Philips Wynd  
Hamilton  
ML3 8PH

Our Ref: P/20/1115  
Your Ref:  
If calling ask for: Murray Reid  
Date: 29 January 2021

Dear Sir/Madam

**Proposal:** Erection of detached dwellinghouse  
**Site address:** 45 Hunthill Road, Blantyre, G72 9SR,  
**Application no:** P/20/1115

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](http://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 Murray Reid on 01698 453625

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 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 [murray.reid@southlanarkshire.gov.uk](mailto:murray.reid@southlanarkshire.gov.uk) Phone: 01698 453625



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 & Mrs Maurice Duffy**

Per: **Alan McEwan**

**45 Hunthill Road, Blantyre ,  
G72 9SR,**

**99 Philips Wynd, Hamilton,  
ML3 8PH,**

With reference to your application received on **26.08.2020** for planning permission under the above mentioned Act:

**Description of proposed development:**

**Erection of detached dwellinghouse**

**Site location:**

**45 Hunthill Road, Blantyre, G72 9SR,**

---

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: 29th January 2021

**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/20/1115

#### **Reason(s) for refusal:**

01. The proposal is contrary to Policy 4 of the adopted South Lanarkshire Local Development Plan and Policy DM3 of the associated Development Management, Placemaking and Design Supplementary Guidance in that the proposed house plot would not integrate satisfactorily with local context and built form and the development of the plot would adversely impact on the layout and design of the existing streetscape.
02. The proposal is contrary to Policy 6 of the adopted South Lanarkshire Local Development Plan and Policy DM3 of the associated Development Management, Placemaking and Design Supplementary Guidance in that the proposed house plot would not relate satisfactorily with adjacent and surrounding properties, and if approved would have a detrimental impact on the character and amenity of the area.
03. The proposal is contrary to Policy 6 of the adopted South Lanarkshire Local Development Plan and Policy DM3 of the associated Development Management, Placemaking and Design Supplementary Guidance in that the proposed shared driveway access width does not comply with minimum standards required by Roads and Transportation Services and therefore the applicant has failed to demonstrate that two-way vehicle movements can be accommodated within the access, to the detriment of pedestrian and vehicular safety.
04. The proposal is contrary to Policy DM3 of the Development Management, Placemaking and Design Supplementary Guidance associated with the adopted South Lanarkshire Local Development Plan in that the proposed house would not be in keeping within the established pattern of development in the immediate surrounding area. Furthermore, the proposed house would not retain a proper road frontage of comparable size and form to surrounding curtilages.
05. The proposal is contrary to Policy 3 of the proposed South Lanarkshire Local Development Plan 2 in that the proposed house plot would not relate satisfactorily with adjacent and surrounding properties, and if approved would have a detrimental impact on the character and amenity of the area.
06. The proposal is contrary to Policy 5 of the proposed South Lanarkshire Local Development Plan 2 in that the proposed house plot would not integrate satisfactorily with local context and built form and the development of the plot would adversely impact on the layout and design of the existing streetscape.
07. The proposal is contrary to Policy 6 and DM3 of the proposed South Lanarkshire Local Development Plan 2 in that the proposed shared driveway access width does not comply with minimum standards required by Roads and Transportation Services and therefore the applicant has failed to demonstrate that two-way vehicle movements can be accommodated within the access, to the detriment of pedestrian and vehicular safety.
08. The proposal is contrary to Policy DM3 of the proposed South Lanarkshire Local Development Plan 2 in that the proposed house, would not be in keeping within the established pattern of development in the surrounding area. Furthermore, the proposed house would not retain a proper road frontage of comparable size and form to surrounding curtilages.

**Reason(s) for decision**

The proposal is contrary to Policies 4, 6 and DM3 of the adopted South Lanarkshire Local Development Plan 2015 and Policies 3, 5 and DM3 of the Proposed South Lanarkshire Local Development Plan 2 and there is no justification for a departure from policy.

## Notes to applicant

**Application number: P/20/1115**

### 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:

<b>Reference</b>	<b>Version No:</b>	<b>Plan Status</b>
Location Plan		Refused
L01		Refused
L02		Refused
Floor plans		Refused
Elevations		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](mailto: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**

3g

**Notice of Review (including Statement of Reasons for Requiring the Review) submitted by applicant Mr Maurice Duffy**



# NOTICE OF REVIEW

3g

Under Section 43A(8) Of the Town and Country Planning (SCOTLAND) ACT 1997 (As amended) In Respect  
of Decisions on Local Developments  
The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND)  
Regulations 2013  
The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

**IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.**

**PLEASE 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 & Mrs	Ref No.	
Forename	MAURICE	Forename	
Surname	DUFFY	Surname	
Company Name	n/a	Company Name	
Building No./Name	45	Building No./Name	
Address Line 1	HUNTHILL RD	Address Line 1	
Address Line 2	BLANTYRE	Address Line 2	
Town/City	GLASGOW	Town/City	
Postcode	G72 9SR	Postcode	
Telephone	#	Telephone	
Mobile		Mobile	
Fax		Fax	
Email	#	Email	

3. Application Details	
Planning authority	SOUTH LANARKSHIRE
Planning authority's application reference number	P20/1115
Site address	45 HUNTHILL RD BLANTYRE
Description of proposed development	ERECTION OF DETACHED DWELLING HOUSE

#

#

#

Date of application

26 AUG 2020

Date of decision (if any)

29 JAN 2021

Note. This notice must be served on the planning authority within three months of the date of decision notice or from the date of expiry of the period allowed for determining the application.

**4. Nature of Application**Application for planning permission (including householder application) ☒Application for planning permission in principle ☐Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition) ☐Application for approval of matters specified in conditions ☐**5. Reasons for seeking review**Refusal of application by appointed officer ☒Failure by appointed officer to determine the application within the period allowed for determination of the application ☐Conditions imposed on consent by appointed officer ☐**6. 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.

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

Further written submissions ☐One or more hearing sessions ☐Site inspection ☒Assessment of review documents only, with no further procedure ☐

If you have marked either of the first 2 options, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary.

**7. Site inspection**

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

Can the site be viewed entirely from public land? ☐Is it possible for the site to be accessed safely, and without barriers to entry? ☒

#

#

#

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

#### 8. Statement

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. **Note:** you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

THERE ARE SEVERAL PROPERTIES WHICH ARE SIMILAR TO OUR REQUEST FOR PLANNING NOTABLY THE PROPERTY TWO DOORS UP AT NO 43 THERE ARE ALSO FOUR/FIVE OTHER PROPERTIES UP HUNTHILL LANE AND ALSO A LARGE PIGEON SITE AT THE REAR. THERE ARE TWO NEW SITES ALSO BEEN GIVEN RECENTLY ONE BEING SHOT HOUSE HIGH BLANTYRE FOR 5 DETACHED HOUSES WITH ONE ENTRANCE ON A B ROAD. THE OTHER SITE IN QUESTION IS THE PLANNING BEHIND THE DOONIN PUB AGAIN ITS A B ROAD WITH A REAR SITE. 45 BEING OUR PROPERTY HAS A NARROW ENTRANCE SIMILAR IN WAYS TO THE ABOVE PROPERTIES ALSO ITS A B ROAD HOWEVER IT HAS 360 DEGREE VISABILITY EITHER LOOKING LEFT OR RIGHT WE WOULD ALSO HAVE A HOLDING AREA FOR CARS AND WALKING SPACE FOR PEDESTRIANS.

Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes ☒ No ☐

If yes, please explain below a) why you are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

WE ARE NOW RAISING THESE MATTERS NOW FOR THE ABOVE SITES AS THEY HAVE BEEN AWARDED PLANNING FOR SHOT HOUSE HIGH BLANTYRE AND DOONIN SITE BROOMPARK RD WE NOW FEEL WE HAVE A VERY SIMILAR CASE AND WOULD WELCOME A REVIEW.

### 9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

WE HAVE ALREADY SUBMITTED EXISTING PLANS AND AMENDED PLANS  
SHOWING HOLDING AREA FOR CARS AND ELECTRIC GATES IF REQUIRED

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

### 10. Checklist

Please mark the appropriate boxes to confirm that you have provided all supporting documents and evidence relevant to your review:

Full completion of all parts of this form



Statement of your reasons for requesting a review



All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.



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 conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

### DECLARATION

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature:

#

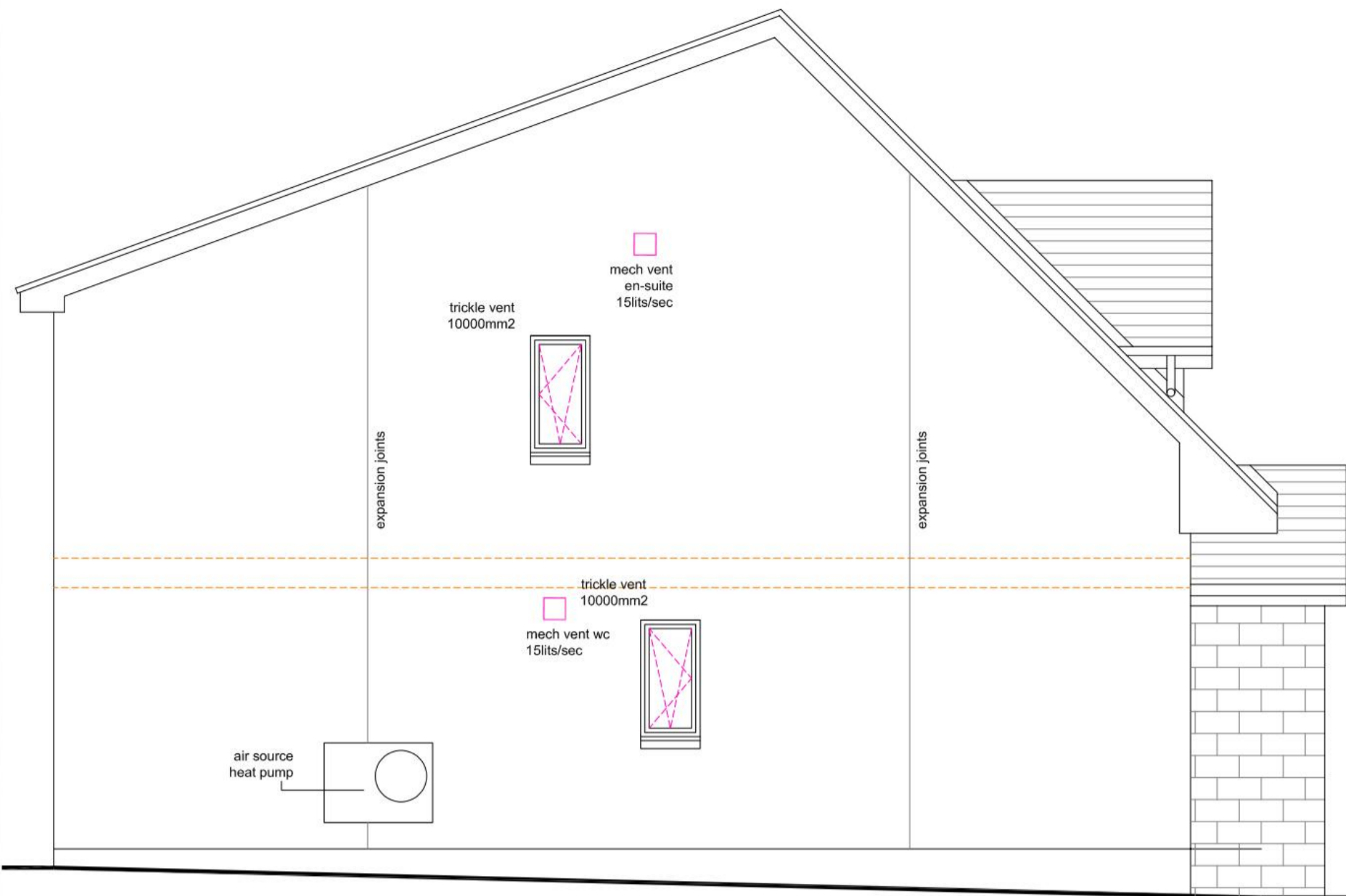
Name:

MR + MRS M. DUFFY

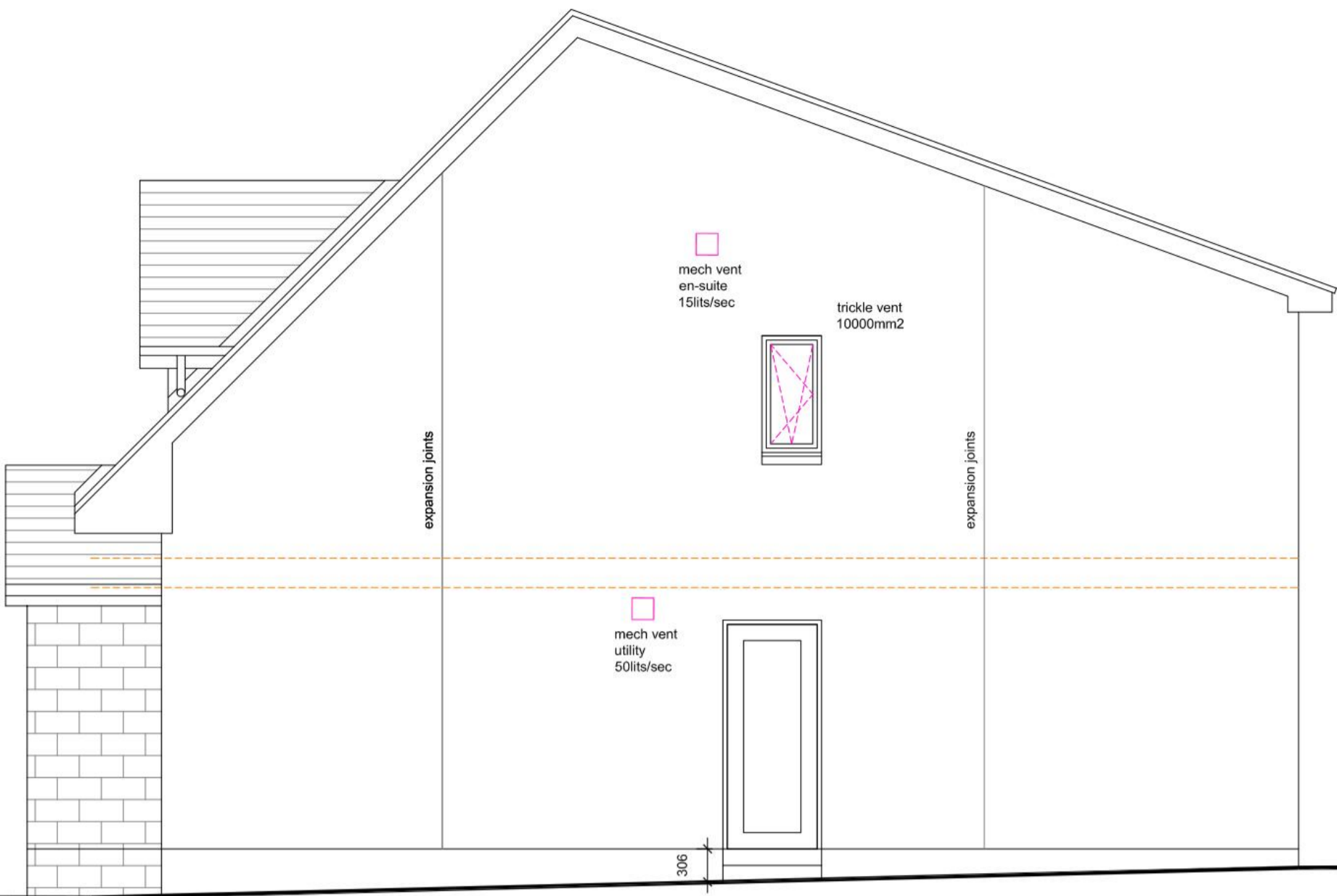
Date:

15/02/21

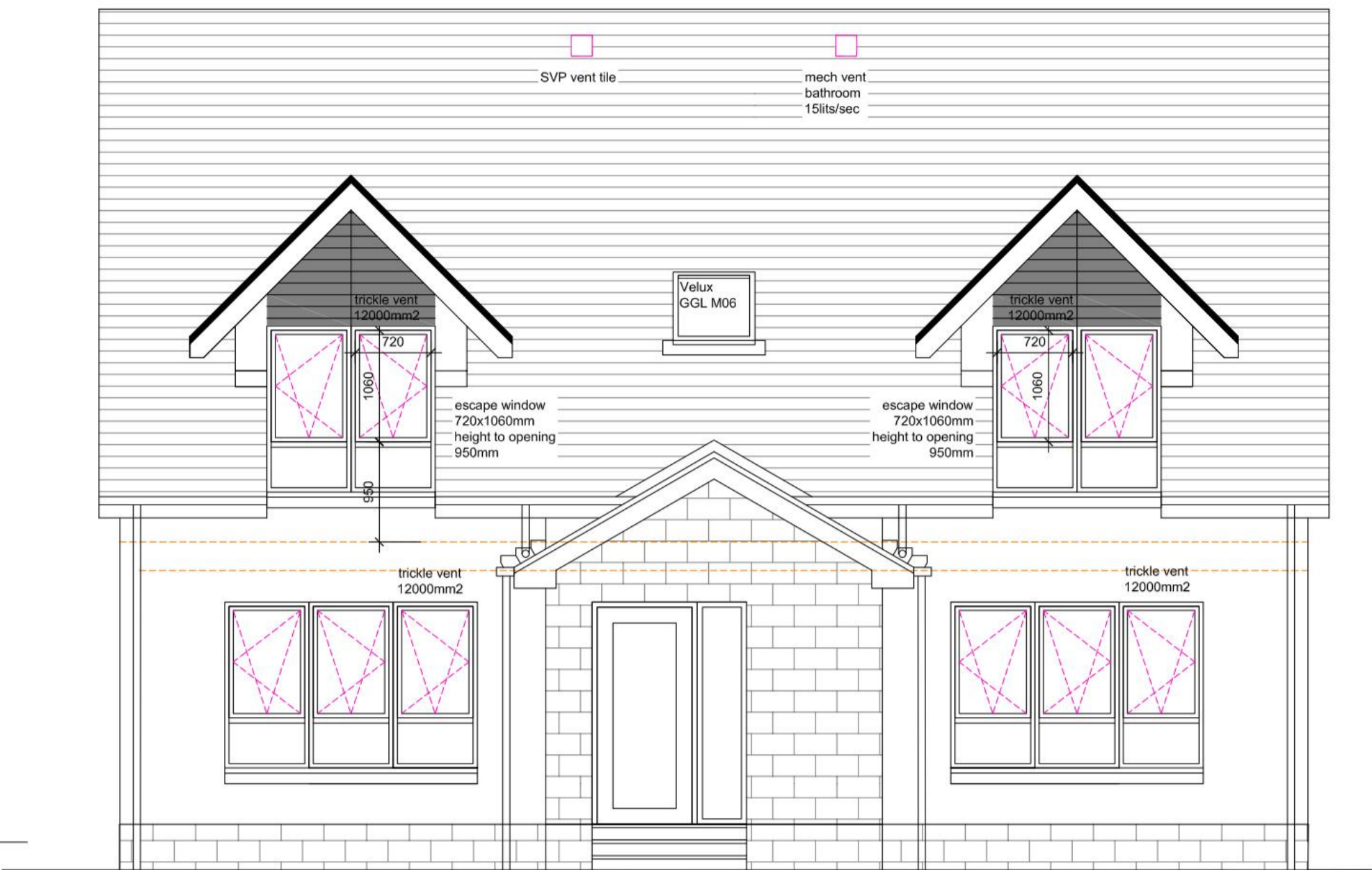
Any personal data that you have been asked to provide on this form will be held and processed in accordance with the Data Protection Legislation.



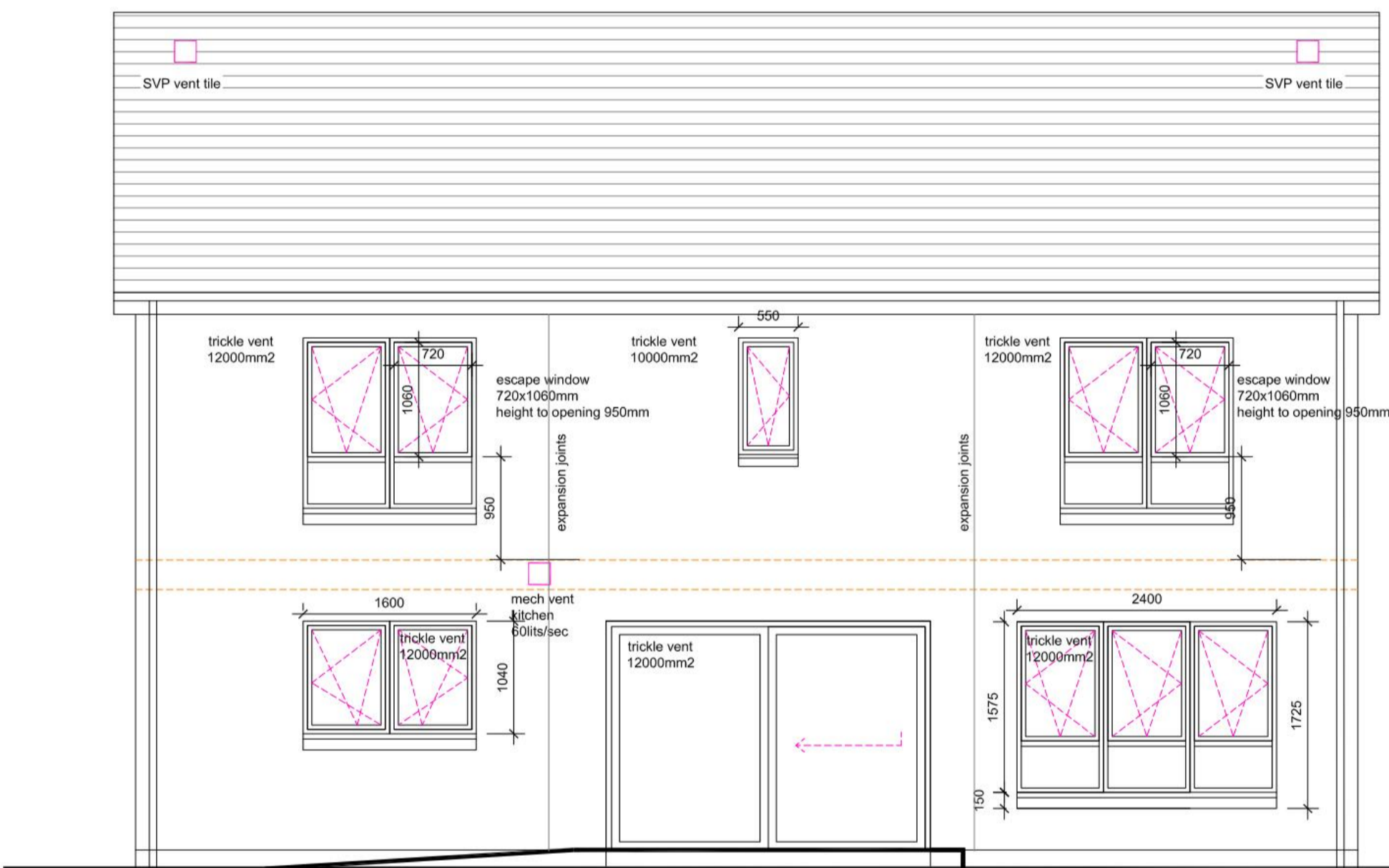
LEFT ELEVATION



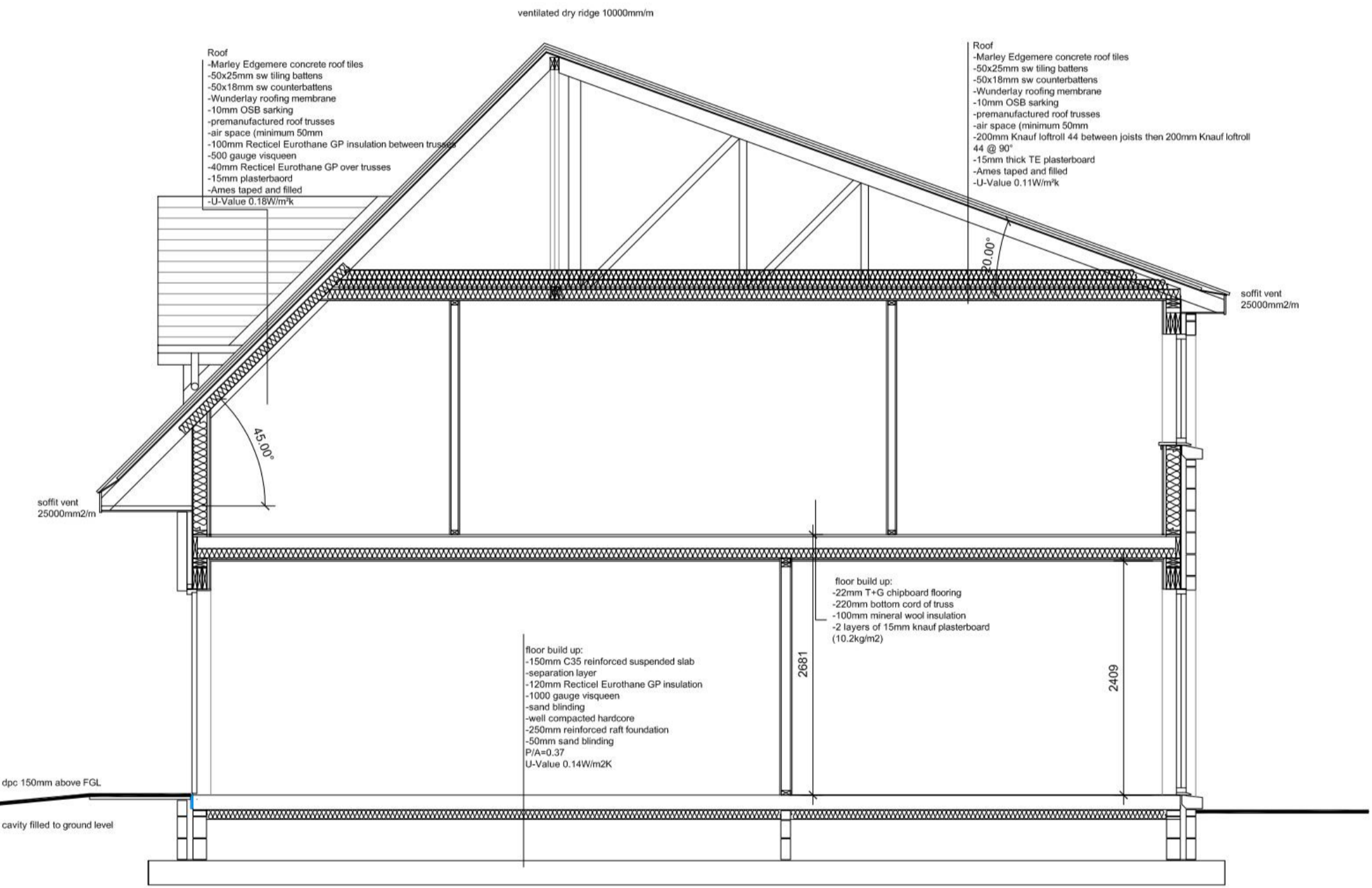
RIGHT ELEVATION

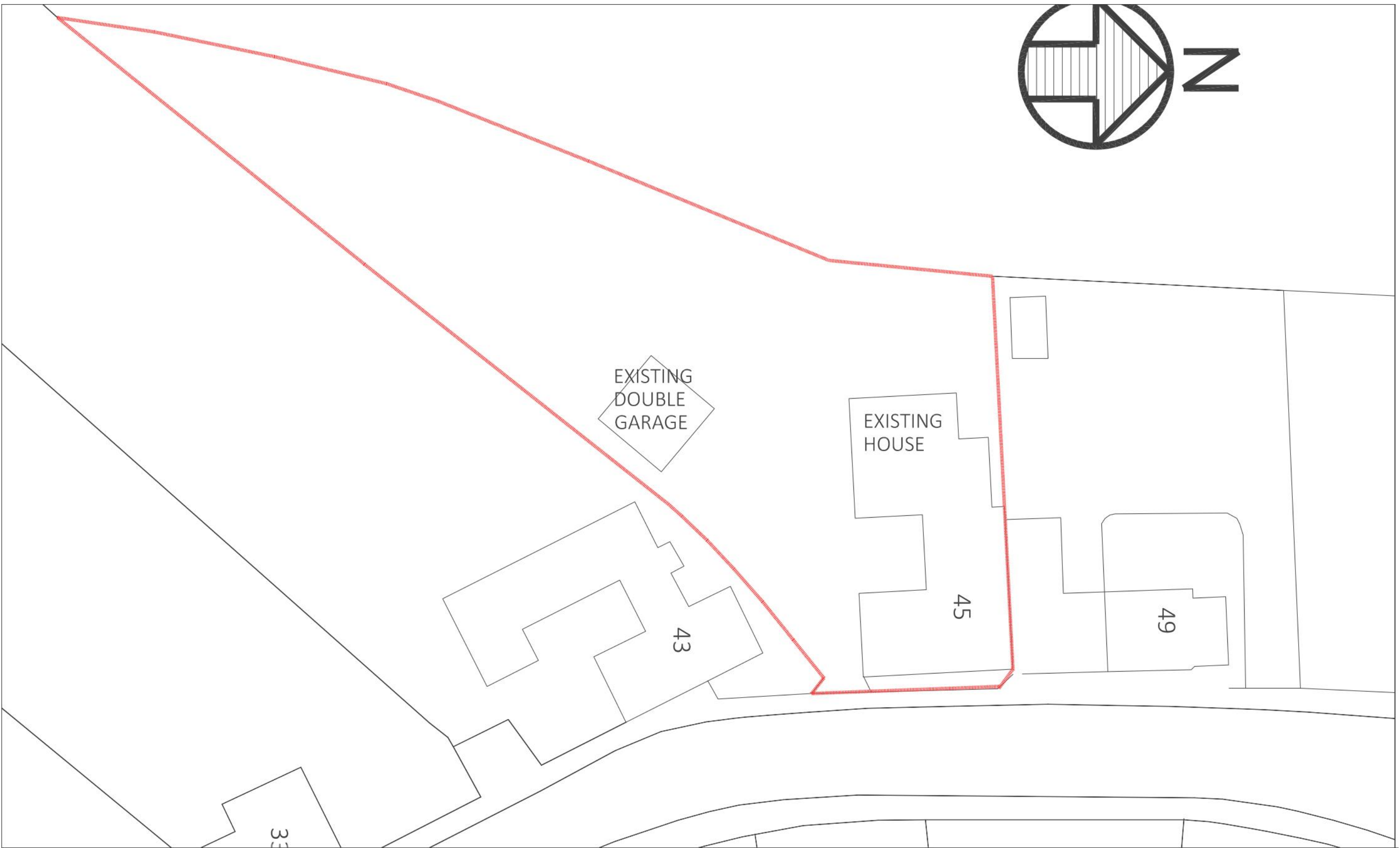
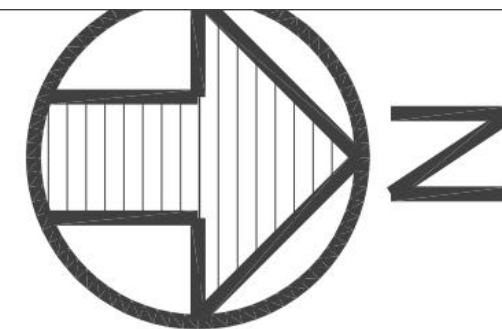


FRONT ELEVATION

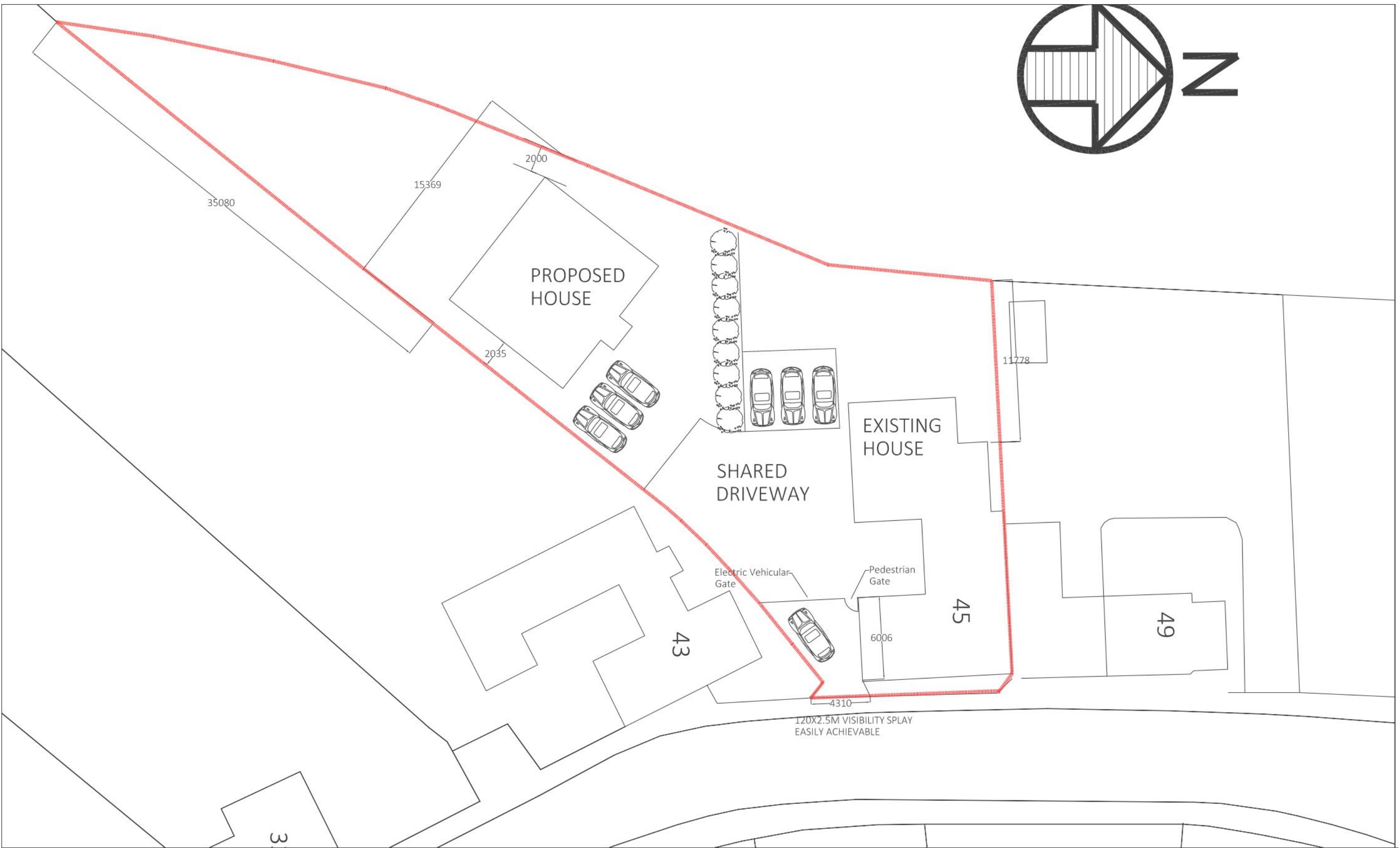
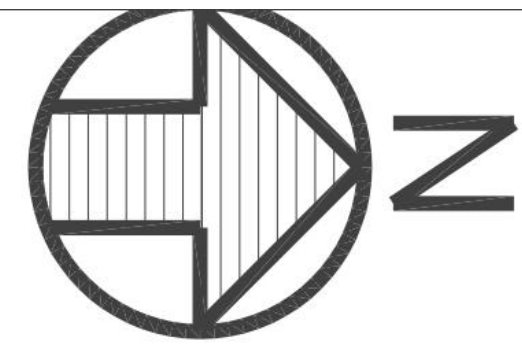


REAR ELEVATION









ARCHITECTURAL SERVICES  
99 PHILIPS WYND  
WELLHALL GRANGE  
HAMILTON ML3 8PH  
tel 07931871892/ 01698284194  
web : mcewandesigns.com  
e-mail : mcewandesigns@btinternet.com

project title:  
Mr & Mrs Duffy  
45 Hunthill Road  
Blantyre

drawn <b>Alan McEwan</b>	checked
1:250@ size A3 scale	<b>MARCH 2019</b> date
drawing title <b>PROPOSED SITE PLAN</b>	

job number	rev. .
drawing no. <b>L01</b>	date

# Appendix 6

3h

## Further Representations

### Further Representation From

- ◆ Statement of Observations from Planning Officer on Applicant's Notice of Review
- ◆ Mr Alex Neeson on behalf of Mrs Isobel Neeson
- ◆ Mr Neil MacTaggart



**Statement of Observations**

**Planning appeal - Erection of detached dwellinghouse (P/20/1115).**

**1 Planning Background**

- 1.1 Mr. and Mrs. Maurice Duffy submitted a planning application (reference: P/20/1115) on 26 August 2020 to South Lanarkshire Council for the erection of a detached dwellinghouse at 45 Hunthill Road, Blantyre, G72 9SR. After due consideration of the application in terms of the Development Plan and all other material planning considerations, planning application P/20/1115 was refused by the Council under delegated powers on 27 January 2021 for the reasons listed in the decision notice.
- 1.2 The report of handling dated January 2021 explains in detail all material planning considerations and the reasons/justification for the decision. The reasons for refusal are listed in the decision notice which along with the Report of Handling are available elsewhere in the papers accompanying the Notice of Review.

**2 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 The development plan in this instance comprises the Adopted South Lanarkshire Local Development Plan (2015) and its associated supplementary guidance. The provisions of the Clydeplan, the Strategic Development Plan, are not applicable given the nature and scale of the proposal (now appeal).
- 2.3 The appeal site is located within a general urban area/settlement in terms of the Local Development Plan and is covered by a number of policies which are set out within the report of handling. In this regard of particular relevance are Policy 6 – General Urban Areas/Settlements - which states inter alia, that residential development may be acceptable, provided they do not have a significant adverse effect on the amenity and character of the area. Policy 4 – Development Management and Placemaking complements this requiring all development proposals to take account of and be integrated with the local context and built form.
- 2.4 In addition to the above Policies, further guidance is set out within the approved Supplementary Guidance on Development Management and Placemaking (Policy DM3 Sub-division of Garden Ground.) Again this policy supports and

supplements the aims of Policy 6. In particular and of significant importance to this appeal is Policy DM3 which advises that new houses within the curtilage of an existing house will be considered favourably where it can be demonstrated that the proposed house is of a scale, massing and design sympathetic to the character of the area and does not result in a development that appears cramped, visually intrusive or which is so out of character that it is harmful to the amenity of the area. It also requires that the properties should have a proper road frontage of comparable size and form to surrounding curtilages.

- 2.5 On 17 August 2020 the Directorate for Planning and Environmental Appeals issued its report of the Examination of the proposed South Lanarkshire Local Development Plan 2. A number of amendments to policy were recommended which have been carried through to the adoption stage. For the purposes of determining the planning application the Council assessed the proposal against the policies contained within the proposed South Lanarkshire Local Development Plan 2 alongside the Reporters amendments. As the SLLDP2 is now approved for adoption, when considering application P/20/1115 and any related appeal, greater weight must be given to the policies and guidance contained in this Plan. The proposed application was considered against the relevant policies in the proposed Local Development Plan 2 and it was noted that these policies were broadly consistent with the South Lanarkshire Local Development Plan.
- 2.6 As part of the planning application process, consultations were undertaken and statutory neighbour notification was carried out. In response 3 letters of objection were received. These consultation responses and objections were material to the assessment of the application and provide a broad illustration of the views held by neighbours adjoining the site and the concerns of the Roads department. The Report of Handling concisely summarises the issues raised and provides an appropriate planning response.

### **3 Observations of applicants 'Notice of Review'**

- 3.1 The appellant has commented that there are several properties similar to their planning application. In particular the appellant highlights the property at 43 Hunthill Road, Blantyre and other properties at Hunthill Lane, Blantyre. In addition the appellant highlighted that planning consent has been granted for a dwellinghouse behind the Doon Inn public house at 93 Broompark Road, Blantyre and for dwellinghouses at Shott House, Hamilton Road, Blantyre, both of which gain access from B classified roads. The appellant considers that their property which has a narrow entrance (approximately 4.13 metres wide) off a B road with good visibility is similar in ways to these properties and that this justifies the issue of consent.

### **Council's Response to Appellants comments on refusal:**

- 3.2 Firstly it is important to highlight that in the submitted 'Notice of Review' and accompanying documentation the appellant has failed to provide any detail or justification for why they consider their proposed development complies with the relevant policies of the development plan. Compliance with the development plan is a fundamental consideration when determining planning applications. Indeed planning law requires all planning proposals to comply with development plan policies.
- 3.3 The appellant suggests that the physical characteristics and nature of their proposal provides them with a 'similar case' to the sites that they have referred to. This cannot be substantiated in planning terms as all of the sites referred to by the applicant were acceptable from a roads engineering perspective and complied with development plan policy.
- 3.4 Roads and Transportation Services were unable to support the appellant's proposal because the proposed shared driveway access width (approximately 4.13 metres) did not comply with minimum standards and therefore the applicant failed to demonstrate that two-way vehicle movements can be accommodated within the access. On this basis it was considered that the appellant's proposal would have an adverse impact on pedestrian and vehicular safety. Similar concerns regarding the impact of the appellant's proposal on road safety were highlighted in two of the neighbour's objection letters to the associated planning application.
- 3.5 Planning consent was granted in 2005 (HM/05/0447) for the dwellinghouse at 43 Hunthill because the site was being used for the storage of caravans which was a non-conforming use. The local plan considerations were also different at that time. Notwithstanding the different local plan considerations the current proposal requires to be assessed against current policy which the appellant's proposal is contrary to.
- 3.6 Planning consent (P/19/1684) was granted for the erection of a dwellinghouse and detached double garage at the Doon Inn public house, 93 Broompark Road, Blantyre. The site has a road frontage of approximately 40 metres onto Watson Street (which is a private road) therefore the physical characteristics are very different from the appellants site which has a narrow entrance of approximately 4.13 metres.
- 3.7 Planning consent (HM/17/0282) was granted for the erection of 4 detached dwellings with associated detached garages at Shott House. Again the physical characteristics of this site are different from the appellant's site. This development involved the creation of a new road providing the proposed dwellinghouses with appropriate frontages/access.

- 3.8 The Council contends that the appellant's examples do not provide a justification for their current proposal. The appellant and appointed agent were advised several times at pre-application stage including meetings with various officers of the Council (and during the processing of a previously withdrawn planning application) that their proposal was contrary to development plan policy and that various sites which they referred to that had been developed or had planning consent provided no justification for their proposed development.
- 3.9 It is well established that every planning application must be assessed individually on its own merits. In terms of the other proposals highlighted by the appellant these are assessed in terms of the sites location, context and physical character. Seldom, if ever, are two sites identical even within the same settlement/area. The applications referred to were not identical and were assessed on their merits on the basis of the information submitted. Relevant policy was considered and it was determined that these applications were acceptable. That said even if it was accepted that poor judgement had been exercised previously this does not automatically mean that it should be repeated.

#### **4 Conclusion**

- 4.1 As required by planning law, application P/20/1115 has been assessed in terms of the development plan and all other material considerations. In this respect the report of handling provides a detailed summary of all relevant considerations and a reasoned justification as to why the appeal proposal does not accord with Local Development Plan policy.
- 4.2 In very simplistic terms, the introduction of a dwellinghouse at this location is contrary to development plan policy. The proposed dwellinghouse would not provide an appropriate road frontage of comparable size reflective of surrounding curtilages, a pre-requisite of Policy DM3. Additionally it would also have a substandard access contrary to the requirements of Roads and Transportation Services. Policy DM3 also requires that both the proposed and remaining plots are sympathetic to the character and pattern of development in the area and do not result in a development that appears cramped, visually obtrusive or be of an appearance that is harmful to the character and amenity of the area. In this connection it must be emphasised that the proposed dwellinghouse is a form of backland development which would generally be alien to the established character and pattern of development in the immediate area.
- 4.3 From a planning point of view it is clear that the proposed development raised significant concerns in terms of the impact on the amenity and character of the area and surrounding properties and in terms of road safety. The application failed to comply with policy requirements of both the adopted Local

Development Plan and the proposed replacement Plan. There are no other material planning considerations that outweigh the Development Plan policies and the reasons for refusal are sound, clear cut and merit support in planning terms.

- 4.4 Given the above, it is respectfully requested that the Planning Local Review Body dismiss the applicants request to overturn the refusal of planning permission.



**From:** Alex Touchrecords [REDACTED]  
**Sent:** 11 March 2021 22:53  
**To:** McLeod, Karen <Karen.McLeod@southlanarkshire.gov.uk>  
**Subject:** Re: Planning Local Review Body -26 Hunthill Road, Blantyre G72 9SR

3h

Dear sirs,

PLRB regarding P/20/1115

Proposal, erection of detached dwelling house at 45 Hunthill Road, Blantyre G72 9SR.

The decision regarding this planning application was made under delegated powers and the decision was application refused.

We were informed that the reasons for this decision were as follows:-

The proposal is contrary to policies 4, 6 and DM 3 of the adopted south Lanarkshire local development plan 2015,

Also,

And policies 3, 5 and DM 3 of the proposed south lanarkshire local development plan 2.

And there is no justification for a departure from policy.

Nothing has changed from the initial planning proposal regarding visibility to the left and right of number 45 Hunthill Road drive way and as such cannot meet the statutory requirements regarding visibility. This due to a wall at the front of number 43 Hunthill Road, blocking any visibility to the road carriageway to the right as you come out of the property. There is also a wall in front of number 45 and also restricts visibility to the left of the property of number 45 and also doesn't meet the statutory requirements regarding visibility for both pedestrians and road users alike.

We have made these representations in our objections in the initial proposed planning application which has been rejected due not meeting the above south lanarkshire council statuses noted above.

Also number 45 driveway slopes from the pavement in to number 45 until road, which also means that any vehicles coming out of number 45 are unable to see up and down Hunthill Road in any way at all, making leaving the property dangerous and also there isn't enough space for large vehicles to gain access to the rear of number 45 Hunthill Road, which would cause immense disruption to the vehicles using an already extremely busy road, as any supply's or materials would have to be delivered on the roadside.

We have mentioned all these points in our original correspondence but feel it's important to reiterate all these points here and if nothing has changed and the status cannot be met, then it means that the original decision should stand under these conditions.

Many thanks,

Mrs Isobel Neeson,

c/o Mr Alex Neeson.

[REDACTED]



From: Neil MacTaggart [REDACTED]  
Sent: 12 March 2021 07:24  
To: McLeod, Stuart <Stuart.McLeod@southlanarkshire.gov.uk>  
Cc: McLeod, Karen <Karen.McLeod@southlanarkshire.gov.uk>; Reid, Murray  
<Murray.Reid@southlanarkshire.gov.uk>  
Subject: Planning application P/20/1115 45 Hunthill rd.

3h

Dear Stuart

I would just like to re-inforce my previous statement, I have no real objection for house being built on 45 Hunthills land. I would like to make it clear that I will not be giving any of my land or making any alterations to the dividing wall that is contained within my land, and detailed on my title deeds.

In previous conversations with Mr Murphy, he seems to be under the impression that this wall could be on his land, but clearly shows on my title deeds this is not the case, and since I have resided there I have been responsible for all maintenance of this wall.

And from letter contained within title deeds from previous owner, stated he was responsible for maintenance of this boundary while he lived at 43 Hunthill rd. Previously the front part of 45 Hunthill rd., had alterations carried out, which comprised of lifting roof to give bedroom space in loft area, was the gable end moved or strengthened at this point increasing foot print of house?

If there is a discrepancy in measurement between 45 Gable end and my wall, maybe this could be the reason. I also would like to think if council give permission for this project to go ahead, they are aware that they have increased the flow of traffic leaving and entering 45 Hunthill on this bad bend by 100%, in turn increasing likelihood of accident by 100%

To control this I would hope the council would consider installing speed bumps, to slow traffic at this point, as a mitigation for the increased risk.

Best Regards

Neil MacTaggart



# Appendix 7

3i

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



**From:** maurice [REDACTED]  
**Date:** 25 March 2021 at 15:58:58 GMT  
**To:** "McLeod, Stuart" <[Stuart.McLeod@southlanarkshire.gov.uk](mailto:Stuart.McLeod@southlanarkshire.gov.uk)>  
**Subject:** Re: Email 1/2 - Planning Local Review Body - NOR/HM/21/001 - 45 Hunthill Road, Blantyre

Dear Mr Stuart McLeod

Regarding and replying to the recent email dated 24th March 2021 with regards to our notice of review and comments made by Neighbours Mr Neil Mactaggart 43 Hunthill rd and Mrs Isobel Neeson 74 Hunthill rd

Mr Neil Mactaggart

A/ Owners of 45 Hunthill rd are Mr&Mrs Duffy and not called Murphy

B/ Mr Mactaggart states categorically that per title deals, the wall is on his land and therefore his responsibility to maintain, Only in the last two weeks has he adopted this as the said wall has been crumbling into our drive

C/ Regarding alterations carried out to front part of 45 Hunthill rd/lifting of the roof to give bedroom space. To our knowledge and believe no work has been done as according to the Title Deeds there are also photographs dating back over 100 years showing the Gable wall in situ and also the dormers [see pic enclosed ]

At no time was the Gable endwall moved this increasing the footprint. Was it therefore the case that the dividing wall between properties is encroaching.

Two independents have surveyed basically stating the wall is encroaching on our driveway.

D/ Comments regarding increased traffic entering and leaving 45 Hunthill Road. There are only 3 adults living here with one car, this does not account for 100% increase?!

Mr MacTaggart's concerns should perhaps be for the traffic to and from their own premises, which does not have full visibility to the left neither to the right, and also to the noise level from the premises.

Mrs Neeson, to allay any concerns of visibility enclosed are photographs showing exit from 45 Hunthill Road. The visibility is very clear to left of right to road of driveway. She has a parking condition agreed to prevent any parking across her driveway which would be fully be adhered to by all concerned parties for the proposed works/deliveries.

[REDACTED]

Please see email 2/2 for enclosed photographs.

Kind Regards

Mr and Mrs Duffy











## Millardale, Hunthill Road

 paulveverka  June 6, 2020  Blantyre Buildings

 Comments



**Millardale** – this contemporary house and garden was one of the original thatched weaving cottages of Hunthill. Located at 45 Hunthill Road, it was in recent decades home to the McLean family and is today well kept next door to the Weavers Gallery. The name appears to be derived from the Millar family who lived there prior to WW1, and notably missing from the 1905 valuation roll and before, may have been called something else prior to that date. In 1915, Agnes Millar of Glasgow owned the cottage and was letting it out to Andrew S. Shaw, an enginekeeper for £14 per annum. Andrew Shaw



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**Millardale** – this contemporary house and garden was one of the original thatched weaving cottages of Hunthill. Located at 45 Hunthill Road, it was in recent decades home to the McLean family and is today well kept next door to the Weavers Gallery. The name appears to be derived from the Millar family who lived there prior to WW1, and notably missing from the 1905 valuation roll and before, may have been called something else prior to that date. In 1915, Agnes Millar of Glasgow owned the cottage and was letting it out to Andrew Shaw an enginekeeper for £14 per annum. Andrew Shaw continued to rent the cottage until after WW2.

Anne Ellis, who shared this great photo told me recently, *"My gran and grandpa Shaw bought it and then dad bought it from them. Dad also bought the adjoining two houses which became after the tennents passed away my dads parents house and my shop. I would say this is in the 20's as my gran was bored and since my papa was out in South Africa teaching engineering in the mines I believe. Gran also had a chip shop in low Blantyre and also owned the tenement next to the Livingstone Memorial Church seemed to be a bit of an entrepreneur in her day"*

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The stone built cottage has been slated for much of the 20<sup>th</sup> Century and still is, but was originally thatched. The door opens out on to Hunthill Road and early hedgerows at the pavement have long since given way to a stone wall. The stone gateposts have been repositioned back from the road against the cottage itself. Millardale was a shop in this era and in the mid 20<sup>th</sup> Century. Today, this is still a desirable extended home.

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