



Council Offices, Almada Street  
Hamilton, ML3 0AA

Friday, 14 August 2020

Dear Councillor

## **Planning Local Review Body**

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

**Date:** Monday, 24 August 2020  
**Time:** 10:30  
**Venue:** By Microsoft Teams and Committee Room 1,

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

Yours sincerely

**Cleland Sneddon**  
**Chief Executive**

### **Members**

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

### **Substitutes**

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

## BUSINESS

### 1 Declaration of Interests

- 2 **Minutes of Previous Meeting** 5 - 8  
Minutes of the meeting of the Planning Local Review Body held on 22 June 2020 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/19/0890 for Partial Demolition of House, Erection of Extension, Including New Roof and Erection of House at 2 Holm Avenue, Uddingston** 9 - 12  
Report dated 10 August 2020 by the Executive Director (Finance and Corporate Resources). (Copy attached)
- 3a **Appendix 1 Planning Application Form** 13 - 20
- 3b **Appendix 2(a) Report of Handling** 21 - 34
- 3c **Appendix 2(b) Consultation Responses** 35 - 44
- 3d **Appendix 2(c) Representations** 45 - 56
- 3e **Appendix 3 Site Photographs and Location Plan** 57 - 76
- 3f **Appendix 4 Planning Decision Notice and Reasons for Refusal** 77 - 84
- 3g **Appendix 5 Notice of Review** 85 - 102
- 3h **Appendix 6 Further Representations** 103 - 116
- 4 **Review of Case P/18/1478 for Change of Use and Alteration of Agricultural Shed to Form House and Erection of Domestic Garage at Land 108 Metres West of Quarry Cottage, A726 from East Kilbride to Chapelton, Chapelton, Strathaven** 117 - 120  
Report dated 11 August 2020 by the Executive Director (Finance and Corporate Resources). (Copy attached)
- 4a **Appendix 1 Planning Application Form** 121 - 132
- 4b **Appendix 2(a) Report of Handling** 133 - 140
- 4c **Appendix 2(b) Consultation Responses** 141 - 150
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- 4e **Appendix 3 Site Photographs and Location Plan** 155 - 162
- 4f **Appendix 4 Planning Decision Notice and Reasons for Refusal** 163 - 170
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- 4h **Appendix 6 Further Representations** 199 - 206
- 4i **Appendix 7 Applicant's Comments on Further Representations** 207 - 216

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#### Urgent Business

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

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

Clerk Name: Pauline MacRae

Clerk Telephone: 01698 454108

Clerk Email: [pauline.macrae@southlanarkshire.gov.uk](mailto:pauline.macrae@southlanarkshire.gov.uk)





## PLANNING LOCAL REVIEW BODY (PLRB)

2

Minutes of meeting held via Microsoft Teams on 22 June 2020

### Chair:

Councillor Isobel Dorman

### Councillors Present:

Councillor Stephanie Callaghan (*substitute for Councillor David Shearer*), Councillor Maureen Devlin, Councillor Mark Horsham (Depute), Councillor Ann Le Blond, Councillor Kenny McCreary (*substitute for Councillor Alex Allison*), Councillor Davie McLachlan, Councillor Jim Wardhaugh

### Councillors' Apologies:

Councillor Alex Allison, 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

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

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### 1 Declaration of Interests

No interests were declared.

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### 2 Minutes of Previous Meeting

The minutes of the meeting of the Planning Local Review Body held on 1 June 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 - Application P/19/0700 for Erection of One and a Half Storey House and Detached Double Garage at Ardochrig Farm, Ardochrig Road, East Kilbride

A report dated 4 May 2020 by the Executive Director (Finance and Corporate Resources) was submitted on a request for a review of the decision taken by officers, in terms of the Scheme of Delegation, to refuse planning permission for planning application P/19/0700 by E Lauder for the erection of a one and a half storey house and detached double garage at Ardochrig Farm, Ardochrig Road, 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 the applicant's statement of reasons for requiring the review

- ◆ a further submission from an interested party following notification of the request for the review of the case
- ◆ comments from the applicant on the further submission received from the interested party

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

The Planning Adviser:-

- ◆ explained the planning background to the case
- ◆ highlighted that, with regard to the consultation response from the Roads Development Management Team, the required revised plan showing the relocated access had not been submitted
- ◆ advised that the applicant had requested that the PLRB undertake a site visit prior to determining the review

The PLRB noted the applicant's request for a site visit but concluded that it had sufficient information to allow it to proceed to determine the review. The options available to the PLRB were to uphold, reverse or vary the decision taken in respect of the application under review.

In reviewing the case, the PLRB considered:-

- ◆ the information submitted by all parties
- ◆ the relevant policies contained in the Adopted South Lanarkshire Local Development Plan and associated Supplementary Guidance (SG):-
  - ◆ Policy 3 – green belt and rural area
  - ◆ Policy 4 – development management and placemaking
  - ◆ Policy DM1 – design
  - ◆ Policy GBRA6 – consolidation of existing building groups
  - ◆ Policy GBRA8 – new clusters of houses/isolated dwellinghouses
- ◆ the relevant policies contained in the Proposed South Lanarkshire Local Development Plan 2:-
  - ◆ Policy 4 – green belt and rural area
  - ◆ Policy 5 – development management and placemaking
  - ◆ Policy DM1 – new development design
  - ◆ Policy GBRA1 – rural design and development
  - ◆ Policy GBRA9 – consolidation of existing building groups

Following its review of the information and after discussion, the PLRB concluded that the proposed development was contrary to Policies 3 and 4 of the Adopted South Lanarkshire Local Development Plan and Policies GBRA6 and GBRA8 of the associated Supplementary Guidance. It also concluded there were no material considerations that warranted granting planning permission for planning application P/19/0700 contrary to the relevant policies.

**The Committee decided:**

that the decision taken by officers, in terms of the Scheme of Delegation, to refuse planning permission for planning application P/19/0700 by E Lauder for the erection of a one and a half storey house and detached double garage at Ardochrig Farm, Ardochrig Road, East Kilbride be upheld.

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#### **4 Review of Case P/19/1545 for Change of Use of Open Space to Form Additional Garden Ground and Erection of Boundary Fence at 2 Howacre, Lanark**

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A report dated 6 May 2020 by the Executive Director (Finance and Corporate Resources) was submitted on a request for a review of the decision taken by officers, in terms of the Scheme of Delegation, to refuse planning permission for planning application P/19/1545 by C Christison for the change of use of open space to form additional garden ground and the erection of a boundary fence at 2 Howacre, Lanark.

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 received
- ◆ site photographs and location plan
- ◆ decision notice
- ◆ notice of review, including the applicant's statement of reasons for requiring the review
- ◆ further submissions from interested parties following notification of the request for the review of the case

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

The Planning Adviser:-

- ◆ explained the planning background to the case
- ◆ referred to an oversight in the report of handling which should have indicated that it was considered that the proposal was contrary to development plan policy and would have an impact on amenity

On the basis of the above, 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 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 DM13 – development within general urban area/settlement
- ◆ 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

Following its review of the information and after discussion, the PLRB concluded that the proposed development was contrary to Policies 4 and 6 of the Adopted South Lanarkshire Local Development Plan and Policy DM13 of the associated Supplementary Guidance. It also concluded there were no material considerations that warranted granting planning permission for planning application P/19/1545 contrary to the relevant policies.

**The Committee decided:**

that the decision taken by officers, in terms of the Scheme of Delegation, to refuse planning permission for planning application P/19/1545 by C Christison for the change of use of open space to form additional garden ground and the erection of a boundary fence at 2 Howacre, Lanark be upheld.

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**5 Urgent Business**

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There were no items of urgent business.

# Report

3

Report to:	<b>Planning Local Review Body</b>
Date of Meeting:	<b>24 August 2020</b>
Report by:	<b>Executive Director (Finance and Corporate Resources)</b>

Subject:	<b>Review of Case – Application P/19/0890 for Partial Demolition of House, Erection of Extension, Including New Roof and Erection of House</b>
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## 1. Purpose of Report

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

### 1.2. *Summary Application Information*

Application Type:	Detailed Planning Permission
Applicant:	J Reynolds
Proposal:	Partial Demolition of House, Erection of Extension, Including New Roof and Erection of House
Location:	2 Holm Avenue, Uddingston, G71 7AL
Council Area/Ward:	16 Bothwell and Uddingston

### 1.3. *Reason for Requesting Review*

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

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

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

### 3. Background

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

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

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

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

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

### 5. Information Available to Allow Review of Application

- 5.1. Section 43B of the Planning etc (Scotland) Act 2006 restricts the ability of parties to introduce new material at the review stage. The focus of the review should, therefore, be on the material which was before the officer who dealt with the application under the Scheme of Delegation.
- 5.2. The following information is appended to this report to assist the Planning Local Review Body in its review of the decision taken by officers:-
- ◆ Planning Application Form **(Appendix 1)**
  - ◆ Report of Handling by the Planning Officer under the Scheme of Delegation **(Appendix 2(a))**
  - ◆ Copies of 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. No comments on the further representations were received from the applicant.

**Paul Manning**

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

10 August 2020

### **Link(s) to Council Values/Ambitions/Objectives**

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

### **Previous References**

None

### **List of Background Papers**

- ◆ Guide to the Planning Local Review Body

### **Contact for Further Information**

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

Pauline MacRae, Administration Adviser

Ext: 4108 (Tel: 01698 454108)

E-mail: pauline.macrae@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 100167826-001

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

## Description of Proposal

Please describe accurately the work proposed: \* (Max 500 characters)

Extension to existing dwelling and erection of 1 dwelling on plot adjacent to site.

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

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="John"/>	Building Number:	<input type="text" value="10"/>
Last Name: *	<input type="text" value="Reynolds"/>	Address 1 (Street): *	<input type="text" value="James Street"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Bellshill"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="ML4 3LU"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

## Site Address Details

Planning Authority:

South Lanarkshire Council

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

Address 1:

Address 2:

2 HOLM AVENUE

Address 3:

UDDINGSTON

Address 4:

Address 5:

Town/City/Settlement:

GLASGOW

Post Code:

G71 7AL

Please identify/describe the location of the site or sites

Northing

661024

Easting

269515

## Pre-Application Discussion

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

☐ Yes ☒ No

## Trees

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

☒ Yes ☐ No

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

## Access and Parking

Are you proposing a new or 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 proposed to make. You should also show existing footpaths and note if there will be any impact on these.

## 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: Mr John Reynolds

On behalf of:

Date: 03/06/2019

☒ Please tick here to certify this Certificate. \*

## Checklist – Application for Householder Application

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) Have you provided a written description of the development to which it relates? \* ☒ Yes ☐ No
- b) Have you provided the postal address of the land to which the development relates, or if the land in question has no postal address, a description of the location of the land? \* ☒ Yes ☐ No
- c) Have you provided the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent? \* ☒ Yes ☐ No
- d) Have you provided a location plan sufficient to identify the land to which it relates showing the situation of the land in relation to the locality and in particular in relation to neighbouring land? \*. This should have a north point and be drawn to an identified scale. ☒ Yes ☐ No
- e) Have you provided a certificate of ownership? \* ☒ Yes ☐ No
- f) Have you provided the fee payable under the Fees Regulations? \* ☒ Yes ☐ No
- g) Have you provided any other plans as necessary? \* ☒ Yes ☐ No

Continued on the next page

A copy of the other plans and drawings or information necessary to describe the proposals (two must be selected). \*

You can attach these electronic documents later in the process.

- ☒ Existing and Proposed elevations.
- ☒ Existing and proposed floor plans.
- ☐ Cross sections.
- ☒ Site layout plan/Block plans (including access).
- ☐ Roof plan.
- ☐ Photographs and/or photomontages.

Additional Surveys – for example a tree survey or habitat survey may be needed. In some instances you may need to submit a survey about the structural condition of the existing house or outbuilding. ☐ Yes ☒ No

A Supporting Statement – you may wish to provide additional background information or justification for your Proposal. This can be helpful and you should provide this in a single statement. This can be combined with a Design Statement if required. \* ☐ Yes ☒ No

You must submit a fee with your application. Your application will not be able to be validated until the appropriate fee has been Received by the planning authority.

## Declare – For Householder Application

I, the applicant/agent certify that this is an application for planning permission as described in this form and the accompanying Plans/drawings and additional information.

Declaration Name: Mr John Reynolds

Declaration Date: 03/06/2019

## Payment Details

Cheque: Saltire Facilities Management Ltd., 200407

Created: 03/06/2019 20:36





# Appendix 2

3b

## Report of Handling

Report dated 11 February 2020 by the Council's Authorised Officer under the Scheme of Delegation



	<b>Delegated Report</b>	Reference no.	P/19/0890
			<b>3b</b>
		Date	11 February 2020

**Planning proposal:** Partial demolition of house, erection of extension including new roof and erection of dwellinghouse.  
**Location:** 2 Holm Avenue  
Uddingston  
G71 7AL

**Application Type :** Detailed Planning Application

**Applicant :** Mr. John Reynolds  
**Location :** 2 Holm Avenue  
Uddingston  
G71 7AL

**Decision:** Application refused

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

**Policy reference:**

**South Lanarkshire Local Development Plan (2015)**

Policy 1 – Spatial Strategy

Policy 4 – Development Management and Placemaking

Policy 6 – General Urban Area/Settlements

Policy 17 – Water Environment and Flooding

**Development Management and Placemaking Supplementary Guidance**

Policy DM2 – House Extensions and Alterations

Policy DM3 – Sub-division of Garden Ground

Policy DM7 – Demolition and Redevelopment for Residential Use

Policy DM13 – Development within General Urban Area/Settlements

**Sustainable Development and Climate Change Supplementary Guidance**

Policy SDCC4 – Water Supply

Policy SDCC5 – Foul Drainage and Sewerage

**Residential Design Guide Supplementary Guidance**

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

Policy 1 – Spatial Strategy

Policy 3 – General Urban Area/Settlement

Policy 5 – Development Management and Placemaking

Policy DM1 – New Development Design

Policy DM2 – House Extensions and Alterations

Policy DM3 – Sub-division of Garden Ground

Policy DM7 – Demolition and Redevelopment for Residential Use

Policy DM15 – Water Supply  
 Policy DM16 – Foul Drainage and Sewerage

### Assessment

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

### Consultations

### Summary of response

Roads (Development Management Team)	Originally recommended the deferral of a decision due to the lack of turning facilities within the site. Revised drawings have since been lodged to address this aspect.
Environmental Services	Have no objection to the proposal, subject to standard conditions and/or informatives relative to noise control, dust control etc.
Scottish Water	Have no objection to the proposal.

### Representation(s):

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

## Planning Application Delegated Report

### 1 Application Summary

- 1.1 The application site relates to 2 Holm Avenue, Uddingston a detached dwellinghouse. The site has a secluded location accessed via a private road off Glasgow Road. Holm Avenue and its immediately neighbouring streets (Prospect Avenue and Rosefield Gardens) are characterised by predominately detached single storey bungalows and one and a half storey bungalows.
- 1.2 The existing property is positioned centrally within a rectangular shaped residential curtilage, with an associated domestic garage and two further outbuildings to the rear of the plot. Mature trees and planting form the majority of the front and side boundaries, with a timber fence at the rear. An existing driveway runs the length of the site (to the south) which also provides a formal right of access through the site to an adjoining property, on Holmwood Avenue, to the rear. A separate pedestrian right of way also exists adjacent to the northern boundary of the site, which serves a further property on Holmwood Avenue.
- 1.3 There are number of elements to the applicant's proposal. Firstly, it is proposed to demolish the front section of the existing dwelling, as it fronts onto Holm Avenue. Thereafter it is intended to erect a rear extension to the remaining structure, re-roof and re-clad the exterior elevations to form a replacement one and a half storey dwellinghouse. This would have the effect of repositioning the existing property further back within the site, fronting onto the existing driveway.
- 1.4 In addition it is proposed to sub-divide the existing curtilage to form an additional house plot to the front of the existing house, as altered. A new two storey dwellinghouse would thereafter be erected on the plot, approximately 12.5 metres from the 'original' property. This property would front onto Holm Avenue but would share the existing driveway serving the property to the rear.
- 1.5 In terms of accommodation the altered house would provide the following:

#### Ground floor

Family/cinema room, bathroom, utility room, wc, 2 bedrooms and open plan kitchen/lounge/dining room.

#### Upper floor

2 bedrooms (one with en-suite)

- 1.6 The proposed new dwelling would contain the following accommodation:

#### Ground floor

Family/cinema room, lounge, utility, shower room and open plan dining/kitchen.

#### Upper floor

Four bedrooms (two with en-suite) and bathroom.

- 1.7 The determining issues in the consideration of this application are its compliance with the South Lanarkshire Local Development Plan and in particular Policy 1 – Spatial Strategy, Policy 4 – Development Management and Placemaking, Policy 6 – General Urban Area/Settlements, and Policy 17 – Water Environment and Flooding. In addition the policies and guidance within the Council's adopted Local Development Plan Supplementary Guidance (Policies DM1 – Design, DM2 – House Extensions and Alterations, DM3 – Sub-division of Garden Ground, DM7 – Demolition and Redevelopment for Residential Use, DM13 – Development within General Urban Area/Settlements, SDCC4 – Water Supply and SDCC5 – Foul Drainage and Sewerage) are also relevant to the assessment of this application. Furthermore, the Council has prepared supplementary guidance on Residential Design.
- 1.8 On the 29<sup>th</sup> May 2018 the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance Policies 1 – Spatial Strategy, 3 – General Urban Area/ Settlement, 5 – Development Management and Placemaking, DM1 – New Development Design, DM2 – House Extensions and Alterations, DM3 – Sub-division of Garden Ground, DM7 – Demolition and Redevelopment for Residential Use, DM15 – Water Supply and DM16 – Foul Drainage and Sewerage are considered of relevant to the assessment of this application.
- 1.9 The application is assessed against the relevant policies of these documents in Section 3 below.

## **2 Representation(s)**

- 2.1 Statutory neighbour notification was undertaken. Furthermore, the proposal was advertised in the local press in terms of 'non-notification' of neighbours. Following this publicity 10 letters of representation were received. The grounds of objection can be summarised as follows:

**a) Contrary to applicable policies and guidance**

**Response:** It is considered that that the proposal is contrary to the policies and guidance contained within both the adopted South Lanarkshire Local Development Plan and the proposed South Lanarkshire Local Development Plan 2. An assessment of the proposal in terms of applicable policies and guidance is detailed within Section 3 of this report.

**b) The proposed development would be out of character with the surrounding streetscape in terms of the proposed building line, street frontage and house styles, given the predominance of detached bungalows in the surrounding area.**

**Response:**

Whilst it is possible in certain circumstances to design a development that relates satisfactorily to surrounding properties it is considered that, given proposed layout

and house types, the development would adversely affect the character of the established local streetscape and built form.

The proposed dwelling at the rear of the site would not have a suitable road frontage comparable within the existing streetscape as it would face the shared private driveway. As such, the application would, if approved, create a proposal which has the characteristics and appearance of “backland” development through the siting of new house within the front garden area. Indeed, policy DM3 requires, inter alia, that any proposed house should have a proper road frontage of comparable size and form to surrounding curtilages, an aspect which the remodelled house does not comply with.

In addition, the proposal to site a two storey building, which would also be positioned in a prominent location forward of the established building line, is not in keeping with the general layout pattern of surrounding properties and would therefore be out of character with Holm Avenue and surround street patterns.

**c) Proposal represents an overdevelopment of the site**

**Response:** It is considered that, in general terms, the site may be able to accommodate a development which is capable of meeting the standard required for parking provision and garden sizes. However, given the elongated nature of the application site, the proposed layout requires that the ‘remodelled’ house is ‘tucked away’ into the back of the site, with no proper road frontage, giving an appearance of being ‘squeezed in’ and hence overdevelopment of the site.

**d) Insufficient parking provision to serve the proposed dwellinghouses.**

**Response:** On the basis of current guidance the parking requirement for the dwellinghouses to be accommodated within the site would be 3 spaces per unit. It is considered that there is scope to achieve this level of provision within the site.

**e) The proposed development would cause a loss of privacy in terms of overlooking as well as a loss of daylight and sunlight to adjacent properties.**

**Response:** Given the relationship of the proposed houses with existing neighbouring properties it is considered that there unlikely to be a significant impact in terms of these concerns. However, the relationship of the new dwelling with the remodelled property is not acceptable as there is significant potential for a loss of privacy due to overlooking – the separation distance between the two houses is approximately 13 metres and there is a change of level resulting in the rear house being at a higher level.

**f) The proposed development could cause issues in terms of surface water/drainage**

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

**g) Concerns over the impact of the development in terms of land tile burdens**

**Response:** These concerns relate to rights of access over the existing private driveway serving 2 Holm Avenue and a private lane which runs parallel to the

application site. The applicant is aware of these restrictions and has advised that these will be maintained. However, potential ownership and access 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.

**h) Concerns over the introduction of an additional dwellinghouse on the upkeep of the private road**

**Response:** Again, any dispute in this regard is a civil matter to be resolved privately between the parties involved and should not therefore unduly influence the determination of this application.

**i) Concerns over restricted access during construction due to worker's parking, deliveries, material storage etc.**

**Response:** Given the sites characteristics and associated access constraints should consent be granted a condition would be imposed requiring the submission of a statement detailing the arrangement for deliveries, material storage and site management. Notwithstanding this, any issue of obstruction of access would ultimately be a Police Scotland/civil matter that would require to be resolved privately between the parties involved outside the planning process.

**j) Accuracy of drawings**

**Response:** There were inaccuracies with the initial submission. However, these inaccuracies were subsequently addressed.

2.2 In addition to the above objections, correspondence requesting clarification of the proposal was also received. A site meeting was held with the concerned residents in order to clarify matters.

### **3 Assessment and Conclusions**

3.1 The applicant seeks planning permission for the partial demolition, extension and alteration of an existing dwelling within an established residential area in Uddingston. In addition, the applicant also seek permission to sub-divide the existing curtilage to form an additional house plot and thereafter erect a two storey property to the front of the existing house, as altered.

3.2 The proposal requires to be assessed against the provisions of the South Lanarkshire Local Development Plan (adopted 2015) (SLLDP) and its associated supplementary guidance documents. As noted previously the proposed South Lanarkshire Local Development Plan 2 (SLLDP2) is also a material consideration in the determination of this application. The policies and guidance considered relevant in the consideration of this application are noted within Sections 1.7 and 1.8 above.

3.3 The spatial strategy (Policy 1) of the SLLDP aims to protect and enhance the built and natural environment. This will be achieved by development that accords with and supports the policies and proposals in the development plan and supplementary guidance.

3.4 In this instance it is considered that the proposals are unacceptable as they do not accord with relevant policies in the development plan and associated supplementary guidance.



- 3.5 The application site lies within an established residential area where residential related development e.g. a new house, may be acceptable “provided that they do not have a significant adverse impact on the amenity and character of the area” (Policy 6 – General Urban Area/Settlements applies). Policies 4 – Development Management and Placemaking and DM13 – Development within General Urban Area/Settlements further advise that a proposed development must relate satisfactorily to adjacent and surrounding properties in terms of scale and massing.
- 3.6 The proposed extensions and alterations to the existing dwellinghouse itself raises no issues in terms of Policy DM2 – House Extensions and Alterations. However, as the partial demolition works are being undertaken to enable further residential development within the site Policies DM7 (Demolition and Redevelopment for Residential Use) and DM3 (Sub-division of Garden Ground) are of particular relevance.
- 3.7 Policy DM7 states that “the scale and design of development should be sympathetic to the scale/mass/height and materials of adjacent buildings in the immediate area” and that “it should not breach any existing building line or height of adjacent buildings”. In terms of the sub-division of the garden ground to accommodate a new dwellinghouse Policy DM3 states that the development of a new house or houses will generally be considered favourably where the following criteria can be met:
- The proposed house is of a scale, massing, design and materials sympathetic to the character and pattern of development in the area and does not result in a development that appears cramped, visually obtrusive or be of an appearance which is so out of keeping with the established character that it is harmful to the amenity of the area.
  - The proposed house plot(s) and that remaining to the existing house are comparable with those nearby in terms of size, shape, and amenity, the proposal accords with the established pattern of development in the surrounding area.
  - The proposed house(s) should have a proper road frontage of comparable size and form to surrounding curtilages unless the proposal reflects the development pattern of the area.
  - The proposed vehicular access is of an adequate standard and will not have adverse implications for traffic safety or adversely affect the amenity of adjacent properties by virtue of noise or loss of privacy.
  - The garden space allocated to the proposed house(s) and remaining for the existing house should be sufficient for the recreational, amenity and drying needs of the occupants.
  - The proposed development will not cause an unacceptable reduction in privacy to existing houses and will, itself, enjoy a degree of privacy comparable with surrounding dwellings.
  - The proposed development will not overshadow adjacent properties to a degree which results in a significant loss of amenity or itself be significantly adversely affected by overshadowing.
  - All existing features such as trees, hedges, walls, fences and buildings that contribute to the character of the area should be retained and should not be adversely affected by the development.

- Adequate parking for both the proposed and existing house must be provided within the site and must not be harmful to the established character and amenity of the area.
- The proposal must not jeopardise or be prejudicial to any further desirable development in the vicinity.
- It takes account of any supplementary guidance prepared by the Council, where relevant to the proposal

- 3.8 In assessing the proposal, it is considered that the proposed development fails to take cognisance of applicable policies and guidance in this instance. The introduction of a two-storey property to the front of the site, as proposed, does not respect the character or scale of the surrounding properties which comprise single/one and a half storey bungalows. Accordingly, this element of the proposal would introduce an alien feature, at this location, into the street which would be out of keeping with the immediate streetscape. Whilst a limited number of two storey properties exist within neighbouring streets these are a significant distance from the application site and should therefore not influence the suitability of the scale of the proposed new house at this location. The introduction of the proposed dwelling would have a detrimental impact on the quality and appearance of this secluded private street. In addition, the proposal to site the new dwelling closer to the road frontage is out of character with the established street pattern within the area. As such the development would not accord with appropriate guidance.
- 3.9 The sub-division of the existing curtilage to form an additional house plot would result in the existing property unable to retain a suitable road frontage comparable with existing properties; the remodelled house would have a frontage onto the existing shared private driveway. This is not consistent with the established pattern within the area. In addition, the existing property, as altered, would have the appearance of “backland” development through the siting of the new house at the front. Again, this is not in accordance with applicable policies and guidance.
- 3.10 The proposal fails to take cognisance of the requirements set out within Council’s approved Residential Design Guide in terms of overlooking and privacy. This guidance recommends that there should be a minimum of 20 metres between directly facing habitable rooms (i.e. living rooms, dining rooms and bedrooms) unless the existing built pattern dictates otherwise, which is not the case in this instance. The proposed dwellinghouse would be sited approximately 13 metres from the existing property, as altered, and would have windows of habitable rooms directly facing each other contrary to this guidance.
- 3.11 The proposal, given the sites location within an established residential area raises no concerns in terms of drainage, sewerage and water supply considerations (Policies 17, SDCC4 and SDCC5).
- 3.12 No significant concerns were raised in terms of the consultations undertaken. The objections raised through third party representation, in terms of compliance with policy and impact on the character of the area have merit and can be supported in this instance.
- 3.13 In light of the above, concerns exist with regard to the specific design and layout of the site, its suitability to accommodate an additional dwelling, and the provision of an appropriate road frontage for the remodelled property. The proposal, if approved, would

not accord with the established street pattern within the area and would encourage the submission of similar proposals. As such, the proposal fails to comply with the requirements of Policies 1, 4, and 6 of the South Lanarkshire Local Development Plan (adopted 2015) and Policies DM3, DM7 and DM13 of the associated supplementary guidance document concerning development management, placemaking and design.

- 3.14 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore, the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the adopted South Lanarkshire Local Development Plan. Accordingly, the proposal fails to accord with Policies 1, 3, 5, DM1, DM2, DM3 DM7, DM15 and DM16.
- 3.15 On the basis of the above it is recommended that planning permission to be refused for the proposed development in this instance.

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

- 4.1 The proposal does not accord with Policies 1, 4, and 6 of the adopted South Lanarkshire Local Development Plan nor with the relevant policy and guidance contained within associated supplementary guidance (Policies DM3, DM7, DM13 and approved Residential Design Guide) in so far as it does not take account of the local context and built form. Additionally, the proposal fails to comply with Policies 1, 3, 5, DM1, DM3 and DM7 of the proposed South Lanarkshire Local Development Plan 2.

There are no other material considerations which are of sufficient weight and merit to overcome the provisions of the development plan. Given the primacy of the Development Plan in terms of statutory legislation and the fact that the proposal is contrary to a number of Local Plan policies it is therefore necessary for planning consent to be refused for the proposed development.

**Delegating officer:** Steven Clark

**Date:** 12 February 2020

#### **Previous references**

- ◆ None

#### **List of background papers**

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated 13.06.2019
- ▶ Press advert, Hamilton Advertiser dated 26.06.2019

► Consultations

Roads Development Management Team	08.07.2019
Environmental Services	26.06.2019
Scottish Water	18.06.2019

► Representations

Mrs. Victoria Trim, 8 Prospect Avenue, Uddingston, Glasgow, South Lanarkshire, G71 7AN	Dated: 17.06.2019
John Vance, Traquair, Holmwood Avenue, Uddingston, G71 7AJ,	Dated: 04.07.2019
Willie and Jan Logan, Holmwood House, 15 Holmwood Avenue, Uddingston, G71 7AJ,	Dated: 09.07.2019
John J H Livingstone, 12 Prospect Avenue, Uddingston, G71 7AN,	Dated: 02.07.2019
Mark & Andrena Ferguson, 14 Prospect Avenue, Uddingston, Glasgow, South Lanarkshire, G71 7AN	Dated: 02.07.2019
Mr. E Thomson, 4 Rosefield Gardens, Uddingston, Glasgow, South Lanarkshire, G71 7AW	Dated: 17.07.2019
Mr. O McDonald, 6 Rosefield Gardens, Uddingston, Glasgow, South Lanarkshire, G71 7AW	Dated: 17.07.2019
Mrs. Olga Gordon, 4 Holm Avenue, Uddingston, Glasgow, South Lanarkshire, G71 7AL	Dated: 03.07.2019
Richard and Aileen Goring, 3 Holm Avenue, Uddingston, Glasgow, South Lanarkshire, G71 7AL	Dated: 17.07.2019
George Finlayson, Received Via E-mail,	Dated: 02.07.2019

**Contact for further information**

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

James Watters, Planning officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 454970

Email: [james.watters@southlanarkshire.gov.uk](mailto:james.watters@southlanarkshire.gov.uk)

## **Planning Application**

**Application number:** P/19/0890

### **Reasons for Refusal**

01. The proposal is contrary to Policies 1 and 4 of the adopted South Lanarkshire Local Development Plan and Policy DM13 of the associated Development Management, Placemaking and Design Supplementary Guidance as 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 DM13 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 DM3 of the Development Management, Placemaking and Design Supplementary Guidance associated with the adopted South Lanarkshire Local Development Plan in that the proposed house, and that remaining, would not be in keeping within the established pattern of development in the surrounding area. Furthermore, the existing re-modelled house would not retain a proper road frontage of comparable size and form to surrounding curtilages.
04. The proposal is contrary to Policy 5 of the proposed South Lanarkshire Local Development Plan 2 as 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.
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 DM3 of the proposed South Lanarkshire Local Development Plan 2 in that the proposed house, and that remaining, would not be in keeping within the established pattern of development in the surrounding area. Furthermore, the existing re-modelled house would not retain a proper road frontage of comparable size and form to surrounding curtilages.

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

The proposal does not accord with Policies 1, 4, and 6 of the adopted South Lanarkshire Local Development Plan nor with the relevant policy and guidance contained within associated supplementary guidance (Policies DM2, DM3, DM7, DM13 and approved Residential Design Guide) in so far as it does not take account of the local context and built form. Additionally, the proposal fails to comply with Policies 1, 3, 5, DM1, DM3 and DM7 of the proposed South Lanarkshire Local Development Plan 2.

There are no material considerations which are of sufficient weight and merit to overcome the provisions of the development plan. Given the primacy of the Development Plan in terms of statutory legislation and the fact that the proposal is contrary to a number of Local Plan policies it is therefore necessary for planning consent to be refused for the proposed development.

### **Informatives**

01. This decision relates to drawing numbers:

<b>Reference</b>	<b>Version No:</b>	<b>Plan Status</b>
Location Plan		Refused
02		Refused
03		Refused
04		Refused
05		Refused
06		Refused
07	A	Refused

## Consultation Responses

- ♦ Response dated 17 June 2019 from Scottish Water
- ♦ Response dated 20 June 2019 from Roads and Transportation Services
- ♦ Response dated 21 June 2019 from Environmental Services







17<sup>th</sup> June 2019

South Lanarkshire Council  
Council Offices Almada Street  
Hamilton  
ML3 0AA

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 Local Planner

**G71 Uddingston Holm Avenue 2**  
**PLANNING APPLICATION NUMBER: P/19/0890**  
**OUR REFERENCE: 778565**  
**PROPOSAL: Partial demolition of house, erection of extension including new roof and erection of dwellinghouse.**

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

### **EXTENSION APPLICATION**

Thank you for your recent submission detailing your proposals for surface water drainage with regards an extension at the above address.

I have carried out an audit of the below listed drawings and I'm pleased to confirm that Scottish Water has no objection to the development proceeding.

### **General Notes:**

For all extensions that increase the hard standing area within the property boundary, you must look to limit an increase to your existing discharge rate and volume. Where possible we recommend that you consider alternative rainwater options. All reasonable attempts should be made to limit the flow.

**Please note:** No new connections will be permitted to the public infrastructure. The additional surface water will discharge to the existing private pipework within the site boundary.

This response is in relation to the information you have provided. If there are any changes to your proposed development you may be required to submit the proposed amendments for review.

### **NEW DWELLINGHOUSE APPLICATION**

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**

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

#### **Foul**

- This proposed development will be serviced by DALDOWIE Waste Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity at this time 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. The applicant can download a copy of our PDE Application Form, and other useful guides, from Scottish Water's website at the following link [www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms/pre-development-application](http://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms/pre-development-application)

**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 taking account of various factors including legal, physical, and technical challenges. However it may still be deemed that a combined connection will not be accepted. Greenfield sites will not be considered and a connection to the combined network will be refused.

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

#### **General notes:**

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

**Site Investigation Services (UK) Ltd**  
**Tel: 0333 123 1223**  
**Email: [sw@sisplan.co.uk](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 all of our application forms on our website at the following link <https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>**

#### **Next Steps:**

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

For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a Pre-Development Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

- **10 or more domestic dwellings:**

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

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer,

which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

- **Non Domestic/Commercial Property:**

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at [www.scotlandontap.gov.uk](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 launderettes. Activities not covered include hotels, caravan sites or restaurants.

If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email [TEQ@scottishwater.co.uk](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 using the following link <https://www.scottishwater.co.uk/business/our-services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h>

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

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

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

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

Yours sincerely

**Pamela Strachan**

Planning Consultations Administrator

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

3c

Planning Application No: P/19/0890      Dated: 10 June 2019  
Applicant: John Reynolds  
Proposed Development: Redevelopment of house and erection of a new dwellinghouse  
Location: 2 Holm Avenue Uddingston  
Type of Consent: Householder

Received: 20 June 2019  
Contact: Mark Wilkie  
Ext: 4293  
Case officer – James Watters

Proposals Acceptable?	Y or N
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**1. EXISTING ROADS**

(a) General Impact of Development	Y
(b) Type of Connection(s) (road junction/footway crossing)	item.
(c) Location(s) of Connection(s)	item.
(d) Sightlines (.....)	item.
(e) Pedestrian Provision	item.

**2. NEW ROADS**

(a) Width(s) (.....)	N/A
(b) Layout (horizontal/vertical alignment)	item.
(c) Junction Details (locations/radii/sightlines)	item.
(d) Turning Facilities (circles/hammerheads)	item.
(e) Pedestrian Provision	item.
(f) Provision for PU Services	item.

**3. SERVICING & CAR PARKING**

(a) Servicing Arrangements/Driveways	N
(b) Car Parking Provision (.....)	N
(C) Layout of Parking Bays/Garages	N

**4. RECOMMENDATION**

(a) No Objections	
(b) No Objections Subject to Conditions	
(c) Refuse	
(d) Defer Decision	X
(e) SOID to advise	

Item ref	Comments
3)	<p>There would be inadequate space for cars parked at the proposed new house to turn and be able to exit onto Holm Avenue in forward gear, creating a road safety hazard at this sharp bend.</p> <p>The proposed layout should be reconfigured to enable adequate turning space to be demonstrated.</p>

THE APPLICANT MUST BE ADVISED OF THE FOLLOWING: -

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

\* Relevant Section of the Roads (Scotland) Act 1984

Signed: \_\_\_\_\_  
Roads Area Manager

Date: \_\_\_\_\_

**SOUTH LANARKSHIRE COUNCIL  
ROADS AND TRANSPORTATION SERVICES**

**OBSERVATIONS ON PLANNING APPLICATION  
CONTINUATION SHEET**

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

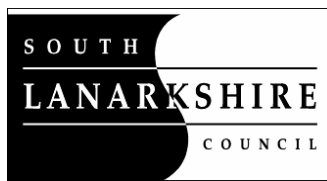
Dated:

Contact:

Item Ref	Comments

Signed: \_\_\_\_\_  
Roads Area Manager

Date: \_\_\_\_\_



3c

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

## Memo

**To:** Planning and Building Standards Services  
Montrose House, 154 Montrose Crescent, Hamilton

**Our ref:** AJS/MMcC/396383/6039  
**Your ref:** P/19/0890

**cc:**

**From:** Angela Sommerville  
Technical Officer

**If calling ask for:** A Sommerville  
**Phone:** 01698 454792  
**Date:** 21 June 2019

---

**Subject:** **Planning Application No:** P/19/0890  
**Address:** 2 Holm Avenue, Uddingston, Glasgow, South Lanarkshire  
**Proposed Development:** Partial demolition of house erection of extension including new roof and erection of dwellinghouse

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

I have no objections to the proposal subject to the following conditions:

### **Environmental Protection:**

#### **1 D01. Dust mitigation/control**

Prior to development commencing on site, a scheme for the control and mitigation of dust shall be submitted to and approved in writing by the Council as Planning Authority. No changes to the approved scheme shall take place unless agreed in writing by the Council as Planning Authority. The scheme shall thereafter be implemented in accordance with a programme to be agreed in writing with the Council as Planning Authority.

#### **2 ADV NOTE 03 Construction and Demolition (BS 5228)**

The applicant is advised that all works carried out on site must be carried out in accordance with the current BS5228, Code of Practice for Noise and Vibration Control on Construction and Open Sites. The applicant is further advised that audible construction activities should be limited to, Monday to Friday 8.00am to 7.00pm, Saturday 8.00am to 1.00pm and Sunday – No audible activity when assessed at the site boundary.

Montrose House, 154 Montrose Crescent, Hamilton ML3 6LB Phone: 0303 123 1015  
Minicom: 01698 454039 Email: <fname.sname>@southlanarkshire.gov.uk



The applicant is advised that Environmental Services may consider formally imposing these hours of operation by way of statutory notice should complaints be received relating to audible construction activity outwith these recommended hours and should such complaints may be justified by Officers from this Service.

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

**3 ADV NOTE 4 Formal action may be taken if nuisance occurs.**

None of the above conditions will preclude formal action being taken by the Executive Director of Community & Enterprise Resources against the person responsible for any nuisance which may arise due to the operation of the proposed development.

**4 ADV NOTE 6 Demolition and Asbestos**

Prior to demolition the existing structure should be surveyed for the presence of materials containing asbestos. Where such materials exist, removal works and any statutory notifications should comply with current legislation and Health and Safety Executive guidance. Additional information is available on the Health & Safety Executives website [www.hse.gov.uk/](http://www.hse.gov.uk/) and or from South Lanarkshire Council, Environmental Services, Montrose House, Hamilton ML3 6LB Tel -0845 740 6080

**5 ADV NOTE 7 Demolition and Pest Control**

The applicant is advised that adequate pest control measures should be employed to ensure that any demolition and/or associated ground works occurring as part of this development do not give rise to increased pest activity in neighbouring premises. Further details of this may be obtained from South Lanarkshire Council, Environmental Services, Montrose House, Hamilton, ML3 6LB Tel -0845 740 6080

**6 ADV NOTE 10 Contamination – caution**

Although the proposed development area is not on the Council's prioritised list of potentially contaminated land sites, it is recommended that an Action Plan is prepared in advance of works commencing, to guide staff in the event that any contamination is encountered during construction. Any previously unsuspected contamination which becomes evident during the development of the site shall be brought to the attention of the Council as Planning Authority within one week or earlier of it being identified.

**Commercial:** No Comments

Should you require any further information, please contact Angela Sommerville on 01698 454792

**Angela Sommerville**  
**Technical Officer**



# Appendix 2(c)

3d

## Representations

Representation From	Dated
♦ Victoria Trim, by email	17/06/19
♦ George Findlayson, by email	02/07/19
♦ John Livingstone, by email	02/07/19
♦ Mr and Mrs Ferguson, by email	02/07/19
♦ Olga Gordon, by email	03/07/19
♦ John Vance, by email	04/07/19
♦ Mr and Mrs Logan, by email	09/07/19
♦ Edward Thomson, by email	17/07/19
♦ Mr O Mcdonald c/o Edward Thomson, by email	17/07/19
♦ Mr and Mrs Goring, by email	17/07/19



**From:** planning@southlanarkshire.gov.uk  
**Sent:** 17 June 2019 20:54  
**To:** Planning  
**Subject:** Comments for Planning Application P/19/0890

3d

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

Comments were submitted at 8:53 PM on 17 Jun 2019 from Mrs Victoria Trim.

### Application Summary

**Address:** 2 Holm Avenue Uddingston G71 7AL  
**Proposal:** Partial demolition of house, erection of extension including new roof and erection of dwellinghouse.  
**Case Officer:** James Watters  
[Click for further information](#)

### Customer Details

**Name:** Mrs Victoria Trim  
**Email:** [REDACTED]  
**Address:** 8 Prospect Avenue, Uddingston, Glasgow, South Lanarkshire G71 7AN

### Comments Details

**Commenter Type:** Neighbour  
**Stance:** Customer made comments neither objecting to or supporting the Planning Application  
**Reasons for comment:**  
**Comments:** Can you tell me how many meters into the driveway the first house will be, the length of the house and then the number of metres between the two houses. I am concerned about loss of privacy due to the height of the houses but this will be dependent on the position of the new plots.

Law, Aileen

---

**From:** [REDACTED]  
**Sent:** 02 July 2019 12:00  
**To:** Planning  
**Subject:** Planning Application Ref P/19/0890 : 2 Holm Avenue Uddingston G71 7AL

FAO Mr James Watters

Dear Sir,

I refer to the above planning application and wish to raise the following observations /concerns.

I believe that the site will be over developed.

I believe that the garden/circulation area is below the required guidelines/limits.

There appears to be inadequate car parking for the size of the houses shown.

There is only car parking space shown for the 4 bedroom house on plot 1

The 3 car parking space shown for plot 2 is on a driveway that is a right of way to Traquair House (Mr & Mrs Vance). This is on their title deeds.

The drawings submitted are inaccurate as they do not show all the windows, particularly to the bedrooms which overlook Prospect Avenue and therefore affect the householders their privacy. (see plot 2)

I trust that these concerns/objections will be taken into account when considering this application.

Please acknowledge receipt of this correspondence.

Yours Sincerely

George Finlayson  
Prospect Avenue Householder

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## Law, Aileen

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**From:** Watters, James  
**Sent:** 10 July 2019 16:35  
**To:** Planning  
**Subject:** FW: Neighbour Notification Notice 13th June 2019. Ref. P/19/0890

---

**From:** John Livingstone [<mailto:>   
**Sent:** 04 July 2019 15:40  
**To:** Ramsay, Stuart <[Stuart.Ramsay@southlanarkshire.gov.uk](mailto:Stuart.Ramsay@southlanarkshire.gov.uk)>  
**Subject:** FW: Neighbour Notification Notice 13th June 2019. Ref. P/19/0890

---

**From:** John Livingstone  
**Sent:** 02 July 2019 11:51  
**To:** [planing@southlanarkshire.gov.uk](mailto:planing@southlanarkshire.gov.uk)  
**Subject:** Neighbour Notification Notice 13th June 2019. Ref. P/19/0890

Dear Sir/Madam,

With reference to the above Notice for planning application I would raise the following concerns.

The proposed remodelled house will overlook my house and have windows (not shown on the drawing ) which will look into our rooms thus constituting a " Major Loss of Privacy".

I also feel that proposed 2 houses on this site will be an overdevelopment .

I trust my comments are in line with your examples of "Material Considerations" and will be taken into consideration in due course.

I would very much appreciate an acknowledgement of receipt of my comments.

Yours Sincerely,

John J H Livingstone

12, prospect Avenue.

---

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Law, Aileen

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**From:** Andrea Ferguson <[REDACTED]>  
**Sent:** 02 July 2019 12:57  
**To:** Planning  
**Subject:** Ref P/19/0890

To whom it may concern,

We are writing this email as we have some concerns over planning application P/19/0890.

It has been brought to our attention that the plans for plot 2 are inaccurate and that there are in fact windows in the upper bedrooms that have not been shown on the online plans. If this is indeed the case then we are concerned that they will overlook our property, causing substantial loss of privacy.

Other concerns we would like to address are over development of the plot and inadequate space for cars / turning points for each house.

I hope our concerns will be taken into account and would welcome comments.

Kind regards

Mark and Andrea Ferguson  
[14 Prospect Avenue](#)

Sent from my iPhone

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**Arnott, Jacqueline**

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**From:** Ewan Gordon [REDACTED]  
**Sent:** 03 July 2019 19:22  
**To:** Planning  
**Cc:** [REDACTED]  
**Subject:** Planning Application P/19/0890 Letter of Objection

2 Holm Avenue, Uddingston G71 7AL

Dear Sirs

Please consider this a letter of objection to the above application on the following grounds. Please note that I did make objection via your web site but I am not sure if it was correctly sent and subsequently received.

The proposal for a new 2 storey house in the front garden would be out of character with the surrounding single storey properties.

The frontage of the new house in the front garden would not be line with other frontages in the street.

The proposal for a new house in the front garden would be overdevelopment of the site with minimal amenity area provided.

The proposal for a new house to the front garden and a significant increase in height of the existing property would cause loss of light and shadowing to surrounding properties.

There will be an increase in hardstanding and roof areas which will require to be drained of surface water but the areas available for soakaway drainage would be limited.

Access is via a private road with upkeep the responsibility of existing users, increase in construction traffic could cause unnecessary damage.

The development site is extremely tight for the works proposed and access is via a single lane private road, it is likely that construction personnel parking and material delivery and storage could cause obstruction and damage and unauthorised parking and storage would take place in surrounding areas and on amenity grassed area adjacent to site.

Access to the site is via a single lane private access to which the applicant has only a single legal right of access and no additional rights for a new build. In addition the legal title only permits the construction of a single property.

I trust the foregoing points are self explanatory but if you require any clarification please contact my son Ewan Gordon on 0 [REDACTED] who is acting on my behalf.

Yours Sincerely

Mrs Olga Gordon  
Owner of 4 Holm Avenue, Uddingston

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## Howe, Lorraine

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**From:** John Vance <[REDACTED]>  
**Sent:** 04 July 2019 14:30  
**To:** Planning  
**Subject:** Planning application reference number P/19/0890

Sent from my iPad

Dear Sir/Madam,

With reference to above planning application I should like to raise the following concerns,

- 1) Loss of privacy.
- 2) Potential obstruction to right of access.
- 3) There appears to be no turning point for vehicles with potential risk of injury to pedestrians.

Please acknowledge receipt of this correspondence,

Yours sincerely,

John Vance,  
Traquair, Holmwood Avenue, Uddingston, G71 7AJ.

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**Law, Aileen**

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**From:** Jan [REDACTED]  
**Sent:** 09 July 2019 10:31  
**To:** Planning  
**Subject:** Planning application P/19/0690  
**Attachments:** planning objection.docx

FOA MR James Watters

Please find attached objection letter to the proposed development at, 2 Holm Avenue, Uddingston.

Best regards  
Willie and Jan Logan

Holmwood House  
15 Holmwood Avenue  
Uddingston  
G71 7AJ

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[REDACTED]

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**From:** EDWARD THOMSON <[REDACTED]>  
**Sent:** 17 July 2019 15:46  
**To:** Planning  
**Subject:** 2 Holm Ave Uddingston

For the attention of Mr Jame Watters

I notice that my objection along with Richards has not been included in the list of planning objections on your web site  
as you are aware both Richard Holm Ave and my neighbour Mr McDonald at number 6 Rosefield Gardens and myself wrote in or objections as soon as we received your notification. Can you please ensure that or complaints are recorded

Edward Thomson

South Lanarkshire

Planning Applications

Reference P/19/0890

Property Address 2 Holm Ave Uddingston

Planning Officer James Watters

.

### **Objections from**

**Mr E Thomson 4 Rosefield Gardens**

**Mr O McDonald 6 Rosefield Gardens**

### **Objections**

- The proposed development is contrary to local planning policy, for the development of two storey dwelling house which is not in keeping with the stylistic or scale and streetscape of the surrounding properties. All existing properties are single storey bungalows.
- The development of two storey building facing onto Holm Avenue and close to the boundary line will have a negative impact on the amenity of other properties, particularly number 4 Rosefield Gardens due to, overlooking, overshadowing, loss of daylight, loss of privacy.
- **Other points of concern in relation to the development.** 2 Holm Avenue has a line of leylandii trees forming a continual high hedge approximately 80 ft in height on the boundary line parallel with the roadway approximately 10 feet from the boundary of 4 and 6 Rosefield Gardens, which is presently causing a loss of light to the aforementioned properties. After complaints were made which involved the council and numerous meetings, the previous owner agreed to either remove or cut down the leylandii trees to the height of the boundary fence. Unfortunately he has since sold the property without any work being carried out. We would ask the council to ensure the new owner is made aware of the problem and history, and has this work carried out as part of the development plans.

**From:** EDWARD THOMSON <[REDACTED]>  
**Sent:** 17 July 2019 15:46  
**To:** Planning  
**Subject:** 2 Holm Ave Uddingston

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Edward Thomson

South Lanarkshire

Planning Applications

Reference P/19/0890

Property Address 2 Holm Ave Uddingston

Planning Officer James Watters

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[REDACTED]

---

**From:** Richard Goring [REDACTED]  
**Sent:** 17 July 2019 15:30  
**To:** Planning  
**Subject:** fao James Watters, re planning application for 2 Holm Avenue, G71 7AL P/19/0890

Dear Mr Watters,

Following our telephone conversation this afternoon. I have attached my concerns about the proposed developments for 2 Holm Avenue reference P/19/0890, as it might make it easier for you to ensure they are included on your website as representations.

Points for discussion re plans for 2 Holm Avenue  
Reference P/19/0890

Discussion points:

- Change in the character of the street – currently all houses are single storey;
- Status of the pathways (burdens) on both sides of the new buildings;
- Ownership of the hedge between no 2 and no 3 Holm Avenue;
- Holm Avenue is a private road – must be made good after demolition and construction are completed;
- Condition of the road must be maintained throughout works – cleaned regularly;
- There must be 24/7 access for vehicles to all houses in Holm Avenue; access for emergency vehicles, delivery vehicles and cleansing/ uplift vehicles'. No parking on the single-track road;
- Grass area between Holm Avenue and 4 Rosefield Gardens must not be used for parking, turning or positioning of waste, including skips;
- Overlooking/ loss of privacy;
- Delineation of new properties – fences, hedges etc;
- Retention of trees – more detail required;
- Partial demolition? – what part of existing buildings are to be retained?

Richard and Aileen Goring  
3 Holm Avenue  
G71 7AL

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## **Appendix 3**

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**Site photographs and location plan**



**Photo 1** Access to Holm Avenue and Prospect Avenue from Glasgow Road





**Photo 2** Access to Rosefield Gardens from Glasgow Road





**Photo 3** View of properties on Rosefield Gardens





**Photo 4** View of properties on Rosefield Gardens





**Photo 5** View of properties on Prospect Avenue





**Photo 6** View of properties on Prospect Avenue





**Photo 7** View of application site access on Holm Avenue





**Photo 8** View of properties on Holm Avenue





**Photo 9** View of properties on Holm Avenue





**Photo 10** View of properties on Holm Avenue





**Photo 11** Existing property within appeal site





**Photo 12** Existing property within appeal site





**Photo 13** View towards front of appeal site





**Photo 14** Existing Property/buildings within the appeal site





**Photo 15** Existing structures within the appeal site



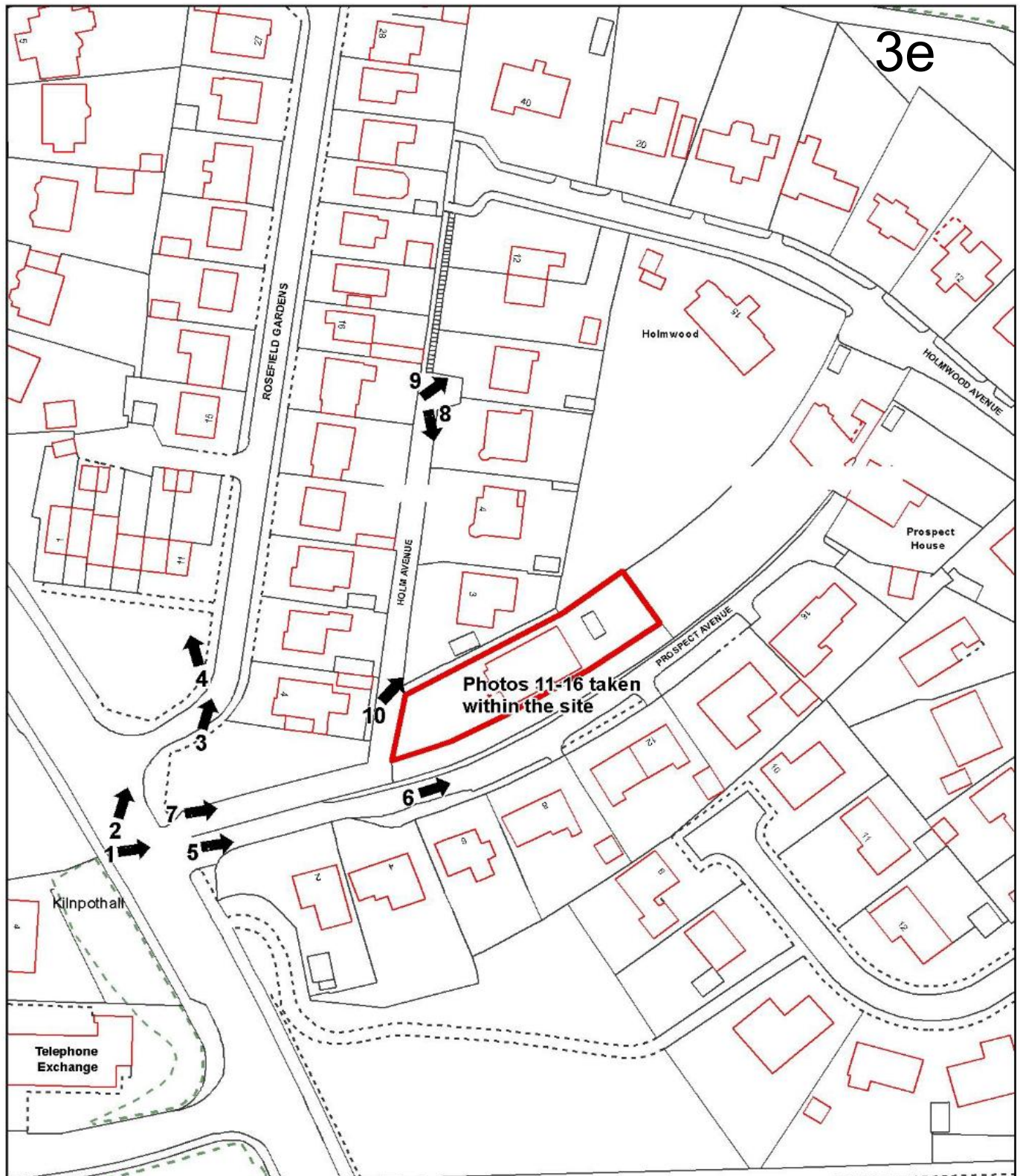


**Photo 16** View towards rear of site showing access gate to separate property to rear (located on Holmwood Avenue). Right of access through appeal site





**Planning Review for application P/19/0890 Holm Avenue, Uddington**  
**Location of photographs**



This map indicates from where photographs were taken



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



Scale: 1:1,250

Date:

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## **Appendix 4**

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





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

Mr John Reynolds  
10 James Street  
Bellshill  
Scotland  
ML4 3LU

Our Ref: P/19/0890  
Your Ref:  
If calling ask for: James Watters  
Date: 14 February 2020

Dear Sir/Madam

**Proposal:** Partial demolition of house, erection of extension including new roof and erection of dwellinghouse.  
**Site address:** 2 Holm Avenue, Uddingston, G71 7AL,  
**Application no:** P/19/0890

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 James Watters on 01698 454970

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 [james.watters@southlanarkshire.gov.uk](mailto:james.watters@southlanarkshire.gov.uk) Phone: 01698 454970



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

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To: **Mr John Reynolds**

Per:

**10 James Street, Bellshill,  
Scotland, ML4 3LU,**

With reference to your application received on **04.06.2019** for planning permission under the above mentioned Act:

**Description of proposed development:**

**Partial demolition of house, erection of extension including new roof and erection of dwellinghouse.**

**Site location:**

**2 Holm Avenue, Uddingston, G71 7AL,**

---

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: 14th February 2020

**Head of Planning and Economic Development**

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

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

## **South Lanarkshire Council**

### **Refuse planning permission**

**Paper apart - Application number:** P/19/0890

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

01. The proposal is contrary to Policy 4 of the adopted South Lanarkshire Local Development Plan and Policy DM13 of the associated Development Management, Placemaking and Design Supplementary Guidance as 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 DM13 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 DM3 of the Development Management, Placemaking and Design Supplementary Guidance associated with the adopted South Lanarkshire Local Development Plan in that the proposed house, and that remaining, would not be in keeping within the established pattern of development in the surrounding area. Furthermore, the existing re-modelled house would not retain a proper road frontage of comparable size and form to surrounding curtilages.
04. The proposal is contrary to Policy 5 of the proposed South Lanarkshire Local Development Plan 2 as 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.
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 DM3 of the proposed South Lanarkshire Local Development Plan 2 in that the proposed house, and that remaining, would not be in keeping within the established pattern of development in the surrounding area. Furthermore, the existing re-modelled house would not retain a proper road frontage of comparable size and form to surrounding curtilages.

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

The proposal does not accord with Policies 1, 4, and 6 of the adopted South Lanarkshire Local Development Plan nor with the relevant policy and guidance contained within associated supplementary guidance (Policies DM3, DM7, DM13 and approved Residential Design Guide) in so far as it does not take account of the local context and built form. Additionally, the proposal fails to comply with Policies 1, 3, 5, DM1, DM3 and DM7 of the proposed South Lanarkshire Local Development Plan 2.

There are no other material considerations which are of sufficient weight and merit to overcome the provisions of the development plan. Given the primacy of the Development Plan in terms of statutory legislation and the fact that the proposal is contrary to a number of Local Plan policies it is therefore necessary for planning consent to be refused for the proposed development.



## Notes to applicant

**Application number: P/19/0890**

### Important

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

01. This decision relates to drawing numbers:

Reference	Version No:	Plan Status
Location Plan		Refused
02		Refused
03		Refused
04		Refused
05		Refused
06		Refused
07	A	Refused



## **Appendix 5**

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



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 100167826-002

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

## Applicant or Agent Details

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

☒ Applicant ☐ Agent

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="John"/>	Building Number:	<input type="text" value="10"/>
Last Name: *	<input type="text" value="Reynolds"/>	Address 1 (Street): *	<input type="text" value="James Street"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Town/City: *	<input type="text" value="Bellshill"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="ML4 3LU"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

## Site Address Details

Planning Authority:

South Lanarkshire Council

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

Address 1:

Address 2:

2 HOLM AVENUE

Address 3:

UDDINGSTON

Address 4:

Address 5:

Town/City/Settlement:

GLASGOW

Post Code:

G71 7AL

Please identify/describe the location of the site or sites

Northing

661024

Easting

269515

## Description of Proposal

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

Partial demolition of house, erection of extension including new roof and erection of dwellinghouse

## Type of Application

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

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

What does your review relate to? * <input checked="" type="checkbox"/> Refusal Notice. <input type="checkbox"/> Grant of permission with Conditions imposed. <input type="checkbox"/> No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.	
<h3>Statement of reasons for seeking review</h3> <p>You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)</p> <p>Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.</p> <p>You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;">         We wish to request a review for the following reasons and further noted in the attached supporting documents. 1. We believe the decision did not take into account the precedent set by approving other applications within SLC region 2. Failure to take in account recommendations noted within the SLC Design guides 3. advice-giving by the planner made no reference to the reasons given within the refusal and failed to take into account our statement dated 05.08.19 4. Decision period exp. time frames       </div>	
Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? * <span style="float: right;"> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No         </span>	
If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters) <div style="border: 1px solid black; height: 60px; margin-top: 5px;"></div>	
Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters) <div style="border: 1px solid black; padding: 5px; margin-top: 5px;">           - Design statement and response to each point raised and discussed with planning officer Mr James Waters: - Response to the decision notice         </div>	
<h3>Application Details</h3>	
Please provide the application reference no. given to you by your planning authority for your previous application.	<div style="border: 1px solid black; padding: 2px 10px;">P/19/0890</div>
What date was the application submitted to the planning authority? *	<div style="border: 1px solid black; padding: 2px 10px;">04/06/2019</div>
What date was the decision issued by the planning authority? *	<div style="border: 1px solid black; padding: 2px 10px;">14/02/2020</div>

## Review Procedure

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

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

☐ Yes ☒ No

## Checklist – Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☐ Yes ☐ No ☒ N/A

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

## Declare – Notice of Review

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

Declaration Name: Mr John Reynolds

Declaration Date: 26/04/2020

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# Design Statement

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Application Ref:  
P/19/0890

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05 August 2019

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#### Site Location & Context:

The application site is situated in the centre of the Residential area to the West of the town of Uddingston. The plots currently contains a vehicle access from Holm Avenue to the West and maintains a full street frontage on to Prospect Avenue to the South which has a line of laurel hedging approx. 3meters high running the full length of boundary. The site has a right of way to the property to the north-east on Holmwood Avenue and pedestrian access to second property along the North boundary.

The surrounding properties are of 1, 2 & 3 storey in height and are a mixture of traditional styles in terms of scale, form, design & materials. The properties to the north-east of the site are on a higher level to all those on Holm Avenue approx. levels height higher include and overlook the site and its immediate context. Along Prospect Avenue, the properties are a mixture of 1, 1.5 & 2 storey and follow a consistent building line along the street frontage, again like the properties Holmwood Avenue, these rise along the street overlooking the existing site, all of the properties are separated from the plot with a mature hedge that reaches approx. 3m in height along the length of the site.

To West on Holm Avenue there is a mixture of traditional and mid-century modern houses in a varying scale of 1 & 1.5 and a recently built 3 storey at the end. Beyond Holm Avenue into Rosefield Gardens there a varying scale and design of mid-century houses in vary scales of 1, 1.5 & 2 storey.

The existing site has a number of mature trees on North, West & South boundaries all of which are clearly marked on the existing site survey. The trees are of varying edge and height with mature broad leaf trees forming the upper part of the north east boundary. In between the trees there is a mature hedge as mentioned running the length of Prospect Avenue street frontage and also a small hedge to the lower north boundary separating the properties onto Holm Avenue. The plot has some mature planting and a brick retaining wall separating the boundary to the east and the property onto Holmwood Avenue. To the west there is again mature conifer trees of varying scale and a large 3 meter closed boarded fence preventing any sight lines onto Holm Avenue or indeed further on to Rosefield Gardens.

The existing frontage on the site at No 2, is not consistent with the building line along Holm Avenue, it appears to follow the form and alignment along Prospect Avenue. From the 1944 -1967 Ordnance Survey it appears the house has always been aligned pre-extension with Prospect Avenue. It is also worth noting that the property to the rear at no. 3 Holm Avenue appears to be a result of the sub-division of the garden space and is not original to the street - see included map within appendix titles 1944-1967 OS Map - Appendix A.



It is also worth noting that from the 1900's OS map onwards (appendix B) it appears all of the streets of Holm Avenue, Rosefield Gardens & Holmwood Avenue are all a result of the subdivision of the gardens of the original Holmwood House and Estate.

The adjacent site at no 3 Holm Avenue has a set from the edge of the road of 10.3m and the properties at Prospect Avenue (no 6) of 9.3m; the application property has a setback of 6.9m from the same street.

The application site is not located within a conservation area or neighbouring a listed building. None of the trees within the application site are subject of a Tree Preservation Order, although we can confirm that mature trees, laurel hedging and some other trees and hedging will be retained to maintain the overall character of the area.

The building has been extend a number of times over the years and has been largely used as a residential property, however at some time in the past it operated as a private nursery for a number of children. The building also has a number of garages and outhouses to the north-east of the site, which sit directly on the boundary line and are of timber and brick constructions these are of poor condition and will be removed.

The existing footprint of the housing extension and outbuildings is 251m<sup>2</sup>

#### Proposed Design:

The application is for detailed planning consent for the extension of the existing property at 2 Holm Avenue (Plot 2), which would be 1.5 storeys in height and will provide 4 bedrooms, dining room, lounge, and an open plan family room and kitchen. Three car parking spaces and a turning area to enable the cars to leave the site in forward gear will be provided for each plot. The design of the single storey side extension is sympathetic in scale and design of all the properties along Prospect Avenue, with a new bay window added to complement the existing architectural features and aesthetics of many of the properties along this street and onto Holmwood Avenue. The existing pedestrian and vehicle access is maintained from Holm Avenue to the site and past the new Plot no. 1 to its south, it is proposed that the right of way is maintained to the property on Holmwood Avenue, and the parking does not include any of space used for this.

It is also proposed that the right of way footpath allowing access to property to the north will be maintained and unaffected.

Plot 1 will consist of a 2 storey double bayed property in line with the design and scale of many of the properties at Rosefield Gardens, Holm Avenue and Holmwood Avenue to the North.

The architectural character and design was heavily influenced by the local Victorian architecture and street frontages along Belleisle Avenue, Belmont Avenue and the properties to the West along Glasgow Road. All of which consist of single or double bays and of a 2 storey scale and design, the proposed window design, style and proportions are also referencing these properties. In line with Policy DM1 and ENV31 of the adopted South Lanarkshire Plan it is felt that the application has taken into consideration the local context and appropriately responded and reflected this in the design of the new homes.

Each of the properties are indeed to maximum the use of sustainability energy sources where available and will look to incorporate the latest technologies by way of renewables and energy conservation. Plot 2 will undertake a major fabric restoration to ensure the current building standards are adhered to and go well beyond. These proposals will be in line with the aspirations set out in the Policy ENV31 which aims to promote sustainability through careful consideration of the materials and methods used in construction, design and layout of a new site.

The proposed rear garden for plot 1 is 11m in depth, the proposed rear garden to plot 2 is 10.2m in depth, the rear garden area for plot 1 is 160m<sup>2</sup> and plot 2 is 115m<sup>2</sup>. Plot 1 has a very generous front garden which also contains many of the existing mature trees, grass lawn and chipped driveway. Plot 2 is also surrounded by the mature planting trees and chipped driveway, has an exceptionally large amenity space to the rear which is secluded and made private with its fence along the length of the driveway. All of the above figures align with the Design standard notes located in the appendix of the South Lanarkshire Councils - Supplementary Planning Guidance: Residential Design Guide, August 2011.

The set back from Holm Avenue on Plot 1 is 13.2m and the set back from Plot 2 to the higher road levels of Prospect Avenue is maintained per the existing at 6.9m.

At its closest point plot 1 is 10.3m from no. 3 Holm Avenue; however this is blocked by a number of mature trees, fence and 1.8m hedge which questions and creates no overlooking. Plot 1 to the west has also retained a number of the mature trees and closed boarded approx. 4 meter high fence and even at the 2 storey has no overlooking to any properties onto Holm Avenue or indeed further away Rosefield gardens.

#### **Design Standards Notes Provision:**

**Bin Storage:** Both Plots 1 & 2 have retained bin storage within their respective plot and would be taken to the end of the driveway as per the existing conditions. All storage within the site would be to the rear, on hard standing and include for the collection and storage for recycling in line with the policy.

**Parking:** Plot 1 has 2 allocated spaces and Plot 2 has 3 allocated spaces all in line with the recommended figure of 2 in Table 1 of the appendix of the South Lanarkshire Councils - Supplementary Planning Guidance: Residential Design Guide, August 2011.

**Windows to window distances:** The windows of Plot 1 to Plot 2 is 13.2m, however this is to the lower ground floor TV room and is screened with the provision of a 1.8m fence. It is felt that the design and offset of the windows presents no overlooking to the properties. As noted in section 4.10 & 4.11 of appendix of the South Lanarkshire Councils - Supplementary Planning Guidance: Residential Design Guide, August 2011, these guidelines may be relaxed in some instances with conditions permitting.

**Sunlight & daylight:** It is felt given the large provision of rear gardens and generous offset between buildings not lighting issues are present in the proposals. In response to the wider context the properties are suitably positioned that they do not present any risk to the neighbouring properties. All of the boundaries are also well covered with mature trees and the building form would not in any way increase the impact should any issues exist.

**Garden provision:** As noted above the gardens comply with the recommended depths of 10m and an area of 70m<sup>2</sup>.

As noted in our text above we believe we meet all the standards set out in the South Lanarkshire Councils - Supplementary Planning Guidance: Residential Design Guide, August 2011.

South Lanarkshire Council Planning Policy and Guidelines: Supplementary Guidance 3: 5.0  
Subdivision of Garden Ground

Adhering to the policy above we wish to note the following in support of the application and we believe our proposals meet the recommendations set out in the policy.

Part 5.1 of the policy recognises that the subdivision of gardens is possible and highlights that some gardens can be permitted as long as the standards relating to distances between boundaries, garden sizes, access, parking and privacy can be met. As highlighted above all of these standards have been addressed and complied with.

We have listed below the parts of the policy which we believe have been met and our clearly noted in our text above:

- our proposals are of the appropriate scale, massing, design and materials
- our proposals are comparable to those nearby and are in line with the established patterns present in the urban planning and wider context.
- both plot 1 and plot 2 have road frontage onto Holm Avenue and Prospect Avenue, both of which at present are complemented with existing mature planting and screening.
- our proposals have adequate vehicular access and have no impact on the existing conditions in terms of noise or loss of privacy
- our proposals have sufficient garden space
- our proposals have no impact with the retention of fences, hedges and trees on surrounding privacy to neighbouring properties
- our proposals will not overshadow adjacent properties
- where possible all existing trees, hedges, fences and building in part have been retained to ensure the character of the area is maintained
- our proposals have adequate parking as set out in the design notes listed above
- our proposals have no bearing or will jeopardise any further desirable developments in the area

- our proposals take account of all supplementary guidance provide by the Council

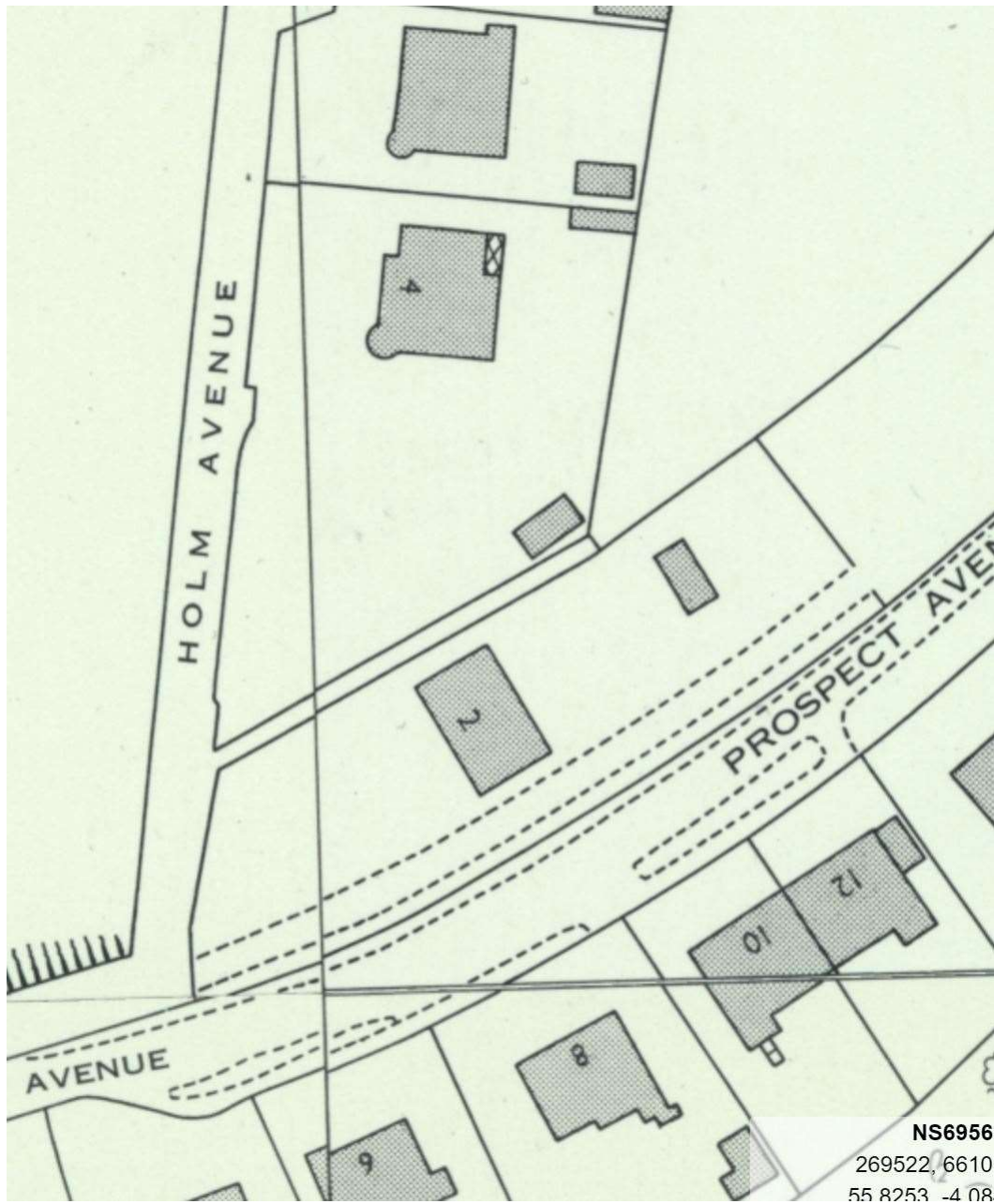
As noted in our text above we believe the history of the site and the surrounding area have been a result of a long period of subdivision of garden space originally part of the Holmwood House and more recently the subdivision of the garden at no 4 Holm Avenue to form no 3 Holm Avenue within metres of the north boundary of the current application. See attached ordinance survey drawings

We also like to draw particular attention in support of our application, to some other applications submitted to South Lanarkshire Council which are for the provision of new build properties of similar scales and design and also the subdivision of existing garden space:

- HM/15/0021
- HM/17/0296

This concludes our response to the guidance set out in South Lanarkshire Council Planning Policy and Guidelines: Supplementary Guidance 3: 5.0 Subdivision of Garden Ground.

Appendix A (1944-1967 OS map extract)



Appendix B (1900's OS map extract)





01. The proposal is contrary to Policy 4 of the adopted South Lanarkshire Local Development Plan and Policy DM13 of the associated Development Management, Placemaking and Design Supplementary Guidance as 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.

Applicants response: As noted in our design statement dated 5<sup>th</sup> August 2019 and relation to policy 4 of the South Lanarkshire Local Development Plan and Policy DM13 we do not believe the application contravenes any of the guidance set out within this guidance.

Items listed within the policy are noted as follows:

- i. The design has no negative impact on adjacent buildings and street scape and respects the existing street scape, setbacks, and scales of properties within the surrounding context. As noted in the design statement provided there is a number varying scale of properties from 1-3 to stories in height adjacent to the site. Plot 1 will consist of a 2 storey double bayed property in line with the design and scale of many of the properties at Rosefield Gardens, Holm Avenue and Holmwood Avenue to the North. The architectural character and design were heavily influenced by the local Victorian architecture and street frontages along Belleisle Avenue, Belmont Avenue, and the properties to the West along Glasgow Road. All of which consist of single or double bays and of a 2-storey scale and design, the proposed window design, style, and proportions are also referencing these properties. In line with Policy DM1 and ENV31 of the adopted South Lanarkshire Plan it is felt that the application has taken into consideration the local context and appropriately responded and reflected this in the design of the new homes.
- ii. There is no adverse impact on the landscape character or built heritage
- iii. We believe the proposed application is fully accessible and this is noted in the no adverse comments from the Roads and Transports Department
- iv. The proposal meets and exceeds the minimum standards for open garden space for new dwellings and this was demonstrated and provided in the design statement dates 5<sup>th</sup> August 2019
- v. Each of the properties are indeed to maximum the use of sustainability energy sources where available and will look to incorporate the latest technologies by way of renewables and energy conservation. Plot 2 will undertake a major fabric restoration to ensure the current building standards are adhered to and go well beyond. These proposals will be in line with the aspirations set out in the Policy ENV31 which aims to promote sustainability through careful consideration of the materials and methods used in construction, design, and layout of a new site. This was demonstrated and provided in the design statement dates 5<sup>th</sup> August 2019
- vi. The development has no adverse impact on the Water environment
- vii. The development has no adverse impact on the local air quality
- viii. The site has no history of mining or poor ground conditions

As noted in the application form for the notice for review we believe the application follows all Policy 4 of the guidelines and this was demonstrated in the submitted drawings and design statement. We believe that precedent referred in the application for applications

- HM/15/0021
- HM/17/0296

02. The proposal is contrary to Policy 6 of the adopted South Lanarkshire Local Development Plan and Policy DM13 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.

Applicants response: Policy 6 as noted in the South Lanarkshire Local Development Plan aims to safeguard the urban areas and settlements from bad neighbour issues such as visual impact, noise, smell, air pollution, disturbance, or public safety. As proved in in our submission in terms of visual impact there is no detriment to the surrounding area as the site is secluded from the main road and surrounding

properties by hedges approx. 3m high and trees circa 20m high. The remaining factors of noise, smell, air pollution, disturbance, or public safety would not apply to this application for 2 residential developments.

As noted in the response to point 1 above the design and massing is in keeping with the surrounding context and precedents of the area. These can be reviewed in detail below in order as noted in the policy:

- The proposed relates to the scales of the surrounding properties along Holm Avenue and Prospect Avenue in terms of scale, massing, and intensity of use. The new build block aims to reflect, in mass and form the Victorian properties across Glasgow Road which are a fundamental cornerstone of the Uddingston conservation area
- The development has respected the surrounding and existing traffic arrangements of the area and in no way increases the volume of traffic given its previous use as a Nursery. As noted in response to Policy 6 the noise, visual impact or emissions are affected by the development.
- There is no loss to open or play area, trees bushes or hedgerows.
- The development is adequately served by in terms of pedestrian and vehicle access and makes the guidelines stipulated with the supplementary guidance. This has been supported by the no adverse comments received from the Roads and Transport department.
- There is no adverse effect on public safety
- As proven in the design statement the supplementary guidance has been followed and exceed in many cases in relation to garden spaces, proportions of spaces and offsite parking.

03. 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, and that remaining, would not be in keeping within the established pattern of development in the surrounding area. Furthermore, the existing re-modelled house would not retain a proper road frontage of comparable size and form to surrounding curtilages.

Applicants response: As noted in our design statement dated 5<sup>th</sup> August 2019, we believe the requirement set out in Policy DM3 have been met and we note the response to their requirements:

Part 5.1 of the policy recognises that the subdivision of gardens is possible and highlights that some gardens can be permitted if the standards relating to distances between boundaries, garden sizes, access, parking, and privacy can be met. As highlighted above all these standards have been addressed and complied with.

We have listed below the parts of the policy which we believe have been met and our clearly noted in our text above:

- our proposals are of the appropriate scale, massing, design, and materials
- our proposals are comparable to those nearby and are in line with the established patterns present in the urban planning and wider context.
- both plot 1 and plot 2 have road frontage onto Holm Avenue and Prospect Avenue, both of which at present are complemented with existing mature planting and screening.
- our proposals have adequate vehicular access and have no impact on the existing conditions in terms of noise or loss of privacy
- our proposals have sufficient garden space
- our proposals have no impact with the retention of fences, hedges, and trees on surrounding privacy to neighbouring properties
- our proposals will not overshadow adjacent properties
- where possible all existing trees, hedges, fences and building in part have been retained to ensure the character of the area is maintained
- our proposals have adequate parking as set out in the design notes listed above
- our proposals have no bearing or will jeopardise any further desirable developments in the area
- our proposals take account of all supplementary guidance provide by the Council

As noted in our text above we believe the history of the site and the surrounding area have been a result of a long period of subdivision of garden space originally part of the Holmwood House and more



recently the subdivision of the garden at no 4 Holm Avenue to form no 3 Holm Avenue within metres of the north boundary of the current application.

We also like to draw particular attention in support of our application, to some other applications submitted to South Lanarkshire Council which are for the provision of new build properties of similar scales and design and also the subdivision of existing garden space:

- HM/15/0021
- HM/17/0296
- HM/15/0376

It should be noted that both properties have adequate frontages to both Holm Avenue and Prospect Avenue, and we do not believe the response is applicable to this application as a result of these facts.

We believe the approach is in line with the example Polnoon case study (page 21) of the Scottish Governments Policy on Design streets:

<https://www.gov.scot/binaries/content/documents/govscot/publications/corporate-report/2010/03/designing-streets-policy-statement-scotland/documents/0096540-pdf/0096540-pdf/govscot%3Adocument/0096540.pdf>

We would welcome discussion on how the suitable frontage is measured and against benchmark given that the plot size is larger in proportion and length to many surrounding properties on two aspects for Plot no 1 and in length for plot 2. As demonstrated in our earlier commentary we do not believe that the statement “proper road frontage of comparable size and form to surrounding curtilages” is accurate or applicable to these plots based on our proposed site plan design.

04. The proposal is contrary to Policy 5 of the proposed South Lanarkshire Local Development Plan 2 as 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.

Applicants response: As noted in the design statement and our response above we do not believe the application has no adverse impact on the local community or environment or the requirements of Policy 5.

These can be reviewed in detail below in order as noted in the policy:

1. We believe there is no adverse on the impact on adjacent buildings in terms of layout, scale, massing design or materials. All surrounding buildings have been respected and referenced in the design.
2. The development has no adverse impact on the amenity of nearby properties in terms of overshadowing, overlooking or loss of lights. As demonstrated in the Block Plan the properties observe the offset to neighbouring properties and that the 3m hedges and mature trees prevent any overlooking along Prospect Avenue. Along Holm Avenue for Plot 1, there is no concern of overlooking as the property is screened by a mature line of trees, hedges, and fencing.
3. The proposal provides suitable access and parking, and this is demonstrated in the no adverse comments from the Roads & Transport.
4. Both properties will look to utilise renewables where possible and the original building will be upgraded to exceed the current expectations and standard set under the Scottish Building Regulations.
5. Unstable land is not applicable to this application
6. The development will have no impact on the natural or historic environment
7. The development will not result in or have any adverse effect on water, soil, or air quality
8. The proposal where applicable include the recommend utility and roads infrastructure, green space, and water management applicable to a residential development.

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.

Applicants response: In our opinion the intention of the Policy 3 is to safeguard residential areas in general urban areas and settlements. Given the proposal is to take a formally used nursery and turn the development into 2 residential units meets all the characteristics of the surrounding residential area. The Policy also aims to ensure that the development is not detrimental to the amenity of the residents in terms of impact, noise, smell, air pollution, disturbance traffic or public safety. As noted in our previous comments we do not believe our development causes any of these issues and follows the precedents set by other residential development within urban areas in terms of scale, design, massing, and materiality.

We are the opinion that the development ensure that the residential area is safeguarded and enhanced.

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

Applicants response: This appears to be a replication of the reasons noted in point 3, please refer to applicant's response.

# Appendix 6

3h

## Further Representations

### Further Representation From

- ◆ Statement of Observations from Planning Officer on Applicant's Notice of Review
- ◆ Mrs Vicki Trim
- ◆ Mr E Thomson and Mr McDonald



**Statement of Observations**

**Planning application P/19/0890 - Partial demolition of house, erection of extension including new roof and erection of dwellinghouse.**

**1 Planning Background**

- 1.1 Mr. John Reynolds submitted a planning application (reference: P/19/0890) on 4 June 2019 to South Lanarkshire Council for Partial demolition of house, erection of extension including new roof and erection of dwellinghouse at 2 Holm Avenue, Uddingston G71 7AL. After due consideration of the application in terms of the Development Plan and all other material planning considerations, planning application P/19/0890 was refused by the Council under delegated powers on 14 February 2020 for the reasons listed in the decision notice.
- 1.2 The report of handling dated 11 February 2020 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 residential area 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 affect 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 (Policies DM2 – House Extensions and Alterations, DM3 Sub-division of Garden Ground, DM7 – Demolition and Redevelopment for Residential Use and DM13 – Development within General Urban Area/Settlements). Again these policies support and supplement 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 29 May 2018 the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance Policies 3 – General Urban Area/Settlement, 5 – Development Management and Placemaking, DM2 – House Extensions and Alterations, DM3 – Sub-division of Garden Ground and DM7 – Demolition and Redevelopment for Residential Use are relevant. Excluding minor changes to wording the aims and objectives of these policies are very similar and broadly consistent with those of the adopted Local Development Plan.
- 2.6 As part of the planning application process, consultations were undertaken and statutory neighbour notification was carried out. In response 10 letters of representation were received. These representations were material to the assessment of the application and provide a broad illustration of the views held by neighbours adjoining the site. The Report of Handling concisely summarises the issues raised and provides an appropriate planning response.

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

- 3.1 In the submitted 'Notice of Review' and accompanying documentation the appellant provides detailed reasons why the appeal should be looked upon favourably. Indeed, a response to each reason of refusal has been provided. In order to prevent repetition, the appellants comments in respect of each reason

for refusal will not be reproduced. In addition it is also acknowledged, at the outset that as most policies have a number of criteria to be complied with is likely that some policy requirements will or could be addressed satisfactorily or were not directly relevant to the proposed development e.g. adverse impact on the water environment or adverse effect on air quality. That said there are a number of policy requirements that the proposal failed to comply with as detailed below. Consequently, the application could not be supported.

#### **Council's Response to Appellants comments on Reason 1 for refusal:**

A fundamental requirement of Policy 4 is that all development proposals require to take account of and be integrated with the local context and built form. In this connection the Planning Service do not support the applicant's contention that the proposal represented an appropriate form of development all things considered.

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 surrounding area is conventional in character with most houses having a rectangular feu with a proper road frontage. The houses are generally large 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 plot 2 at the rear of the site would represent a form of backland development due to the absence of a proper road frontage.

In terms of design the surrounding properties are of relatively modern construction and not "Victorian" in design which, in the appellants words "heavily influenced" the design of the proposed new dwellinghouse. Given the site's physical characteristics, being long and narrow, and the requirement to retain a right of access over the site, it is not possible to provide proper road frontages 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.

#### **Council's Response to Appellants comments on Reason 2 for refusal:**

The principle requirement of Policy 6 is to protect the character and amenity of residential areas. It is considered that the application fails to accord with this policy primarily due to the adverse impact the development would have on the

character and amenity of the area. In amplification of this the proposed houses would, in simplistic terms, appear squeezed in, cramped and would not respect the general layout/built environment of the immediate locality. This concern is also shared by many of the third parties who lodged representation, it being highlighted that the proposal was not respectful of local characteristics in terms of scale, built form and amenity.

It is acknowledged that in terms of aspects such as traffic generation the proposal could be accommodated. In this regard the appellant's statement that the site was previously used as a nursery is noted. No planning consent for such a use appears to exist and it may be that the property was used for child minding purposes rather than a registered nursery. The fact however that the proposal complies with some policy criteria does not overcome or override other requirements/aspects of the policy and justify support for the development.

**Council's Response to Appellants comments on Reason 3 for refusal:**

In terms of determining application P/19/0890 Policy DM 3 – Subdivision of garden ground - was of prime importance and significant weight must be afforded to same. The policy details a number of requirements/criteria that have to be complied with in a satisfactory and appropriate manner. Unless the criterion is complied with the presumption is that consent be withheld.

The Planning service does not support the contention that the proposal accords with all requirements of Policy DM 3. The introduction of a two-storey property at this location is not consistent with the established pattern within the area. Whilst the application site adjoins Prospect Avenue this does not provide an appropriate road frontage for the existing remodelled property that would be retained on site (plot 2). The siting of the proposed new dwelling to the front of the existing property removes the frontage with Holm Avenue it had (plot 2) and would result in access being by means of a common driveway. Clearly plot 2 would not have a proper road frontage of comparable size reflective of surrounding curtilages, a pre-requisite of Policy DM3.

Policy DM 3 also requires that both the proposed and remaining plots are sympathetic to the character and pattern of development in the area and does not result in a development that appears cramped, visually obtrusive or be of an appearance that is harmful to the character and amenity of the area. In this connection it must be emphasised that plot 2 represents a form of backland development which would be alien to the established character and pattern of development in the area. Indeed the separation distance between the two houses would be in the region of 13 metres, a distance which is significantly below normal standards when windows of habitable rooms face each other; this



again supports the contention that the site is not of sufficient size to accommodate the development which is being 'squeezed' in.

The appellant has suggested that the application complies with all standards in terms of garden sizes and distances to boundaries. These standards are contained in the Councils Residential Development Guide and are primarily aimed at new build housing developments by volume house builders. Whilst these standards can on occasion be imposed on new plot developments, compliance does not inevitably mean that consent should be issued. The required standards are minimum standards and therefore compliance does not automatically mean that the proposal is acceptable; the impact of the proposal must still be viewed and considered in the wider context of the character and amenity of the immediate locality. Indeed given that the majority of surrounding houses were erected a number of decades ago the level of amenity and established character is such that new housing development based on minimum requirements would, on the balance of probability, be obtrusive, have a negative impact on the locality and therefore be contrary to the requirements of policy DM 3

Each application is assessed individually on its own merits. In terms of the other proposals highlighted by the appellant these are assessed in terms of the site's 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.

With regard to the appellant's reference to Scottish Government's Policy on Designing Streets this relates to large scale modern residential developments, usually at 'greenfield' sites. It is not intended for use when considering proposals for the sub-division of garden ground to provide an additional house plot within an area where the existing building/street pattern is well established.

**Council's Response to Appellant's comments on Reason 4,5 and 6 for refusal:**

For the purposes of determining applications the proposed South Lanarkshire Local Plan 2 (SLLDP2) is a material consideration as this Plan has received Council approval.

As detailed in the Report of Handling the general aims and requirements of the applicable policies of the SLLDP2 (Policy 3, 5 and DM 3) are broadly similar to

their counterparts within the adopted plan. Accordingly as the objectives and aspirations of the Local development Plan policies mirror those in the adopted Local Development Plan it follows that the proposal is contrary to policy guidance within SLLDP2 for broadly the same reasons noted above and within the report of Handling. Again to prevent repetition the Planning Service responses to reason 1, 2 and 3 should be transferred and applied in a similar manner to reasons 4, 5 and 6.

## **4 Conclusion**

- 4.1 As required by planning law application P/19/0890 has been assessed in terms of the development plan and all other material considerations. In this respect the report of handling submitted as part of the appeal process 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 characteristics, shape and size of the site is too small/tight to accommodate the two houses as proposed in a manner that would relate satisfactorily to the immediate houses in particular and the wider area in general. As a result, the proposed houses would not respect the established character of the area and would seriously harm the present level of amenity. The houses would appear to be 'squeezed in' when compared with the settlement pattern of the immediate neighbourhood and would not enjoy an appropriate or proper road frontage, a prerequisite when considering applications relating to the formation of an additional house plot within established curtilages.
- 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. 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 applicant's request to overturn the refusal of planning permission.

**From:** VICKI TRIM [REDACTED]  
**Sent:** 01 May 2020 10:46  
**To:** McLeod, Karen  
**Cc:** MacRae, Pauline; Steven Trim; Planning LRB  
**Subject:** Re: Planning Local Review Body - 2 Holm Avenue, Uddingston

3h

Planning Application No: P/19/0890

Dear Planning, I am writing to continue my objection to the current plans submitted for 2 Holm Avenue Uddingston and I am unclear why an appeal process has been opened if there is no change to the circumstances?

The current plans will significantly encroach on privacy to my house in Prospect Avenue where the front public rooms and a bedroom look out onto Holm Avenue, and a further two bedrooms upstairs.

I also feel that the current plans are a vast over development of the site and the elevation of two houses are not only crammed into the space but again encroach on privacy to my property and to elderly neighbours in Prospect Avenue. You will be aware that historically the property was used for commercial purposes as a nursery before it then became a house dwelling.

On Monday 27th and Tue 28th April the land owner has removed a substantial amount of greenery and trees from his property and this has increased the lack of privacy issue if he were to be granted permission to build two houses with additional floors.

I have no objections to replacement of the current house with a similar property and in a bungalow style to stay within the current acceptable parameters for all residents surrounding the property. There is a huge demand for bungalows!

I would like to be kept informed of any future information or decisions around this application please.

Best wishes

Vicki Trim

8 Prospect Avenue

Uddingston G71 7AN

On Thursday, 30 April 2020, 12:31:30 BST, McLeod, Karen <karen.mcleod@southlanarkshire.gov.uk> wrote:

Dear Ms Trim

Please refer to the attached letter in relation to the above matter.

Kind regards

Karen

Karen McLeod

Administration Assistant/Clerk to South Lanarkshire Area Support Team (AST)

South Lanarkshire Council

Administration and Legal Services

Council Offices, Floor 2

Almada Street

Hamilton ML3 0AA

Tel: 01698 454519

Fax: 01698 454407

Email: karen.mcleod@southlanarkshire.gov.uk

**British Sign Language (BSL) users can contact us via [www.contactscotland-bsl.org](http://www.contactscotland-bsl.org).**



#### **More information**

More information about contactSCOTLAND-BSL can be found at their website <https://contactscotland-bsl.org/>

**I am currently working from home and can be contacted on email and office number (which is forwarded onto my mobile)**

South Lanarkshire Council Disclaimer

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The following is the objections raised by Mr E Thomson Mr McDonald 4 and 6 Rosefield Gardens against the proposed development at 2 Holm Ave Submitted to the councils planning department

- The proposed development is contrary to local planning policy, for the development of two storey dwelling house which is not in keeping with the stylistic or scale and streetscape of the surrounding properties. All existing properties are single storey bungalows.
- The development of two storey building facing onto Holm Avenue and close to the boundary line will have a negative impact on the amenity of other properties, particularly number 4 Rosefield Gardens due to, overlooking, overshadowing, loss of daylight, loss of privacy.
- **Other points of concern in relation to the development.** 2 Holm Avenue has a line of leylandii trees forming a continual high hedge approximately 80 ft in height on the boundary line parallel with the roadway approximately 10 feet from the boundary of 4 and 6 Rosefield Gardens, which is presently causing a loss of light to the aforementioned properties. After complaints were made which involved the council and numerous meetings, the previous owner agreed to either remove or cut down the leylandii trees to the height of the boundary fence. Unfortunately he has since sold the property without any work being carried out. We would ask the council to ensure the new owner is made aware of the problem and history, and has this work carried out as part of the development plans.

The developer review submission repeatedly makes reference to the row of trees at the boundary Holm Ave Rosefield Gardens as if it legitimises the situation and is a solution to resolve the problem of the build on Plot 1 which it clearly it is not and if constructed, would will be causing overlooking, overshadowing, loss of daylight, loss of privacy to 4 Rosefield Gardens.

**The review submission makes these spurious references throughout Plot 1 does not block light or over shadowing or privacy which it clearly does. The following pages highlight this and developers commentary from their submission:**

Page No	Developers Comments
Page 1	The plot has some mature planting and a brick retaining wall separating the boundary to the east and the property onto Holmwood Avenue. To the west there is again mature conifer trees of varying scale and a large 3 meter closed boarded fence preventing any sight lines onto Holm Avenue or indeed further on to Rosefield Gardens.
Page 3	Plot 1 to the west has also retained a number of the mature trees and closed boarded approx. 4 meter high fence and even at the 2 storey has no overlooking to any properties onto Holm Avenue or indeed further away Rosefield gardens.

Page 3	The set back from Holm Avenue on Plot 1 is 13.2m and the set back from Plot 2 to the higher road levels of Prospect Avenue is maintained per the existing at 6.9m. At its closet point plot 1 is 10.3m from no. 3 Holm Avenue; however this is block by a number of a number of
Page 3 con't	mature trees, fence and 1.8m hedge question and creates no overlooking <b>This statement is wrong the set back is around 6m not 13.2m to Holm Ave also no mention of the total height of the 2 storey build to top of roof.</b>
Page 4 a	Sunlight & daylight: It is felt given the large provision of rear gardens and generous offset between buildings not lighting issues are present in the proposals. In response to the wider context the properties are suitably positioned that they do not present any risk to the neighbouring properties. All of the boundaries are also well covered with mature trees and the building form would not in any way increase the impact should any issues exist.
Page 4b	both plot 1 and plot 2 have road frontage onto Holm Avenue and Prospect Avenue, both of which at present are complemented with existing mature planting and screening.
Page 4 c	our proposals have no impact with the retention of fences, hedges and tress on surrounding privacy to neighbouring properties <ul style="list-style-type: none"> <li>- our proposals will not overshadow adjacent properties</li> <li>- where possible all existing trees, hedges, fences and building in part have been retained to ensure the character of the area is maintained</li> </ul>

At this time I would like to advise of the recent history regarding these said leylandii trees located at 2 Holm Ave The trees mentioned in question are in fact Leylandii trees which are around 80ft height which forms a continual hedge and is in breach of the High Hedge (Scotland) Act 2013.

Complaints were previously made to the council and they confirmed that the trees did come under the regulation of High Hedge act Scotland. They advised that we should go through the first procedure and try come to agreement between neighbours before they would officially intervene. A number of meeting took place with the owner and he agreed to erect a 2m high fence on top of the brick boundary wall and cut the trees to the 2 m level to which we both jointly agreed. The fence was erected without the trees being cut as per our agreement. Shortly after that the owner sold up. A developer purchased the house which meant we could not proceed with this complaint any further as the property was now empty.

The situation at present is that these leylandii trees must be legally reduced in height as per the High Hedge Act Scotland therefore they should be not be taken into account in the developer ridiculous claim that they actually assist the submission. Whereby it is clear the very opposite.

In the review submission they conveniently don't mention Plot 1 the 2 storey 12-15m height and the build is less than 6 m from the boundary line of Holm Ave which means that when the trees when reduced to the legal height the property will effectively be causing, overlooking, overshadowing, loss of daylight, loss of privacy to 4 Rosefield Gardens as per our original objection.

If for some reason the council agreed in favour of the proposal and allowed authority to build the proposed 2 storey development plot 1, using the justification of the trees to assist the submission, it would be obvious that it would only be a matter of time before the new occupiers would in fact insist on cutting the trees down as it t would be affecting light into their new home, so however it comes about when the trees are

reduced to the 2 m height (legal height), then the property would fall into the category that it is overlooking, overshadowing, loss of daylight, loss of privacy to 4 Rosefield Gardens and all that would come into play as per our original objection.

E Thomson

O Mcdonald





# Report

4

Report to:	<b>Planning Local Review Body</b>
Date of Meeting:	<b>24 August 2020</b>
Report by:	<b>Executive Director (Finance and Corporate Resources)</b>

Subject:	<b>Review of Case – Application P/18/1478 for Change of Use and Alteration of Agricultural Shed to Form House and Erection of Detached Domestic Garage</b>
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## 1. Purpose of Report

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

### 1.2. *Summary Application Information*

Application Type:	Detailed Planning Permission
Applicant:	R McDonald
Proposal:	Change of Use and Alteration of Agricultural Shed to Form House and Erection of Detached Domestic Garage
Location:	Land 108 Metres West of Quarry Cottage, A726 from East Kilbride to Chapelton, Chapelton, Strathaven
Council Area/Ward:	05 Avondale and Stonehouse

### 1.3. *Reason for Requesting Review*

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

## 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 checked="" 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 representation(s) **(Appendix 2(c))**
  - ◆ Site photographs and location plan **(Appendix 3)**
  - ◆ Decision notice **(Appendix 4)**
  - ◆ Notice of Review including statement of reasons for requiring the review **(Appendix 5)**
- 5.3. Copies of the relevant drawings are available for inspection by contacting Administration Services prior to the meeting.

## **6. Notice of Review Consultation Process**

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

**Paul Manning**

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

11 August 2020

### **Link(s) to Council Values/Ambitions/Objectives**

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

### **Previous References**

None

### **List of Background Papers**

- ◆ Guide to the Planning Local Review Body

### **Contact for Further Information**

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

Pauline MacRae, Administration Officer

Ext: 4108 (Tel: 01698 454108)

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



# Appendix 1

4a

## Planning Application Form





16 OCT 2018 4a



Enterprise Resources

Allocated to:

File Ref:

## Non - householder planning application form

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

The Town and Country Planning (Development Management Procedure)  
(Scotland) Regulations 2008

Please refer to notes of guidance prior to completing this form.

### Part 1 Name and address of applicant(s).

Name	<b>ROBERT McDONALD</b>		
Address	<b>C/O DTA CHARTERED ARCHITECTS LTD</b>		
Post code		Daytime Phone	
Email			

### Part 2 Name and address of agent (if any).

Name	<b>DANIEL TONER</b>		
Company	<b>DTA CHARTERED ARCHITECTS LTD</b>		
Address	<b>9 MONROVICK STREET THE VILLAGE EAST KILBRIDE</b>		
Post code	<b>G74 4SS</b>	Daytime Phone	
Email			

### Part 3 Full address of application site.

Building name / plot / unit no / flat position	
Address	<b>SITE ADJACENT TO QUARRY CENTRE A726 FROM EAST KILBRIDE TO CHAPELTON CHAPELTON, STRATHVIEW</b>
Post code	<b>ML10 6SS</b>

(please outline site in RED on all your location/block plans, if you own or control any land adjoining the application site please outline area(s) in BLUE)

#### Part 4 Description of proposed development.

Please provide an accurate and detailed description of the proposed development  
e.g. Erection of rear extension to building / change of use shop to office.

CHANGE OF USE AND ALTERATION OF AGRICULTURAL  
SHED TO FORM A DWELLINGHOUSE AND ERECTION  
OF DETACHED DOMESTIC GARAGE

#### Part 5 Is the application for? (please tick one box only)

- ☐ Planning permission in principle.
- ☒ Detailed planning permission (including change of use).
- ☐ Approval of matters specified in conditions (please provide approval date and reference number of previous planning consent).
- Ref no.  Date
- ☐ Renewal of a previous temporary permission (please provide date on which original consent expired and previous planning reference number).
- Ref no.  Date
- ☐ Amendment to previous consent (please provide approved date and reference number of previous planning consent).
- Ref no.  Date

#### Part 6 Is this proposal a revised version of an application which has been withdrawn or refused within the last 12 months?

Yes



No



Ref no.

#### Part 7 If you have previously discussed this application with a planning officer, please provide the name of the officer and date of discussion.

Name of officer

Date

#### Part 8 Site area / floorspace.

(a) Gross area of application site (in hectares).

0.2316

ha.

(b) Gross floorspace of existing building (in square metres).

209

sq.m.

(c) Proposed additional floorspace (in square metres).

4

sq.m.

**Part 9 Materials (finishes: include colour and type).**

➡ see Note 1

Not applicable ☐

Existing

Proposed

External walls

BRICKWORK

RENDER

Roof

CONCRETE TILES

CONCRETE TILES

Windows

UPVC DOUBLE GLAZED

UPVC DOUBLE GLAZED

Boundary treatment

**Part 10 Access and parking.**

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

Yes ☐No ☒

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

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

Yes ☐No ☒

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

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

5

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

5

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

**Part 11 Design and access statement/ design statement/ pre-application consultation report.**

➡ see Note 2

Do you require to submit any of the following?

Design and access statement?

Yes ☐No ☒Don't know ☐

Design statement?

Yes ☐No ☒Don't know ☐

Pre-application consultation report?

Yes ☐No ☒Don't know ☐

If 'yes' to any of these, please ensure that it is submitted with your application.



**Part 12 Water supply and drainage arrangements.**

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

Yes ☒ No ☐

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

- ☐ Yes, connecting to public drainage network  
☒ No, proposing to make private drainage arrangements  
☐ Not Applicable - only arrangement for water supply required

(c) What private arrangements are you proposing for the new/alterd septic tank?

- ☒ Discharge to land via soakaway  
☐ Discharge to watercourse(s) (including partial soakaway)

Please show more details on your plans and supporting information

(d) What private arrangements are you proposing?

- ☐ Treatment/Additional treatment (relates to package sewer treatment plants, or passive sewage treatment such as a reed bed)  
☐ Other private drainage arrangement (such as chemical toilets or composting toilets)

Please show more details on your plans and supporting information

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

Yes ☒ No ☐

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

(f) Are you proposing to connect to the public water supply network?

Yes ☒ No, using a private water supply ☐

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

**Part 13 Does the application relate to a listed building?**

➡ see Note 3

Yes ☐ No ☒ Don't know ☐

**Part 14 Does the application relate to a building within a conservation area?**

➡ see Note 3

Yes ☐ No ☒ Don't know ☐

**Part 15 Will the proposed development affect any trees?**

➡ see Note 4

Yes ☐ No ☒

## Part 16 Assessment of flood risk.

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

Yes ☐ No ☒ Don't know ☐

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

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

Yes ☐ No ☒ Don't know ☐

If yes, briefly describe how the risk of flooding might be increased elsewhere and any proposals that you intend to carry out to mitigate these effects:

## Part 17 Contamination and pollution.

➡ see Note 5

Is the site known or suspected to be contaminated or polluted?

Yes ☐ No ☒ Don't know ☐

(If yes please provide further details in an accompanying letter)

## Part 18 Hazardous materials.

➡ see Note 6

Do any of the proposals involve the use, storage, manufacture or disposal of hazardous materials?

Yes ☐ No ☒ (If yes please provide further details in an accompanying letter)

## Part 19 Proposals relating to agriculture.

Is the development required for the furtherance of agriculture, horticulture or forestry?

Yes ☐ No ☒ (If yes please provide further details in an accompanying letter)

## Part 20 Waste storage and collection.

Do the plans incorporate areas to store and aid the collection of waste?

Yes ☐ No ☒

If yes, please provide details and illustrate on plans.

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

Waste storage and collection details:

PLEASE SEE PAGES

### Part 21 Planning service employee/Elected member interest.

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

Yes ☐ No ☒

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

Yes ☐ No ☒

If you have answered yes please provide details:

### Part 22 Planning fee.

I enclose a fee of £

☒

No fee is required

### Part 23 Any other information the applicant / agent wishes to submit in support of their application.



## Ownership certificate

Under Regulation 15 of the Town and Country Planning  
(Development Management Procedure) (Scotland) Regulations 2008

**If you do not own all the land relating to the application, then you must notify  
all owners 21 days before submitting this application.**

**I certify that 21 days before the date of this application that:**

**A** ☒ The applicant owned all the land relating to the application. (tick one box only)

**OR**

☐ The applicant has notified every other person who was the owner of the land of the submission of this planning application. Those notified as the owner/part owner of the site are listed below.

### The owners notified are:

Name of owner(s)	Address(es)	Date notified

**I further certify that 21 days before the date of this application that:**

(tick one box only)

**B** ☒ None of the land relating to the application relates to or formed part of an agricultural holding.

**OR**

☐ The land forms part of an agricultural holding and the applicant has notified every person who was an agricultural tenant. Those notified as an agricultural tenant are listed below.

### Agricultural tenant(s) notified:

Name of tenant(s)	Address(es)	Date notified

**C** ☐ I am unable to issue a certificate in accordance with either A or B above.

1. I have been unable to serve notice on all persons who, 21 days before the date of this application, were either an owner or agricultural tenant with an interest in the land. I have been able to notify the following:

Name of owner(s) / tenant(s)	Address(es)	Date notified

2. I have taken reasonable steps, as listed below, to identify the names and addresses of the other owners and agricultural tenants, but have been unable to do so:

N.B. If you cannot serve notice on all persons because you do not know who owns the application site, or part of it, or who is an agricultural tenant, then you should contact the appropriate area office to obtain the relevant notice that you will need to complete and publish in a local newspaper.

## Part 25

**Does the proposed development involve any of the following?**

(please tick the appropriate boxes)

Yes No

☐
☒

The construction of buildings for use as a public convenience;

☐
☒

The construction of buildings or other operations, or use of land -

- for the disposal of refuse or waste materials, or for the storage or recovery of re-useable metal;
- for the retention, treatment or disposal of sewage, trade-waste, or effluent other than -
  - the construction of pumphouses in a line of sewers;
  - the construction of septic tanks and cesspools serving single dwelling-houses, or single caravans, or single buildings in which not more than 10 people will normally reside, work or congregate;
  - the laying of sewers; or
  - works ancillary to those described in sub-paragraph (i) to (iii);
- as a scrap yard or coal yard; or
- for the winning or working of minerals;

☐
☒

The construction of buildings or use of land for the purposes of slaughtering animals (including fish and poultry) or the processing of animal carcasses for final disposal or as part of the production of other goods;

- | Yes                      | No                                  |  |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | The construction or use of buildings for any of the following purposes - bingo hall; building for indoor games; cinema; dancing; fun fair; gymnasium (not forming part of a school, college or university); hot food shop; licensed premises; skating rink; swimming pool or theatre;  |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | The construction of buildings for or the use of buildings or land as -<br>a. a crematorium, or use of land as a cemetery;<br>b. a zoo, or wildlife park, or for the business of boarding or breeding animals;  |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | The construction of buildings and use of buildings or land for motor racing;   |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | The construction of a building to a height exceeding 20 metres;  |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | The construction of buildings, operations, and use of buildings or land which will -<br>a. affect residential property by reason of fumes, noise, vibration, smoke, artificial lighting or discharge of any solid or liquid substance;<br>b. alter the character of an area of established amenity;<br>c. bring crowds into a generally quiet area;<br>d. cause activity and noise between the hours of 8pm and 8am;<br>e. introduce significant change into a homogeneous area. |

If the answer to any of the above is "yes", then the planning authority have to advertise the proposal in a local newspaper. The applicant is required to pay the cost of this advert. Please contact Planning and Building Standards Services to establish the cost involved.

## Checklist

To allow us to register your application and avoid unnecessary delays, please ensure that you have submitted the following information :-

### Documentation

- ☒ Fully completed, signed and dated application form.
- ☒ Completion of ownership certificate confirming who owns the land and advising of any other owners who have been notified.
- ☐ Design and access statement (if it is a major development or a design statement if it is a local development within a specified area).
- ☐ Pre-application consultation report (if the application is a major development).

### Fees

- ☐ Correct fee enclosed – checked against scale of fees.

### Plans

- ☒ Non-householder applications – six full sets of plans

For more information or if you want this information in a different format or language, please phone 01698 455379 or e-mail [enterprise.hq@southlanarkshire.gov.uk](mailto:enterprise.hq@southlanarkshire.gov.uk)



Each set of plans includes:-

- ☒ Location plan at scale of 1:2500 or 1:1250 (or 1:10000 if in rural area). Site clearly outlined in red and any other land owned by the applicant outlined in blue.
- ☒ Site plan at a scale of 1:500.
- ☒ Scaled floor plan(s) (not required for applications in principle applications).
- ☒ Scaled elevation plan(s) (not required for applications in principle applications).
- ☒ If any plan is larger than A3 size, it would assist if you could also provide one set of correctly scaled A3 size copies of the plan. This assists with speeding up the consultation process.

### Declaration

**I hereby certify that the information given by me in this form is true and accurate to the best of my knowledge.**

Signature of applicant/agent\* (Delete as appropriate)

Date

16/10/2018

It does not exempt you from the need to obtain any other permission which may be necessary under other legislation or regulations including The Building (Scotland) Acts, The Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) (Scotland) Act 1997, or the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984. If in doubt please contact the appropriate area office on 08457 406080.



### Data Protection Act 1998

In terms of the Town and Country Planning (Scotland) Act 1997, the Council is required to maintain a public register of specified information relating to planning applications which are submitted. The Council is required to make that register available for public inspection. In addition, the Council is required to make some of that information available to Community Councils in the form of a published weekly list of planning applications received. This weekly list is also available for sale to private individuals and companies. Accordingly, by submitting this application you are consenting to the processing of the relevant data under the terms of the Data Protection Act 1998 and to the inclusion of the data in the public register and the publicly available weekly list. If you do not wish to be included in the weekly list for public sale, please tick here. ☐

Please note that when you submit a planning application, the information will appear on the planning register and the completed forms and any associated documentation will also be published on the Council's website. Personal telephone numbers, e-mail addresses and signatures will not be made public.



This publication has been printed on recycled paper.

### For official use only:

App. No.:

Date of Receipt:

Receipt No.:

Fee Paid:

# Appendix 2

4b

## Report of Handling

Report dated 14 January 2020 by the Council's Authorised Officer under the Scheme of Delegation





	<b>Delegated Report</b>	Reference no.	P/18/1478
			<b>4b</b>
		Date	14 January 2020

<b>Planning proposal:</b>	Change of use and alteration of agricultural shed to form dwellinghouse and erection of detached domestic garage
<b>Location:</b>	Land 108M West of Quarry Cottage A726 From East Kilbride To Chapelton Chapelton Strathaven South Lanarkshire

**Application Type :** Detailed planning application

**Applicant :** Robert McDonald  
**Location :** Land 108M West Of Quarry Cottage  
A726 From East Kilbride To Chapelton  
Chapelton  
Strathaven  
South Lanarkshire

**Decision:** Application refused

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

**Policy reference: South Lanarkshire Local Development Plan (2015)**

Policy 3 – Green belt and rural area  
Policy 4 – Development management and placemaking  
Policy GBRA2 – Conversion and re-use of existing buildings

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

Policy 4 – Green belt and rural area  
Policy 5 – Development management and placemaking  
Policy GBRA4 – Conversion and re-use of existing buildings

**Assessment**

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

**Consultations**

**Summary of response**

Roads Development Management Team	No objections
Environmental Services	No objections
Scottish Water	No objections

**Representation(s):**

▶	0	Objection letters
▶	0	Support letters
▶	1	Comment letter

## Planning Application Delegated Report

### 1 Application Summary

- 1.1 The application site comprises part of an agricultural holding located adjacent to an existing farmhouse at Quarry Cottage, Quarry Farm, by Chapelton, just off the A726. The proposed plot of 0.2ha, and the surrounding agricultural land is owned by the applicant and extends to an area of 46.25 hectares
- 1.2 The application relates to the conversion of an existing, part-constructed agricultural building to a dwellinghouse and the erection of a detached garage. The application is a re-submission of a previously withdrawn application submitted in February 2018 (P/18/0229). The current application is for the same proposal. The existing building was granted under Prior Notification regulations (EK/PN/0035) in order to support a proposed poultry business at the agricultural holding. As noted above, the building has not been fully constructed and appears not to have been used as an agricultural building.

### 2 Representation(s)

- 2.1 Following neighbour notification and advertisement in the East Kilbride News as development contrary to the development plan and non-notification of neighbours, one letter of comment has been received. The points raised are summarised as follows:

**(a) Full protection of all wildlife is required by the policy.**

**Response:** Noted.

- 2.2 This letter is available for inspection on the planning portal.

### 3 Assessment and Conclusions

- 3.1 The determining issue in this instance is the proposal's compliance with adopted and proposed local development policy and planning history. The site is located within the green belt and as a result, Policy 3 of the adopted LDP is relevant. Policy 3 states that the Council will favour housing proposals on sites within existing settlements identified for housing in local plans, or within defined village envelopes where acceptable environmental and design standards can be met. Outwith established settlements; isolated housing development will not be permitted unless it can be justified in terms of an agricultural or economic requirement or is the re-use or conversion of an existing building or where it forms part of a larger proposal for the rehabilitation or change of use of disused or redundant traditional buildings where it consolidates such groups.
- 3.2 In addition, as a conversion is proposed policy GBRA2 is also applicable. Policy 3 states that proposals for new houses in the green belt and rural area will only be permitted in the following circumstances:
- Where there is a locational need for such housing;
  - The proposal involves the redevelopment of derelict land and buildings;
  - The conversion of traditional buildings and those of a local vernacular;
  - Limited development within gap sites;
  - Extension of existing buildings'

Policy GBRA2 states that in instances where a building is being converted for residential purposes, they must be traditional or of a local vernacular. This is generally accepted as traditional stone byres and barns but can also include brick barns and piggeries.

- 3.3 The building proposed for conversion benefits from approval through the prior notification regulations, in association with a poultry business but it has never been completed. Construction commenced within the last 10 years and as such the building cannot be classed as traditional and the applicant has supplied no evidence that it has been used with the farm unit other than for storage. The applicant has previously attempted to run some form of poultry business, however there has been little or no progress made to date to complete the building or use it in association with the agricultural operation of the farm.
- 3.4 The building is set back from the existing dwellinghouse and access road which serves three properties at Quarry Farm and Quarry Cottage to the east of the site. It does not meet any of the other aims of Policy 3 as no locational need has been established, it is not the redevelopment of derelict land, is not a gap site and it does not constitute an extension. As such, the application does not comply with Policies 3 or GBRA2. In addition, if the existing building was converted to a dwellinghouse as proposed, the applicant is likely to need an additional agricultural building to replace it and this would have an additional adverse impact on the amenity of the green belt.
- 3.5 As with most planning applications, Policy 4 – Development Management and placemaking is relevant. The policy states that all development proposals will require to take account of and be integrated with the local context and built form. For the reasons outlined above, a new dwelling in the proposed location would be out context and separated from the existing grouping. Furthermore, the proposed conversion would not be in keeping with the architectural style of the locality
- 3.5 On 29<sup>th</sup> May 2018 the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore, the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan with particular reference to Policies 4 and 5. It is considered that the proposal fails to comply with Policies 4, 5 and GBRA4 in the proposed plan.
- 3.6 Whilst none of the relevant consultees have objected to the proposal there remains the overriding factor that the proposal fails to satisfy the relevant policies in both the adopted and proposed LDPs. The application is therefore refused.

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

- 4.1 The proposal fails to comply with policies 3 and GBRA2 of the adopted South Lanarkshire Local Development Plan and policies 4 and GBRA4 of the proposed South Lanarkshire Local Development Plan 2.

**Delegating officer: G Rae**

**Date: 14.1.20**

#### **Previous references**

- ◆ P/18/0229
- ◆ EK/PN/0035

#### **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 27.11.2018
- ▶ Consultations

Roads Development Management Team 28.02.2019

Environmental Services 03.12.2018

Scottish Water 04.12.2018

- ▶ Representations  
J E Allan, 94 Franklin Place, Westwood, East Kilbride, G75 8LS, Dated:  
18.12.2018

### **Contact for further information**

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

Iain Morton, Planning officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455048

Email: [iain.morton@southlanarkshire.gov.uk](mailto:iain.morton@southlanarkshire.gov.uk)

## Planning Application

**Application number:** P/18/1478

### Reasons for refusal

01. The applicant has failed to supply sufficient information/adequate plans to allow proper consideration of the proposal
02. The proposal is contrary to Policies 3, 4 and GBRA2 of the South Lanarkshire Local Development Plan as it would constitute new residential development in the Greenbelt without appropriate justification.
03. The proposal is contrary to Policies 4, 5 and GBRA4 of the proposed South Lanarkshire Local Development Plan 2 as it would constitute new residential development in the Greenbelt without appropriate justification.

### Reason(s) for decision

The proposal fails to comply with policies 3, 4 and GBRA2 of the adopted South Lanarkshire Local Development Plan and policies 4, 5 and GBRA4 of the proposed South Lanarkshire Local Development Plan 2.

### Informatives

01. This decision relates to drawing numbers:

Reference	Version No:	Plan Status
L(0-) 01		Refused
L(0-) 02		Refused
L(0-) 03		Refused
L(1-) 01		Refused
L(2-) 01		Refused



# Appendix 2(b)

4c

## Consultation Responses

- ◆ Response dated 27 November 2019 from Roads and Transportation Services
- ◆ Response dated 28 November 2018 from Environmental Services
- ◆ Response dated 29 November 2018 from Scottish Water



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

Planning Application No: P/18/1478	Dated: 27 November 2018	Received: 2018
Applicant: Robert McDonald		Contact: J. Ferguson
Proposed : Change of use and alteration to agricultural shed to form dwellinghouse and erection of detached domestic garage		Ext: 01698 - 455266
Location: Site Adjacent To Quarry Cottage, A726 From East Kilbride To Chapelton, Chapelton, Strathaven, ML10 6SJ		Planner: Iain Morton
Type of Consent: Full	No of drg(s) submitted: Portal	

Proposals Acceptable?	Y or N	Item ref	Comments
<b>1. EXISTING ROADS</b>			
(a) General Impact of Development	Y	1(a)	This application is for the change of use and alteration to agricultural shed to form dwellinghouse and erection of detached domestic garage.
(b) Type of Connection(s) ( <del>road</del> junction/footway crossing)	Y		Previous application have been submitted for properties that are to be accessed from this private access. It should be noted that a private access can only serve up to a maximum of 5 dwellings.
(c) Location(s) of Connection(s)	Y		
(d) Sightlines (Existing)	N		
(e) Pedestrian Provision	N		
<b>2. NEW ROADS</b>			
(a) Width(s) ( )		1(b)	The dwelling will be accessed off of an existing private access from the A726, Strathaven Road, which is on a bend.
(b) Layout (horizontal/vertical alignment)		1(d)	The applicant should provide a plan detailing the achievable visibility splays at the access. Within these splays nothing over 900mm in height, ie. trees, shrubs walls etc is permitted.
(c) Junction Details (locations/radii/sightlines)		1(e)	This section of Strathaven Road is rural in nature and has no footways.
(d) Turning Facilities ( <del>circles</del> /hammerheads)		3 (a,b,c)	This property will have 4No bedrooms therefore 3No off street parking spaces are required. A plan showing the off street parking provision as dimensioned within the National Roads Development Guide should be provided. This parking requirement should be achievable.
(e) Pedestrian Provision			The first 10 metres should be of hardstanding to prevent loose material being carried on to the public road. The access must also be trapped and drained to prevent water running onto the public road.
(f) Provision for PU Services			The private access is not wide enough for 2 cars, if the applicant has control over the land, then the first 10 metres should be made wide enough for 2 cars to prevent queuing on the public road.
<b>3. SERVICING &amp; CAR PARKING</b>			
(a) Servicing Arrangements/ <del>Driveways</del>	N		
(b) Car Parking Provision (3 spaces)	N		
(C) Layout of Parking Bays/ <del>Garages</del>	N		
<b>4. RECOMMENDATION</b>			
(a) No Objections			
(b) No Objections Subject to Conditions			
(c) Refuse			
(d) Defer Decision	Y		
(e) SOID to advise			

THE APPLICANT MUST BE ADVISED OF THE FOLLOWING: -

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

\* Relevant Section of the Roads (Scotland) Act 1984

Signed: \_\_\_\_\_  
Engineering Manager

Date: \_\_\_\_\_

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

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

Dated:

Contact:

Item Ref	Comments
4(d)	<p>The applicant must also confirm that the Cleansing Department has agreed to uplift bins at the bin collection area.</p> <p>I would recommend that this application is deferred until the applicant submits a revised drawing incorporating the points raised above.</p> <p><b><u>CONDITIONS</u></b></p> <p><b>07.07 Surfacing and Driveway</b>  <b>07.22 Parking – Individual Plot</b>  <b>07.24 Sight Lines - Vehicular</b>  <b>07.31 Surface Water Trapping</b></p> <p><b><u>NON STANDARD CONDITIONS</u></b></p> <ul style="list-style-type: none"> <li>- A suitable system of site drainage is required to prevent surface water flowing onto the public road.</li> <li>- Appropriate cleaning systems should be put in place within the site to ensure mud and debris is not deposited on the public road.</li> </ul> <p>During construction wheel wash facilities/ road cleaning regime must be provided.</p> <p>All vehicles should be able to access and exit the site in forward gears, therefore a turning area must be provided, in addition sufficient parking should be provided within the site boundary to accommodate all site staff / operatives parking requirements.</p> <p>A plan showing the turning area and location and number of spaces for site staff / operatives should be submitted for approval.</p>



4c

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

To:	Planning & Building Standards Services	Our Ref.	CXW/385247
		Your Ref.	P/18/1478
		If Calling Ask for	Claire Crosbie
CC:		Phone	
From:	Claire Crosbie	Date.	28 November 2018

---

Subject:	Application Ref:	<b>P/18/1478</b>
	Address:	<b>Quarry Cottage A726 from East Kilbride to Chapelton Chapelton Strathaven ML10 6SJ</b>
	Proposed Development:	<b>Change of use and alteration to agricultural shed to farm ...</b>

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

I have no objections to the proposal

I would also request that if the application is approved, then the following advisory note is attached to the decision notice for the applicant's information;

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

The applicant is advised that all works carried out on site must be carried out in accordance with the current BS5228, 'Noise control on construction and open sites'.

The applicant is further advised that audible construction activities should be limited to, Monday to Friday 8.00am to 7.00pm, Saturday 8.00am to 1.00pm and Sunday – No audible activity. The applicant is advised that Environmental Services may consider formally imposing these hours of operation by way of statutory notice should complaints be received relating to audible construction activity outwith these recommended hours and should such complaints may be justified by Officers from this Service.

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

**ADV NOTE 7. Demolition and Asbestos**

Prior to demolition the existing structure should be surveyed for the presence of materials containing asbestos. Where such materials exist, removal works and any statutory notifications should comply with current legislation and Health and Safety Executive guidance.

**ADV NOTE 8. Demolition and Pest Control**

The applicant is advised that adequate pest control measures should be employed to ensure that any demolition and/or associated ground works occurring as part of this development do not give rise to increased pest activities. Further details of this may be obtained from Further

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





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

details of this may be obtained from: South Lanarkshire Council, Environmental Services,  
Montrose House, Hamilton ML3 6LB

**ADV NOTE ES11: Contamination - Caution**

Although the proposed development area is not on the Council's prioritised list of potentially contaminated land sites, it is recommended that an Action Plan is prepared in advance of works commencing, to guide staff in the event that any contamination is encountered during construction. This Plan will require the Planning Authority to be advised immediately if contamination is suspected.

Should you require any further information, please contact Claire Crosbie .

**Claire Crosbie  
Technical Officer**



29th November 2018

South Lanarkshire Council  
Council Offices  
Almada Street  
Hamilton  
ML3 0AA



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  
www.scottishwater.co.uk

Dear Sir/Madam

**SITE: ML10 Strathaven Quarry Cottage Site Adjacent To**

**PLANNING REF: P/18/1478**

**OUR REF: 770037**

**PROPOSAL: Change of use and alteration to agricultural shed to form dwellinghouse and erection of detached domestic garage**

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

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

#### **Water**

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

**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 normally 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 all of our application forms on our website at the following link <https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>**

#### **Next Steps:**

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

**For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances**

**we will require a Pre-Development Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.**

- **10 or more domestic dwellings:**

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

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

- **Non Domestic/Commercial Property:**

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at [www.scotlandontap.gov.uk](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 launderettes. Activities not covered include hotels, caravan sites or restaurants.

If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email [TEQ@scottishwater.co.uk](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 using the following link <https://www.scottishwater.co.uk/business/our-services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h>

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

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

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

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

Yours sincerely

**Lisa Lennox**

Development Operations Analyst

[Lisa.lennox2@scottishwater.co.uk](mailto:Lisa.lennox2@scottishwater.co.uk)

# Appendix 2(c)

4d

## Representations

### Representation From

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

### Dated

5/12/18







J. E. Allan  
94 Franklin Place  
Westwood  
EAST KILBRIDE  
Glasgow G75 8LS

HEAD OF PLANNING & BUILDING  
STANDARDS  
SLC HAMILTON

05/12/2018

Dear Sir

PLANNING APPLICATIONS  
P/18/1403 + 1478 + 1629 + 1661 + 1666 +  
1675

IN ALL CASES FULL PROTECTION  
FOR WILDLIFE FLORA & FAUNA  
ON ALL SITES. COUNCIL APPLICANTS  
are to note that AT THIS  
TIME BATS & HEDGEHOGS WILL  
HIBERNATE. WHILE NO DEMOLITION  
IS PROPOSED PROPOSED WORK  
COULD HAVE AN ADVERSE EFFECT  
ON EITHER SPECIES!

LANDSCAPING TO BE TO THE  
BENEFIT OF BUTTERFLIES MOTHS  
SPIDERS & INSECT FLIES THEY  
ALL PART OF A FOOD CHAIN

HEDGES WOULD BE BENEFICIAL  
PROVIDING SHELTER AND NESTING  
SITES FOR SMALL BIRDS!



## **Appendix 3**

4e

**Site photographs and location plan**





**Picture A**





**Picture B**



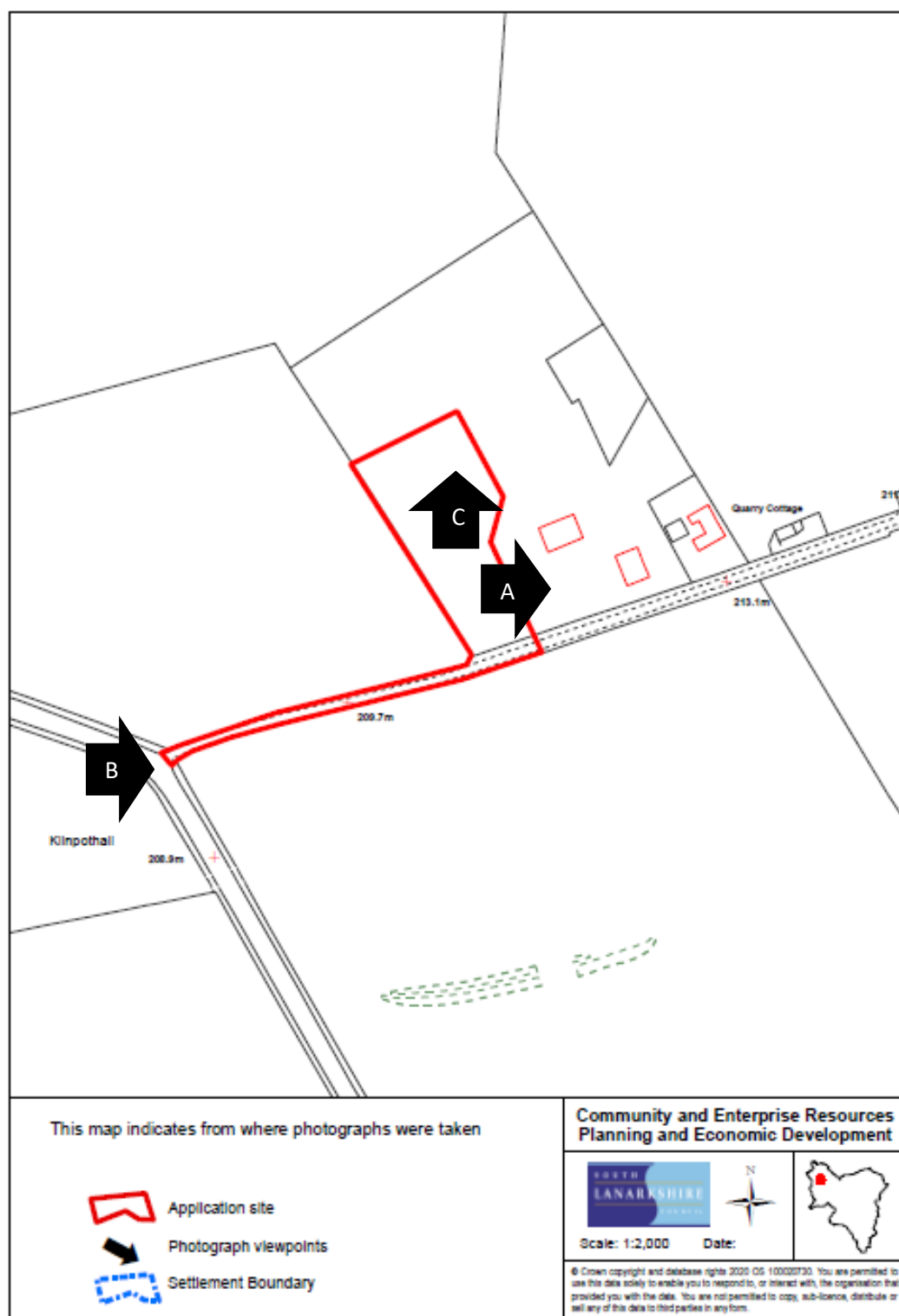


**Picture C**



Planning Review for Application P/18/1478, Change of use and alteration of agricultural shed to form dwellinghouse and erection of detached domestic garage

4e





## **Appendix 4**

4f

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







4f

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

DTA Chartered Architects  
9 Montgomery Street  
The Village  
East Kilbride

Our Ref: P/18/1478  
Your Ref:  
If calling ask for: Iain Morton  
Date: 14 January 2020

Dear Sir/Madam

**Proposal:** Change of use and alteration of agricultural shed to form dwellinghouse and erection of detached domestic garage  
**Site address:** Land 108M West Of Quarry Cottage, A726 From East Kilbride To Chapelton, Chapelton, Strathaven, South Lanarkshire, ,  
**Application no:** P/18/1478

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 Iain Morton on 01698 455048

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 [iain.morton@southlanarkshire.gov.uk](mailto:iain.morton@southlanarkshire.gov.uk) Phone: 01698 455048



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: **Robert McDonald**

Per: **DTA Chartered Architects**

**C/O DTA Chartered  
Architects Ltd**

**9 Montgomery Street, The  
Village, East Kilbride**

With reference to your application received on **18.10.2018** for planning permission under the above mentioned Act:

**Description of proposed development:**

Change of use and alteration of agricultural shed to form dwellinghouse and erection of detached domestic garage

**Site location:**

Land 108M West Of Quarry Cottage, A726 From East Kilbride To Chapelton, Chapelton, Strathaven, South Lanarkshire, ,

---

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: 14th January 2020

**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/18/1478

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

01. The applicant has failed to supply sufficient information/adequate plans to allow proper consideration of the proposal
02. The proposal is contrary to Policies 3, 4 and GBRA2 of the South Lanarkshire Local Development Plan as it would constitute new residential development in the Greenbelt without appropriate justification.
03. The proposal is contrary to Policies 4, 5 and GBRA4 of the proposed South Lanarkshire Local Development Plan 2 as it would constitute new residential development in the Greenbelt without appropriate justification.

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

The proposal fails to comply with policies 3, 4 and GBRA2 of the adopted South Lanarkshire Local Development Plan and policies 4, 5 and GBRA4 of the proposed South Lanarkshire Local Development Plan 2.

## Notes to applicant

**Application number: P/18/1478**

### Important

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

01. This decision relates to drawing numbers:

Reference	Version No:	Plan Status
L(0-) 01		Refused
L(0-) 02		Refused
L(0-) 03		Refused
L(1-) 01		Refused
L(2-) 01		Refused





## **Appendix 5**

4g

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





For official use: NOR/ \_ \_ / \_ \_ / \_ \_

Date received by PLRB: \_ \_ / \_ \_ / 4g \_ \_

# Notice of Review

Under Section 43A(8) of The Town and Country Planning (Scotland) Act 1997 (as amended) in respect of decisions on local developments

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

The Town and Country Planning (Appeals) (Scotland) Regulations 2013

**This notice requires to be served on the Planning Authority within 3 months of the date of the decision notice or from the date of expiry of the period allowed for determining the application which is set as 2 months following the validation date of the application**

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

**Please complete in BLOCK CAPITALS**

Applicant(s)	Agent (if any)
Name: ROBERT McDONALD	Name: MARK MCGLEISH
Address: C/O AGENT	Address: CERTUS, ATRIUM BUSINESS CENTRE, NORTH CALDEEN ROAD, COATBRIDGE
Postcode:	Postcode: ML5 4EF
Contact Telephone 1: C/O AGENT	NB: Please use email and telephone only to contact agent due to COVID – 19
Contact Telephone 2:	
Fax No:	
E-mail*: C/O AGENT	Contact Telephone 1:
	Contact Telephone 2:
	Fax No:
	E-mail*:

Mark this box to confirm that all contact should be through this representative: ☒

\* Do you agree to correspondence regarding your review being sent by e-mail? ☒ Yes ☐ No

Application reference number:	<table border="1"><tr><td></td><td>P</td><td>/</td><td>1</td><td>8</td><td>/</td><td>1</td><td>4</td><td>7</td><td>8</td></tr></table>		P	/	1	8	/	1	4	7	8
	P	/	1	8	/	1	4	7	8		
Site address:	LAND WEST OF QUARRY COTTAGE, A726, NEAR CHAPLETON.										
Description of proposed development:	CHANGE OF USE AND ALTERATION OF AGRICULTURAL SHED TO FORM DWELLING HOUSE AND ERECTION OF DETACHED										

DOMESTIC GARAGE.

**Validation date  
of application:**

27/11/2018

**Date of decision (if any):**

14/01/2020

**Nature of application**

- |  |                                     |
|--|-------------------------------------|
| 1. Application for planning permission (including householder application)   | <input checked="" type="checkbox"/> |
| 2. Application for planning permission in principle  | <input type="checkbox"/>            |
| 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition) | <input type="checkbox"/>            |
| 4. Application for approval of matters specified in conditions   | <input type="checkbox"/>            |

**Reasons for requesting review**

- |   |                                     |
|---|-------------------------------------|
| 1. Refusal of application by appointed officer  | <input checked="" type="checkbox"/> |
| 2. Failure by appointed officer to determine the application within the period allowed for determination of the application | <input type="checkbox"/>            |
| 3. Conditions imposed on consent by appointed officer   | <input type="checkbox"/>            |

**Review procedure**

In cases where the Planning Local Review Body considers that it has sufficient information, including the Notice of Review, the decision notice, report of handling and any further representations from interested parties, it may, under Regulation 12, proceed to determine the review. It is anticipated that the majority of cases the Planning Local Review Body deals with will fall into this category.

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

Although the Planning Local Review Body will decide on the procedure to be used to determine your review, you can indicate what procedure (or combination of procedures) you consider most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- |                                 |                                     |   |                                     |
|---------------------------------|-------------------------------------|---|-------------------------------------|
| 1. Further written submissions  | <input type="checkbox"/>            | 3. Site inspection  | <input checked="" type="checkbox"/> |
| 2. One or more hearing sessions | <input checked="" type="checkbox"/> | 4. Assessment of review documents only, with no further procedure | <input type="checkbox"/>            |

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

THE APPELLANT FEELS THAT A THOROUGH DISCUSSION AND THE POSSIBILITY OF HIM OR HIS AGENT EXPLAINING MATTERS IN PERSON WOULD BE BENEFICIAL.

**Site inspection**

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

- |  |                                     |                          |
|--|-------------------------------------|--------------------------|
|  | Yes                                 | No                       |
| 1. Can the site be viewed entirely from public land?                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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

### Statement of reasons for requiring the review

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

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

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

PLEASE REFER TO THE STATEMENT OF CASE ENCLOSED WITH THIS FORM.

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

Yes

No

☐
☒

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

**List of documents and evidence**

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your Notice of Review and intend to rely on in support of your review.

SEE ATTACHED STATEMENT OF CASE.

**Note:** A copy of the Notice of Review, the review documents and any notice of the procedure of the review will be made available for inspection by prior appointment (Phone: 08457 406080) at the office of Planning and Building Standards Services, Montrose House, 154 Montrose Crescent, Hamilton ML3 6LB until such time as the review is determined. It may also be made available on the Council's website.

**Checklist**

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

- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ **2 copies** of all documents, materials and evidence which you intend to rely on (eg planning application form, plans and drawings, decision notice or other documents) which are now the subject of this review.

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

**Declaration**

**I the agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.**

Signed: Mark McGleish

Date: 14/04/2020

This form and 2 copies of all supporting documents should be sent to:-

**Planning and Building Standards Services  
Community and Enterprise Resources, Montrose House, 154 Montrose Crescent,  
Hamilton ML3 6LB**

**Email: [planning@southlanarkshire.gov.uk](mailto:planning@southlanarkshire.gov.uk)**

**Phone: 08457 406080**

For more information or if you want this information in a different format or language, please phone 01698 455379 or send email to [planning@southlanarkshire.gov.uk](mailto:planning@southlanarkshire.gov.uk)

For official use

Date stamp)



14.04.2020

Dear Sir/Madam

**Local Review Body**

**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**

**Statement of Case:**

**Planning Reference, P/18/1478 - Change of use and alteration of agricultural shed to  
form dwelling house and erection of detached domestic garage.**

**Site referred to as Land 108M West of Quarry Cottage, A726 From East Kilbride To  
Chapelton.**

**Introduction**

This Review presented before Members, relates to the Planning Authority's refusal of an application for planning permission for the change of use and alteration of an agricultural shed to form a dwelling house along with the erection of a detached domestic garage. This is at the site referred to as land 108m West of Quarry Cottage on A726 (East Kilbride to Chapelton road) near Chapelton.

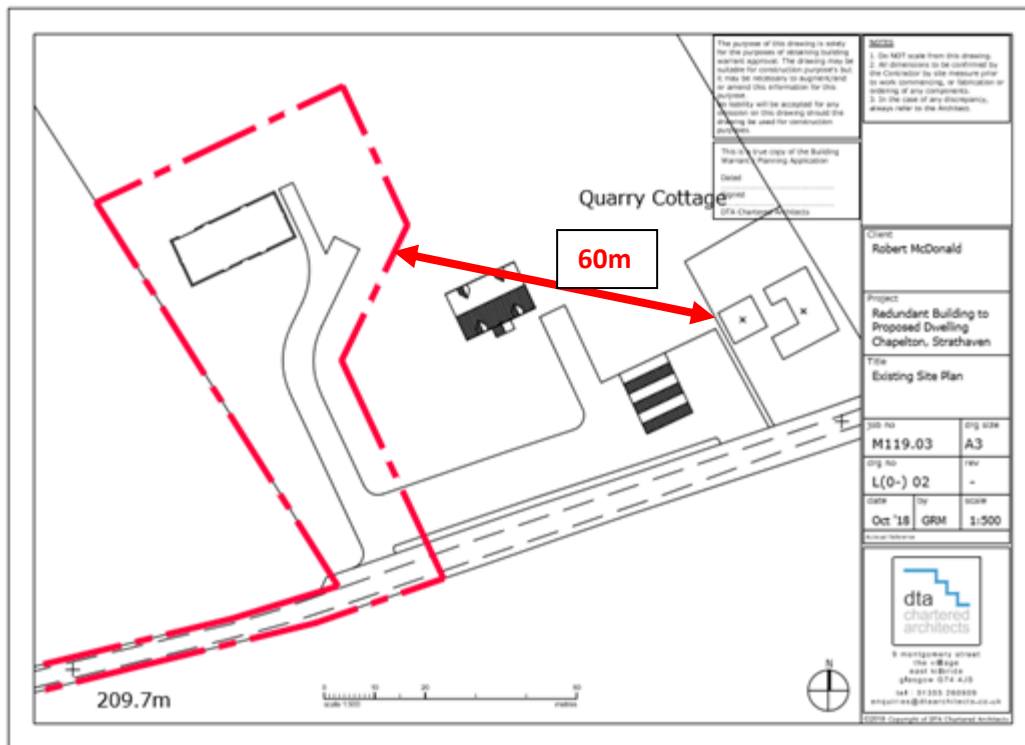
An earlier application for change of use was submitted in 2018 but subsequently withdrawn (ref: P/18/0229), as the Planning Authority were not convinced that the subject shed was complete or used for agricultural purposes.

The Applicant withdrew the application with the intention of resubmitting it along with any further information necessary, as opposed to the Planning Authority issuing a refusal. It is that re-submitted application which is the subject of this Review.

Please note as a point of clarity, that the application site is not in fact 108m from Quarry Cottage and more akin to circa 60m (curtilage to curtilage). See diagram below.



Existing Site Plan (Circa 60m between Curtilages of Quarry Cottage the Proposed Dwelling)



The Applicant (now Appellant) is Mr Robert McDonald and he is the proprietor of the application site. The date of refusal shown on the refusal letter is the 14th of January 2020.

The Appellant has instructed this request for a Review of the Planning Authority's refusal of planning permission for change of use and erection of domestic garage.

The Appellant is seeking Members to uphold his request that planning permission is granted subject to appropriate conditions, including in relation to the control of external finishes.

This document with enclosures constitutes the Appellant's Statement of Case.

### **Background/Description of the Proposed Development**

The Appellant seeks planning permission for the change of use and alteration of an existing agricultural building (shed) to form a dwelling, along with the erection of a new detached domestic garage, all within a large plot of approximately 0.2Ha.

The building that is the subject of this change of use application was originally constructed to be utilised by a poultry business that already existed on Appellant's land prior to the building's construction. The business was owned by the Appellant and his father and supplied eggs to a local clientele. However, the intention was to widen the market potentially selling to larger clients on a national scale. The Appellant had employment elsewhere which he retained, the intention being that when his own poultry business expanded sufficiently he would work full time within it.

Construction of the building represented a significant investment but was considered necessary to grow the business. Authority for its construction was granted under Prior Notification regulations (ref: EK/PN/0035) and a Building Warrant was approved on 3<sup>rd</sup> March 2010 (ref: 09/EK/0197).

However, despite best efforts the poultry enterprise proved unviable due to the combined effect of competition from larger producers/supermarkets driving down the price of eggs and the cost of poultry feed increasing.

Since termination of the poultry business in 2014, the Appellant has made no significant use of the building himself. However, he had managed to rent the building to a local farmer to accommodate sheep in winter periods. The Appellant also used the shed on a small scale to store various farming supplies. He was thereby able to both generate rental income to help recoup investment and positively continue the agricultural use.

But as of 2018 the demand for rental of the building ceased as the farmer no longer required the use of the shed and there are no other farmers within the locale who can make use of the building. The Appellant has intermittently kept a few agricultural supplies in the building but has other storage areas he can use elsewhere.

Effectively, the building is now redundant for agricultural purposes and is surplus to the Appellant's agricultural requirements. Accordingly, a viable use is sought through the current application for change of use to a residential dwelling, which represents an alternative to potential dereliction and/or demolition of the building.

The proposal is located within the countryside and designated Greenbelt. It lies to the west of a grouping of buildings which includes two houses with outbuildings, one of which is referred to as Quarry Cottage. There is another dwelling house further to the east again at Quarry Farm. Within the curtilage of Quarry Farm, an amended planning permission has been granted for an additional two houses (planning application reference: EK/17/0046). Access to all of these properties including the application site, comes from a shared private access road which leads to/from the A726.

The building that the Appellant wishes to convert is single storey, with a very low-level roof height and is elongated akin to many traditional cottage buildings within the locale. Given that the application was refused, the Appellant did not have the opportunity to agree proposed external finishes with the Planning Authority.

In this regard, the Appellant had intended to have the external walls traditionally rendered. The Appellant would be happy to incorporate traditional banding features around windows and doors and has already utilised a flat dark grey roof tile finish, reflecting the traditional local vernacular. Accordingly, the finished external appearance of the building would be similar in many respects to examples cited within the Planning Authority's own guidance on rural building design. This will be exhibited in more detail later in this Statement.

There will be no loss of trees or important or protected flora and fauna as a result of the proposal.

#### **Outcome of Consultation/Neighbour Notification and the Planning Authority's Grounds for Refusal**

As part of the application's determination process a consultation and neighbour notification process was undertaken.

There are no objections known to the Appellant.

One representation was received highlighting that full protection of all wildlife is required by Policy, which was noted by the Planning Authority. In this regard the Appellant highlights that there will be no loss of trees or important or protected flora and fauna as a result of the proposal.

The four reasons for refusal given within the Planning Authority's letter of refusal are shown below:

- "01. The applicant has failed to supply sufficient information/adequate plans to allow proper consideration of the proposal*
- 02. The proposal is contrary to Policies 3, 4 and GBRA2 of the South Lanarkshire Local Development Plan as it would constitute new residential development in the Greenbelt without appropriate justification.*
- 03. The proposal is contrary to Policies 4, 5 and GBRA4 of the proposed South Lanarkshire Local Development Plan 2 as it would constitute new residential development in the Greenbelt without appropriate justification."*

### **Relevant Planning Policy**

The site is located within the green belt therefore **Policy 3** of the adopted Local Development Plan (LDP) is relevant. Broadly speaking under Policy 3 the Council favours housing proposals on sites within existing settlements, unless they can be justified under certain terms. These terms include when a proposal represents:

- *“...conversion of traditional buildings and those of a local vernacular.”*
- *“...limited development within clearly identifiable infill, gap sites and existing building groups.”*

**Policy 4** of the adopted LDP regarding Development Management and Placemaking is relevant. The policy states that:

- *“All development proposals will require to take account of and be integrated with the local context and built form.”*

**Policy GBRA2** within Supplementary Guidance 2 – Green Belt and Rural Area relates to the conversion and re-use of existing buildings and is also of some relevance. It states inter alia that:

- *“Buildings should be of local, visual or historical merit....brick/block structures of the late 19<sup>th</sup> and 20<sup>th</sup> century, for example former piggeries and poultry houses may also be suitable [for conversion]. In such cases, buildings should be of a permanent and substantial construction and should not be so derelict that they could be brought back into use by substantial rebuilding”*

Supplementary Guidance 2 – Green Belt and Rural Area also includes images and examples of what the Planning Authority consider good design. These are relevant.

It is noted that there is a new proposed LDP – LDP2. It contains policies that are broadly reflective of those within the current LDP regarding rural development of the type being considered by this Review (Ref: Policies 4, 5 and GBRA4 in the proposed plan).

### **Underpinnings of the Planning Authority's Decision and Appellant's Case**

The Planning Authority explained their reasoning for refusal in their **Delegated Report**. The underpinnings of the Planning Authority's case are shown under the headings in italics below. The Appellant's response is shown in dark blue underneath for clear of reference:

#### **1. Building Not Completed and Not Used in Connection with the Poultry Business/Agriculture**

*Planning Authority's Statements in Delegated Report...*

*"The applicant has previously attempted to run some form of poultry business, however there has been little or no progress made to date to complete the building or use it in association with the agricultural operation of the farm."*

*"...the building has not been fully constructed and appears not to have been used as an agricultural building."*

*"The building proposed for conversion benefits from approval through the prior notification regulations, in association with a poultry business but it has never been completed."*

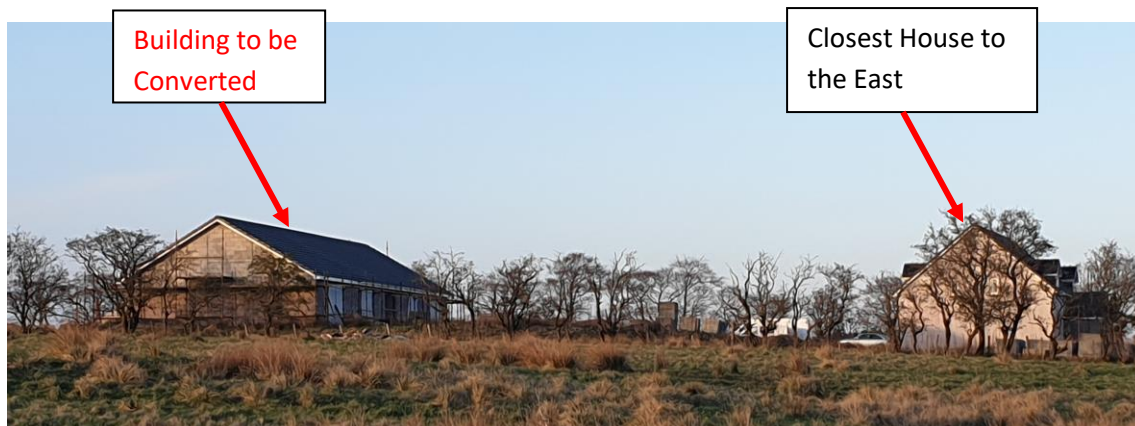
*"...the applicant has supplied no evidence that it [the building proposed for conversion] has been used with the farm unit other than for storage."*

Additionally, the Head of Planning wrote in an email dated 08/11/19 that...

*"...the building that is currently in situ (which remains unfinished) was granted...to facilitate the applicant's proposed poultry business. This business never materialised and the building has never been finished"*.

**Appellant's Response (On Completion of Building):** The building is in fact substantially complete. The photograph of the building below shows its current condition. It also shows the nearest house to the east. It is not an exaggeration to say that the building is over 95% complete with regards to the specification required for its agricultural use.

Photograph of Building to be Converted and Neighbouring House to the East



CERTUS SCOTLAND LIMITED, ATRIUM BUSINESS CENTRE, NORTH CALDEEN ROAD, COATBRIDGE, ML5 4EF





**Appellant's Response (On Building's Use in Connection with the Poultry Business/Agriculture):** The Appellant provided 5 years of business accounts to the Planning Authority via his agent during the processing of the application now under Review. That was to help exhibit the active operation of the poultry business over a number of years, when the new building was in existence and being used. The Appellant also provided example receipts and invoices (for feed and bedding) from different suppliers to the business. Given that these amount to many pages, the Appellant has not included these again within the Appendices of this Statement. However, he has chosen to include some information within the Appendices which is less lengthy and will be helpful for Members.

In this regard the Appellant wished to submit several years of receipt books (relating to sales). However, it is understood that the Planning Authority did not wish to consider that information. Examples of these Receipt Books are contained within Appendix 1a. NB: Due to the COVID 19 outbreak it was not considered sensible to collect and scan original documents in hard copy, hence photographs taken by the Appellant of said documents are provided. Original copies are within the Appellant's file and can be provided if requested by post.

The Appellant recognises that there may have been a breakdown in communication between himself and the Planning Authority for which he is partly to blame due to work commitments. However, the Appellant advises that the Planning Authority have been made aware of the history of the poultry business, both as part of this application that is under Review and when the application was submitted originally in 2018 (subsequently withdrawn).

The Planning Authority were made aware that the poultry business ran from the Appellant's land for some time prior to construction of the building which is the subject of this Review. The business originally made use of fenced hen runs, a wooden hen house and a storage container. These original structures still exist and photographs were provided to the Planning Authority to evidence the history of the poultry business. Photographs of the images provided to the Planning Authority are shown within Appendix 1b.

In order to assist in financing the construction of new building, the Appellant made the Planning Authority aware that he applied for a grant in 2009/2010 called a Rural Development Contract – Rural Priorities Grant. The Appellant was not able to access the Grant funding, largely due to demand. Ultimately, the Appellant took the decision to fund the building personally. Confirmation that a Grant was sought to help construct the building for a business related to approximately 300 free range laying hens, was supplied to the Planning Authority (see photograph of email from the Scottish Government, Rural Payments and Inspections Division within Appendix 1c).

To remove any reasonable doubt as to whether or not the building has been used for both poultry business and agricultural purposes, the Appellant has made contact with a representative sample of 3 previous customers, to ask if they would be willing to supply signed Statements indicating that they have purchased eggs from within the building when it formed an integral part of his poultry business.



Statements were given. These are from known and established business people, including the then proprietors of the Bruce Hotel in East Kilbride and the Ashas Tandoori Indian Restaurant in East Kilbride. The third Statement is from the local farmer (at Boghead Farm) who rented the building to house his sheep from 2014 until 2018 (as well as purchasing eggs from the building prior to that). Copies of these signed Statements are shown within Appendix 1d (NB: both a letter and plan identifying the building in question are signed in each case in order to provide maximum clarity).

## **2. The Proposal will Result in Another Agricultural Building Being Needed to the Detriment of Amenity**

Planning Authority's Statement in Delegated Report...

*"In addition, if the existing building was converted to a dwellinghouse as proposed, the applicant is likely to need an additional agricultural building to replace it and this would have an additional adverse impact on the amenity of the green belt."*

**Appellant's Response:** The Appellant has indicated that his family have sufficient storage at present within other buildings.

## **3. The Proposed Conversion Would be Out of Context and Separate from Existing Buildings**

Planning Authority's Statement in Delegated Report...

*"a new dwelling in the proposed location would be out context and separated from the existing grouping."*

**Appellant's Response:** The Appellant disagrees with this. The aerial image below shows the building and its relationship in context with its grouping. The image also shows Quarry Farm and the location of the two new dwellings recently granted planning permission there (planning application reference: EK/17/0046).

Accordingly, if we are focussing on how the building relates to others around it as a group, then spatially it relates well and integrates well with the local context and built form. Members are respectfully reminded by the Appellant that his building already exists and therefore the Appellant is not proposing to introduce a new building.

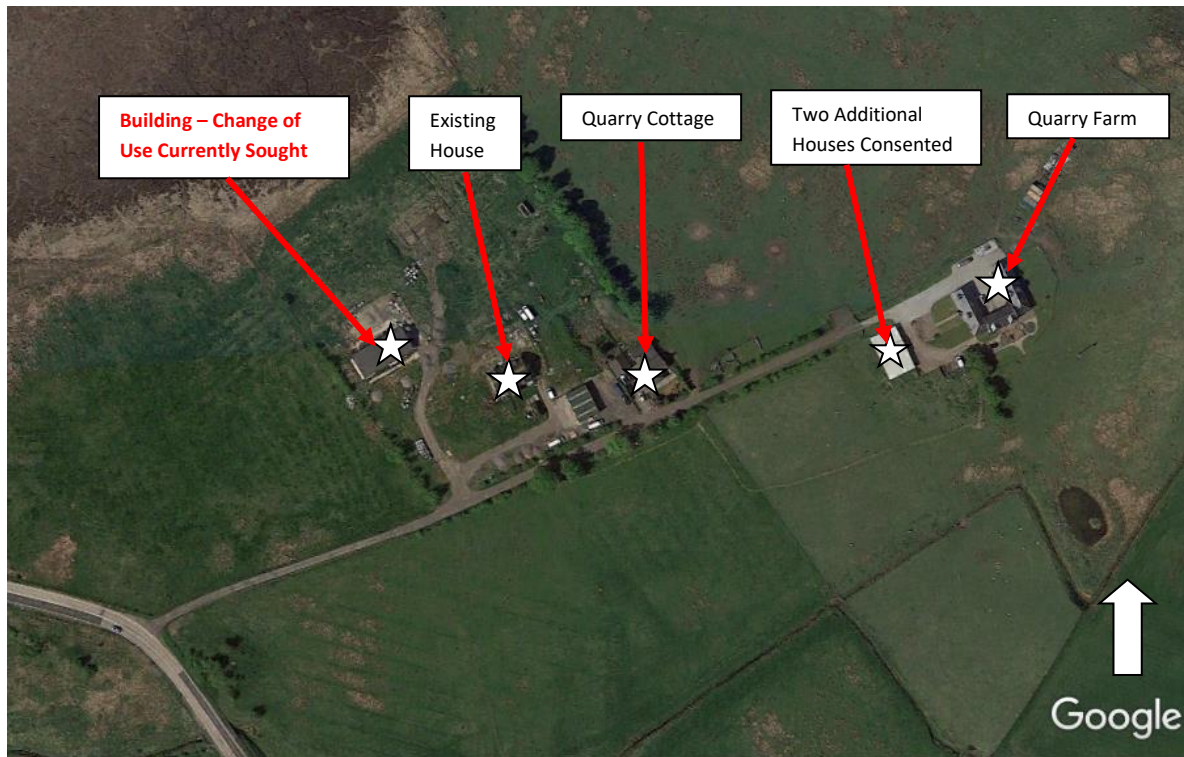
The image below also exhibits that the two new houses granted consent at Quarry Farm are no less remote from the adjacent farmhouse at Quarry Farm or more connected to it, than the proposed building conversion is to buildings that are adjacent it. Even the separation distances between dwellings and buildings are similar in both cases.

The Appellant is not suggesting that the two dwellings at Quarry Farm should not have been consented, but simply wishes to highlight to Members that if those two new builds (which replace an old wooden shed on site) are acceptable in planning terms, then why is



conversion of his existing building unacceptable, when it exhibits a similar relationship with its group.

Aerial Image – Grouping in Context



#### 4. The Proposal is Not in Keeping with the Architectural Style of the Area

Planning Authority's Statement in Delegated Report...

*"Furthermore, the proposed conversion would not be in keeping with the architectural style of the locality."*

**Appellant's Response:** On interrogating this issue the Appellant noted the variety of house styles within this part of the rural area. To gain further insight he referred to examples of good design that the Planning Authority have chosen to include within their own guidance on this matter, contained within Supplementary Guidance 2 – Green Belt and Rural Area.

As highlighted earlier in this Statement the building that is to be converted is single storey, with a very low-level roof height and is elongated. It is akin to many traditional cottage buildings within the locale.

CERTUS SCOTLAND LIMITED, ATRIUM BUSINESS CENTRE, NORTH CALDEEN ROAD, COATBRIDGE, ML5 4EF

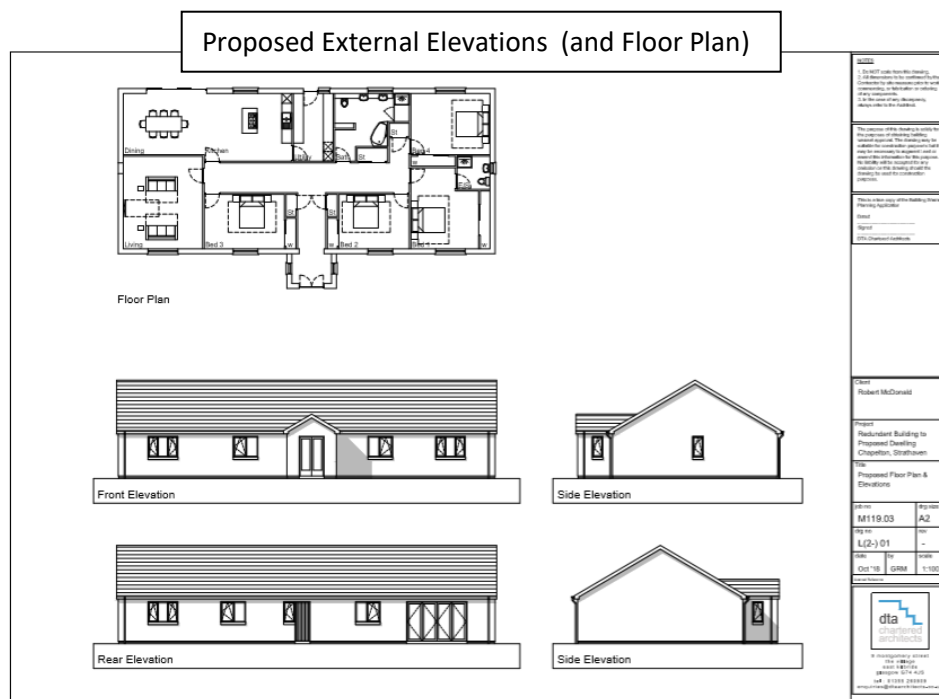


The Appellant did not have the opportunity to agree proposed external finishes with the Planning Authority. The Appellant had intended to have the external walls traditionally rendered. The Appellant would be happy to incorporate traditional banding features around windows and doors and has already utilised a flat dark grey roof tile finish, reflecting the traditional local vernacular.

The Appellant would be happy to accept planning conditions imposing any relevant external finishes.

Coming back to the examples of good design, below are the proposed external elevations submitted in relation to the building to be converted. Following on from that that are some examples of good design that the Planning Authority have chosen to include within their own guidance on this matter i.e. Supplementary Guidance 2 – Green Belt and Rural Area.

The Appellant highlights that there are some marked similarities between what he is proposing and what the guidance promotes. It seems reasonable to conclude that the external appearance of the building to be converted would be in accordance to a satisfactory degree with examples of good rural design cited within the Planning Authority's own guidance on the matter, particularly if the external finishes applied are sympathetic.



Supplementary Guidance 2 – Green Belt and Rural Area, Page 12



Supplementary Guidance 2 – Green Belt and Rural Area, Page 16



Looking at other relevant planning aspects in more detail the Appellant stresses that:

1. The proposed dwelling will not result in an unacceptable loss of privacy for adjoining occupiers.
2. There will be no unacceptable loss of privacy for the occupier of the proposed dwelling from adjoining dwelling houses.
3. The proposed plot is of sufficient size to ensure a reasonable standard of privacy for the residents of the proposed dwelling and surrounding residents.
4. The scale, form or location of the proposed dwelling have no adverse effect on residential amenity for adjoining dwellings.
5. The proposed plot is of sufficient size to ensure a reasonable standard of amenity to the proposed and surrounding residents.
6. The form and location of the proposed development will have no adverse effect on the character, form and appearance of the adjoining area.
7. The proposed access will not result in unacceptable noise/disturbance to adjoining residents or result in an unacceptable loss of privacy to adjoining residents.
8. There are adequate vehicle turning facilities within the application site to avoid vehicles reversing onto the existing access.
9. The proposed dwelling will not give rise to an unacceptable increase in the number of individual access points onto a carriageway.
10. The proposed access will have no adverse impact on the current accesses, turning and parking facilities benefiting adjacent dwellings.
11. The granting of consent for the proposed development will not set an undesirable precedent for further development which would affect the environment, privacy or amenity.

Furthermore, the Appellant also highlights that what is proposed is a clear example of promoting the efficient use of available land in line with Scottish Planning Policy (SPP).



### **Conclusion**

The Appellant believes that he has demonstrated within this Statement of Case that the proposed dwelling is acceptable in planning terms.

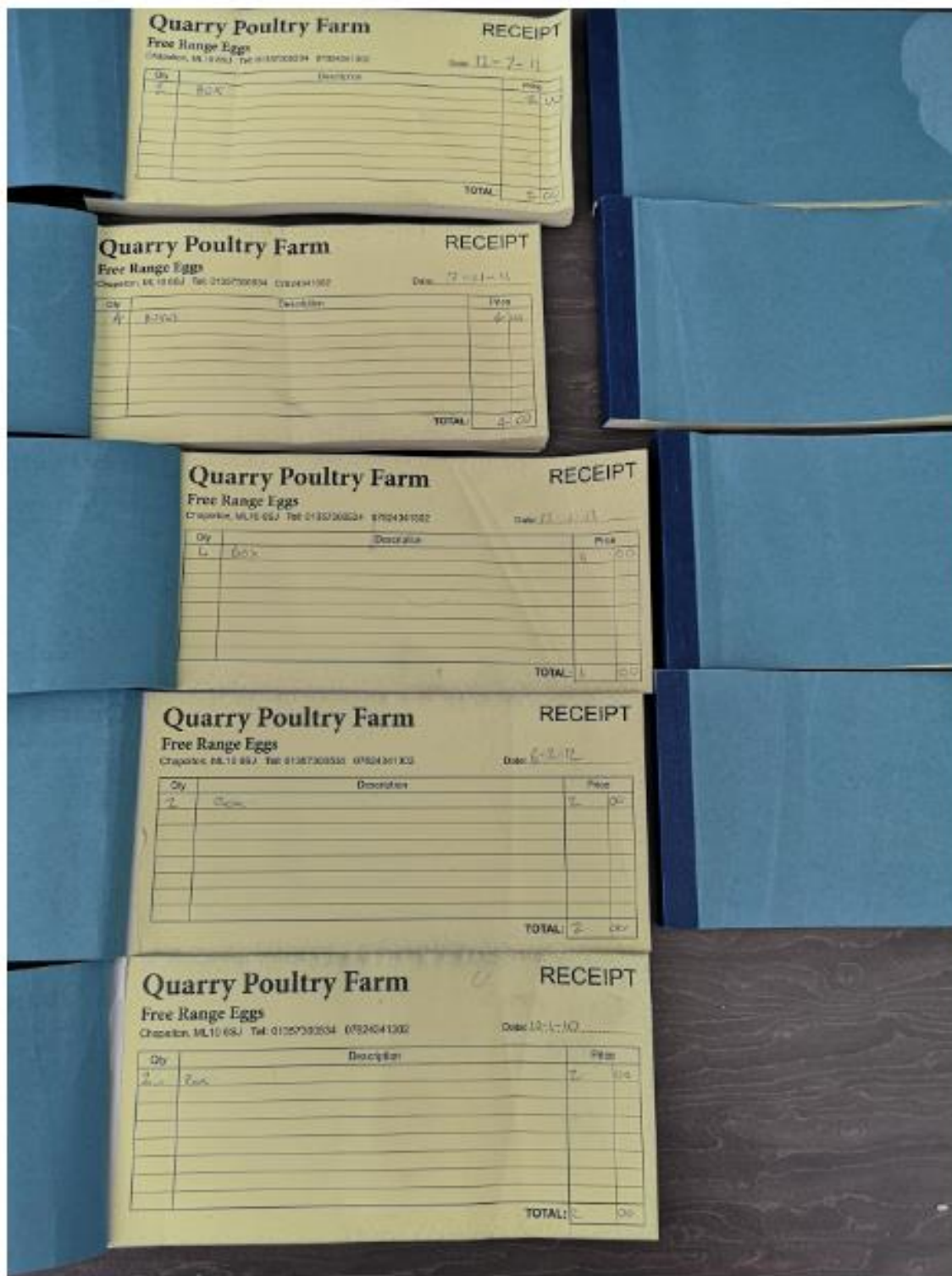
It represents the re-use of a building that is otherwise redundant. It is the conversion of a building that when sympathetically finished will most certainly reflect the local vernacular. The extent of development is clearly very limited as the main building already exists. Its scale and positioning takes account of and is well integrated with its group, the local context and built form.

The Appellant recognises that there may have been a breakdown in communication between himself and the Planning Authority for which he is partly to blame. However, he believes that the information contained within this Statement of Case proves that the building's main structure is largely complete. Also, that the building has been used in connection with his poultry business and for other agricultural purposes.

The Appellant respectfully requests that Members grant planning permission subject to appropriate conditions. In this regard the Appellant will gladly accept and indeed encourages the imposition of conditions ensuring that the building's elevations are finished in a manner that reflects the traditional local vernacular. Such as the use of renders and the incorporation traditional banding features around windows and doors.

## Appendix 1a.

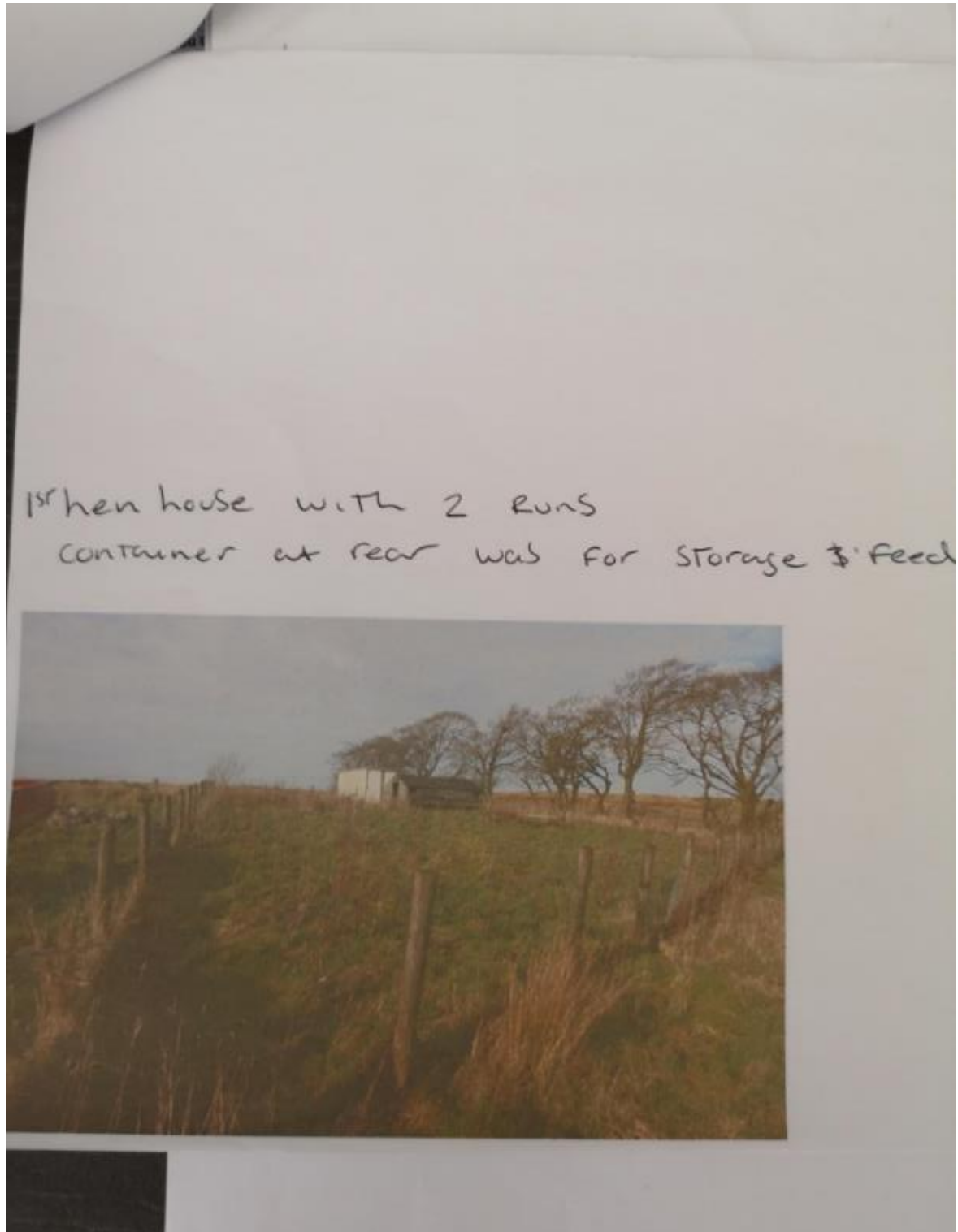
### Examples of Receipt Books





**Appendix 1b.**

**Selection of Images Issued Showing Original Poultry Business Set-Up**



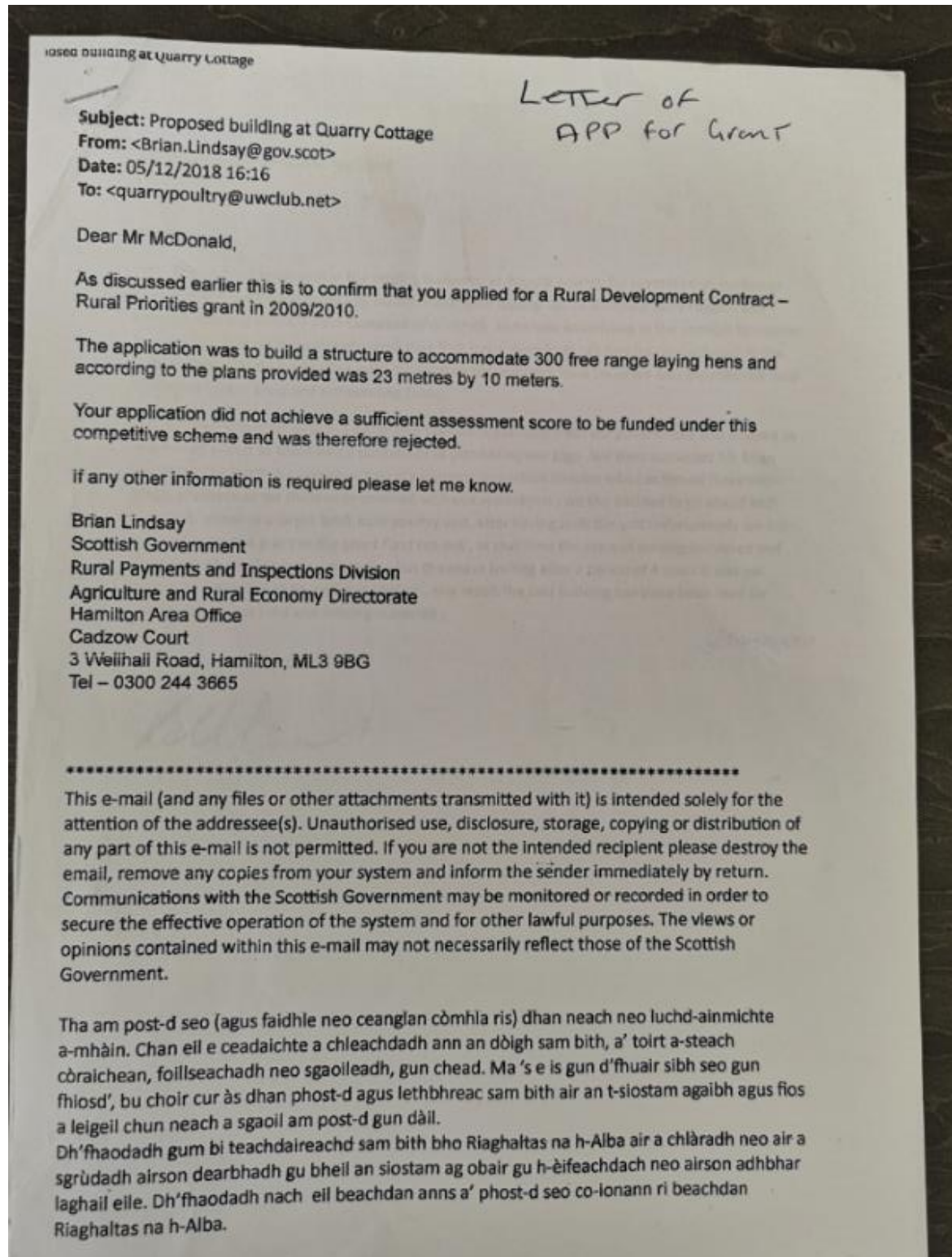


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## Appendix 1c.

### Email from the Scottish Government, Rural Payments and Inspections Division



## Appendix 1d.

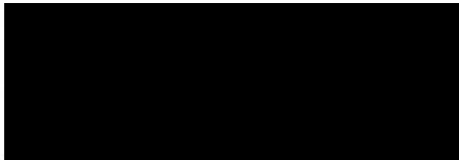
### Signed Statements from Poultry Business Customers and Farmer

Douglas Douglas  
20 Loch Torridon  
East Kilbride  
G74 2ET  
09/04/20

To the Members of the Planning  
Local Review Body.

I can confirm that for many years and specifically while I was the proprietor of the Bruce Hotel of Cornwall Way East Kilbride during 2010-2013, I visited the agricultural building at Quarry Cottage shown on the attached plan to buy eggs from Mr McDonald. I can confirm that during my visits it was evident that the building was used as an agricultural business to house hens and produce eggs and that there was also an area internally used for the cleaning and boxing of eggs in a professional manner.

Signed



D.Douglas



Robert Leggate  
Boghead Farm  
Quarter  
Hamilton  
ML3 8RY  
09/04/20

To the Members of the Planning  
Local Review Body.

I can confirm that for many years and specifically during the winter periods of 2014 through until 2018, I rented the agricultural building at Quarry Cottage shown on the attached plan from Mr McDonald. I housed sheep in that building during these periods while Mr McDonald provided feeding. I also at other times I visited the building to purchase eggs. I no longer have need to use the building.

Signed

R. Leggate



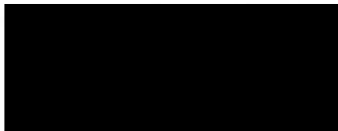


Amarjit Singh  
17 Avondale Place  
East Kilbride  
G74 1NU  
09/04/20

To the Members of the Planning  
Local Review Body.

I can confirm that for many years and specifically while I was the proprietor of Ashas Tandoori Indian Restaurant of 4 Glebe Street East Kilbride during 2010-2013, I visited the agricultural building at Quarry Cottage shown on the attached plan to buy eggs from Mr McDonald. I can confirm that during my visits it was evident that the building was used as an agricultural business to house hens and produce eggs and that there was also an area internally used for the cleaning and boxing of eggs in a professional manner.

Signed



A.Singh







# Appendix 6

4h

## Further Representations

### Further Representation From

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



### **Planning Application No. P/18/1478**

**Change of use and alteration of agricultural shed to form dwellinghouse and erection of detached domestic garage on site to West of Quarry Cottage, Chapelton.**

#### **1.0 Planning Background**

- 1.1 A planning application was submitted by Mr Robert MacDonald to South Lanarkshire Council on 18 October 2018 seeking permission for the Change of use and alteration of an agricultural shed to form a dwellinghouse and the erection of detached domestic garage. Following receipt of the relevant information, the application was validated on 27 November 2018. After due consideration in terms of the Local Development Plan and all other material planning considerations, the application was refused by the Council under delegated powers on 14 January 2020. The report of handling, also dated 14 January 2020, explains the decision and the reasons for refusal are listed in the decision notice. These documents are available elsewhere in the papers.
- 1.2 It should also be noted that an earlier application was submitted by the applicant/appellant for a similar proposal in February 2018 (Reference P/18/0229). This application was withdrawn by the applicant, as concerns were raised by the Planning Service to the applicant that the application would not comply with planning policy. The applicant was advised that further discussion should take place prior to any further application. In addition, the existing building was granted under Prior Notification regulations (EK/PN/0035) in order to support a proposed poultry business at the agricultural holding. The building has not been fully constructed and appears not to have been used as an agricultural building or than for poultry use for a short period of time.

#### **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 South Lanarkshire Local Development Plan (adopted 2015) and its associated Supplementary Guidance documents. The site is identified as being located within the green belt where Policy 3 – Green belt and rural area applies. This policy covers the green belt and rural area identified on the associated map and it states that the Council will favour housing proposals on sites within existing settlements identified for housing in local plans, or within defined village envelopes where acceptable environmental and design standards can be met. Outwith established settlements; isolated housing development will not be permitted unless it can be justified in terms of an agricultural or economic requirement or is the re-use or conversion of an existing building or where it forms part of a larger proposal for the rehabilitation or change of use of disused or redundant traditional buildings where it consolidates such groups.
- 2.3 Policy 4 - Development Management and Placemaking is relevant to the assessment of this proposal, as it is to all planning applications. The policy states that all development proposals will require to take account of and be integrated with the local context and built form.
- 2.4 In addition to the above policies, Policy GBRA2 - Conversion and re-use of existing buildings, is also relevant. This policy states that in instances where a building is being converted for residential purposes, they must be traditional or of a local vernacular. This is generally accepted as traditional brick/block structures of the late 19th and 20th century, stone byres and barns but can also include brick barns and piggeries.
- 2.5 On 29th May 2018 the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance Policies 4 – Green Belt and Rural Area, 5 – Development Management and Placemaking and Policy GBRA4 - Conversion and re-use of existing buildings are relevant to the assessment of this application. It is noted that these specific policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan.

2.6 The proposal fails to comply with Policies 3, 4 and GBRA2 of the adopted Local Development Plan, and with Policies 4, 5 and GBRA4 of the proposed Local Development Plan 2, for the reasons set out in the report of handling associated with the application. In summary, the existing building cannot be classed as traditional and the applicant has supplied no evidence that it has been used with the farm unit other than for storage. The applicant has previously attempted to run some form of poultry business. Whilst there has been some limited poultry activity, there has been little, or no progress made to date to complete the building or use it in association with the agricultural operation of the farm. The building is set back from the existing dwellinghouse and access road which serves three properties at Quarry Farm and Quarry Cottage to the east of the site. It does not meet any of the other aims of Policy 3 as no locational need has been established, it is not the redevelopment of derelict land, is not a gap site and it does not constitute an extension. As such, the application does not comply with Policies 3 or GBRA2.

2.7 As with most planning applications, Policy 4 – Development Management and placemaking is relevant. The policy states that all development proposals will require to take account of and be integrated with the local context and built form. For the reasons outlined above, a new dwelling in the proposed location would be out context and separated from the existing grouping. Furthermore, the proposed conversion would not be in keeping with the architectural style of the locality

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

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

**(a) There is another dwelling house further to the east again at Quarry Farm. Within the curtilage of Quarry Farm, an amended planning permission (EK/17/0046) has been granted for an additional two houses.**

**Response:** The site at Quarry Farm was classed as brownfield, is appropriately contained within an existing grouping and will not significantly extend into or compromise the wider greenbelt or rural area.

- (b) The conversion, particularly when finished with appropriate materials, would comply with the local vernacular.**

**Response:** The existing building cannot be classed as traditional as construction was first commenced in 2010 and is not from the 19<sup>th</sup>/20<sup>th</sup> century as required by policy GBRA2. Moreover, the style of the existing building is not in keeping with a traditional architectural style - due to the low pitch of the roof. This is also the case for the proposed design in the Appeal Statement.

- (c) There will be no loss of trees or important or protected flora and fauna as a result of the proposal.**

**Response:** This was not a reason for refusal.

- (d) The building is in fact substantially complete. The photograph within the appellants submission shows its current condition. It also shows the nearest house to the east. It is not an exaggeration to say that the building is over 95% complete with regards to the specification required for its agricultural use.**

**Response:** The proposal still fails to comply with policy GBRA2 as it is not a traditional building and is not of a suitable design.

- (e) The Appellant provided 5 years of business accounts to the Planning Authority via his agent during the processing of the application. This was to help exhibit the active operation of the poultry business over several years when the new building was in existence and being used. The Appellant also provided example receipts and invoices (for feed and bedding) from different suppliers to the business. In addition, 3 previous customers signed Statements indicating that they have purchased eggs from within the building when it formed an integral part of his poultry business.**

**Response:** The Council is satisfied that a poultry business was started approximately 10 years ago but this is no longer operational (confirmed by the appellant/applicant). Several invoices and receipt books were submitted; however, these did not show that a viable business was still operating and certainly not one which would justify a dwellinghouse. For the avoidance of

doubt, the 3 signed statements from customers were not submitted as part of the planning application for which the appellant is now seeking a review. Notwithstanding this, the house is not required for a rural worker nor is it of traditional vernacular as outlined above.

- (f) **The Appellant has indicated that his family have sufficient storage at present within other buildings therefore conversion of the current building will not result in further buildings being.**

**Response:** Noted.

- (g) **The proposed conversion would integrate well with the local context.**

**Response:** The Council's view is that the proposed house would not consolidate a grouping and would create gap sites to the front. Notwithstanding this, it has not been demonstrated that house is required for a rural worker nor is it of traditional vernacular as outlined above.

- (h) **The proposed dwelling will not result in loss of privacy nor will it have an adverse effect on residential amenity for adjoining dwellings.**

**Response:** This was not a reason for refusal.

- (i) **The proposal will not result in any road safety issues.**

**Response:** This was not a reason for refusal.

- (j) **What is proposed is a clear example of promoting the efficient use of available land in line with Scottish Planning Policy (SPP).**

**Response:** Both the adopted and proposed local development plans are based on the SPP and give clear guidance on what is acceptable in planning terms. There are a number of ways a house can be acceptable in the green belt and rural area; however, the proposal does not comply with any of those.

- (k) **The proposal represents the re-use of a building that is otherwise redundant.**

**Response:** As outlined above, the proposal does not comply with the relevant policies for a house in the green belt or rural area.



## **4 Conclusions**

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

# Appendix 7

4i

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



02.06.2020

Dear Sir/Madam

**Local Review Body – Comments Made on Behalf of Appellant Regarding Planning Authority's Representations**

**Case: Planning Reference, P/18/1478 - Change of use and alteration of agricultural shed to form dwelling house and erection of detached domestic garage. Land West of Quarry Cottage, A726 From East Kilbride To Chapelton.**

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

**Condition of Building and the Building's Use for Purposes Related to Agriculture:**

The Planning Authority had originally stated that the building had never been used for agricultural purposes and remained unfinished. Now they state their Response that..."The applicant has previously attempted to run some form of poultry business. Whilst there has been some limited poultry activity, there has been little, or no progress made to date to complete the building or use it in association with the agricultural operation of the farm." (Ref: point 2.6)

The Appellant considers that whilst this statement could be viewed as a step forward towards representing the facts, it is not quite there yet.

The building has four walls and a tiled roof and is now an established feature in the area. It is constructed to a level capable of agricultural use and is in better condition than many agricultural buildings.

The building has been actively used for agricultural purposes, both for the poultry business associated with Farm and for storage and for the accommodation of livestock. Member's will be aware that a signed Statement from a local farmer (at Boghead Farm) was submitted indicating that he rented the building to help accommodate his sheep from 2014 until 2018 (as well as purchasing eggs from the building prior to that). Please note that renting out land and agricultural buildings from time to time, is normal and established practice for farmers.

Both in terms of planning and the application of common sense, the Appellant considers that there are two important questions that need to be answered to clarify this point once and for all :

1. Is the building complete enough to be capable of use for agricultural purposes or not?
2. Has the building been used for agricultural purposes or not?

The answer is plainly yes to both, as the Appellant has shown.

## **Acceptability of Proposal – Planning Authority’s Decision Making:**

### Part 1 - Brownfield Development Justification

The Appellant took some comfort from the planning permission granted at the neighbouring property Quarry Farm (ref: EK/17/0046). That was for the erection of 2 no. dwellinghouses with associated garages, access and parking and was an amendment to a previous consent for 3 dwellinghouses on the site granted in 2013 (ref: EK/12/0133).

Within the Planning Authority’s recent Response to the Appellant’s Statement of Case, they make a distinction between the above mentioned Quarry Farm approval and the Appellant’s proposal stating that...*“The site at Quarry Farm was classed as brownfield, is appropriately contained within an existing grouping and will not significantly extend into or compromise the wider greenbelt or rural area.”* (Ref: point 3.1 (a))

It is important to firstly note that the Council’s Proposed Plan defines a Brownfield Site as *“Land which has previously been developed including vacant/derelict land; infill sites; redundant or unused buildings”* – (Ref: Appendix 2 of the Proposed Plan).

Further, within the Council’s Supplementary Guidance 2 Green Belt and Rural Area, the Council states in relation to brownfield sites that... *“Opportunities for development of previously developed land or brownfield sites may arise from the declining horticultural industry or changes to agricultural practices or the closure or downsizing of commercial uses. When such sites fall into disuse or are abandoned they can detract from the environmental quality and landscape character of the area. The sensitive redevelopment or re-use of these sites can significantly enhance landscape quality through the removal of dilapidated or intrusive buildings and their replacement by new development of an appropriate scale, mass and design”*.

Essentially, the Planning Authority considered the presence of disused barns at Quarry Farm to have created a brownfield redevelopment site. In this regard the Planning Authority accepted the applicant’s justification for the 2013 approval, which was that the proposal would result in the *“removal of unattractive, redundant agricultural buildings”* (ref: applicant’s Justification Statement). It is further noted that when determining the 2017 amendment, the Planning Authority advised in their Report of Handling that *“that the barns had since been demolished”*.

However, the buildings remain in situ today (see aerial image below and recent photograph). They are in fact only modest sized wooden sheds, with a very low single storey roof height.

They are quite well maintained structures and are definitely still in active use for the storage of amongst other things motor vehicles. There were once additional sheds adjacent these wooden structures, however those appear to have been removed years prior to the submission of the application granted consent in 2013. Historical aerial photographs show this.

Aerial Image Showing Existing Barns at Quarry Farm



Photograph Taken w/c 25.05.2020 of Single Storey Wooden Storage Sheds at Quarry Farm



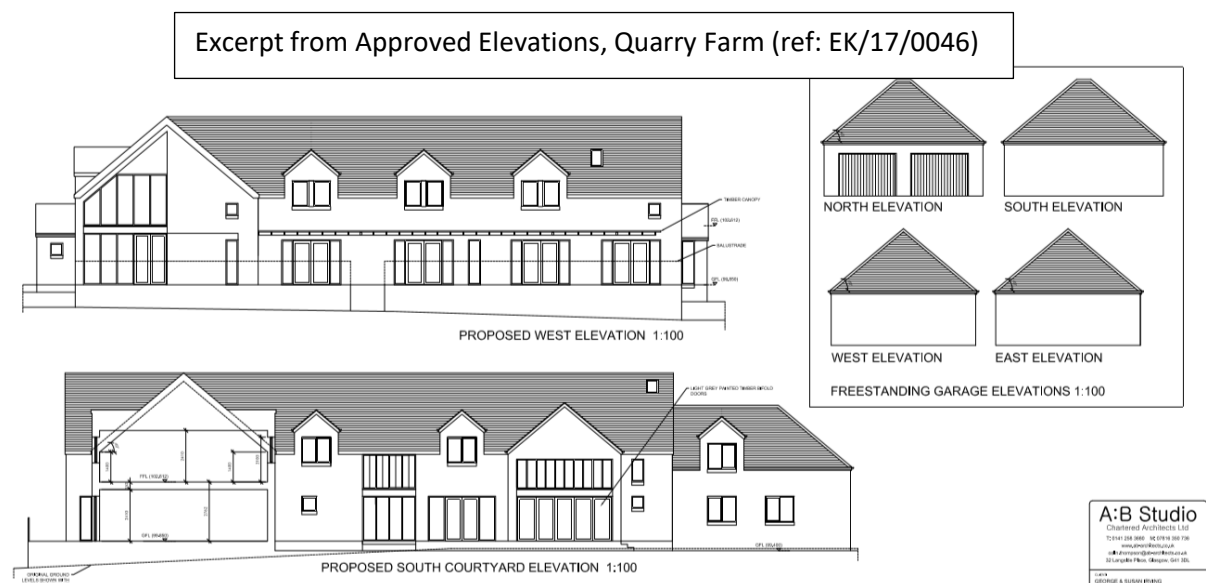
The Appellant feels strongly that if the above-mentioned site comprising of some single storey wooden sheds that are still in active use, is worthy of a brownfield classification sufficient to give rise to justification for the development of 2/3 additional substantial dwellinghouses, then arguably the Appellant's site is equally (if not more so) a brownfield opportunity.

However, reassuringly the Appellant seeks not to introduce a number of new large dwellings in the place of his building, but simply to convert what is there. Please note that the Appellant is not suggesting that the Quarry Farm proposal should have been refused. But simply that he wishes his proposal to be dealt with by adopting a common sense approach to the interpretation of Policy and Guidance, just as has been applied to other proposals in the locale such as at Quarry Farm.

## Part 2 - Traditional Appearance of Building

The Planning Authority within their Response to the Appellant's case say in relation to the external appearance of the Appellant's building that..."the style of the existing building is not in keeping with a traditional architectural style - due to the low pitch of the roof. This is also the case for the proposed design in the Appeal Statement". (Ref: point 3.1 (b)).

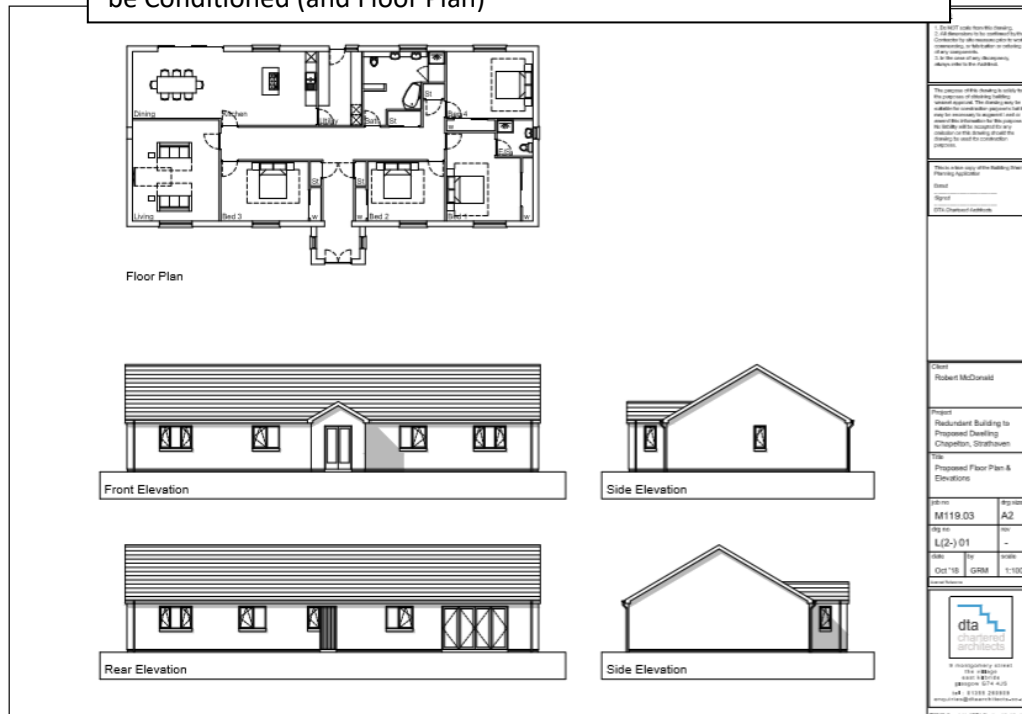
Again, the Appellant looked to the consented proposal next door at Quarry Farm for inspiration and guidance (ref: EK/17/0046). Some of the approved external elevations at Quarry Farm are shown below. The buildings obviously constitute large new introductions to the area. There are traditional elements included in the design, but there are also many modern features, including but not limited to quite a proliferation of glass and patio door features on elevations, which are not in keeping with a traditional architectural style for the area. Obviously, a degree of latitude has been granted to the applicants in the styling of their buildings.





By comparison the Appellant's building is significantly more modest in size and already exists (other than the new domestic garaging proposed). The Appellant's submitted elevations are shown below, followed by one of the examples of good rural housing design that the Planning Authority have promoted within their own guidance on this matter (i.e. Supplementary Guidance 2 – Green Belt and Rural Area).

Appellant's Proposed External Elevations NB: Materials/Finished to be Conditioned (and Floor Plan)



Supplementary Guidance 2 – Green Belt and Rural Area, Page 16



Members will note that there are some marked similarities between what the Appellant is proposing and what the Council's design guidance promotes as good design.

Accordingly, the Appellant simply seeks some reasonable flexibility as has been shown to the applicant at Quarry Farm with regards to design.

Members should note that the external appearance of the Appellant's building can be very effectively elevated to reflect the local vernacular in line with the Council's own design guidance. For example, the Appellant would be happy to incorporate traditional banding features around windows and doors and has already utilised a flat dark grey roof tile finish - all reflecting the traditional local vernacular. The Appellant would be happy to accept planning conditions imposing any relevant external finishes.

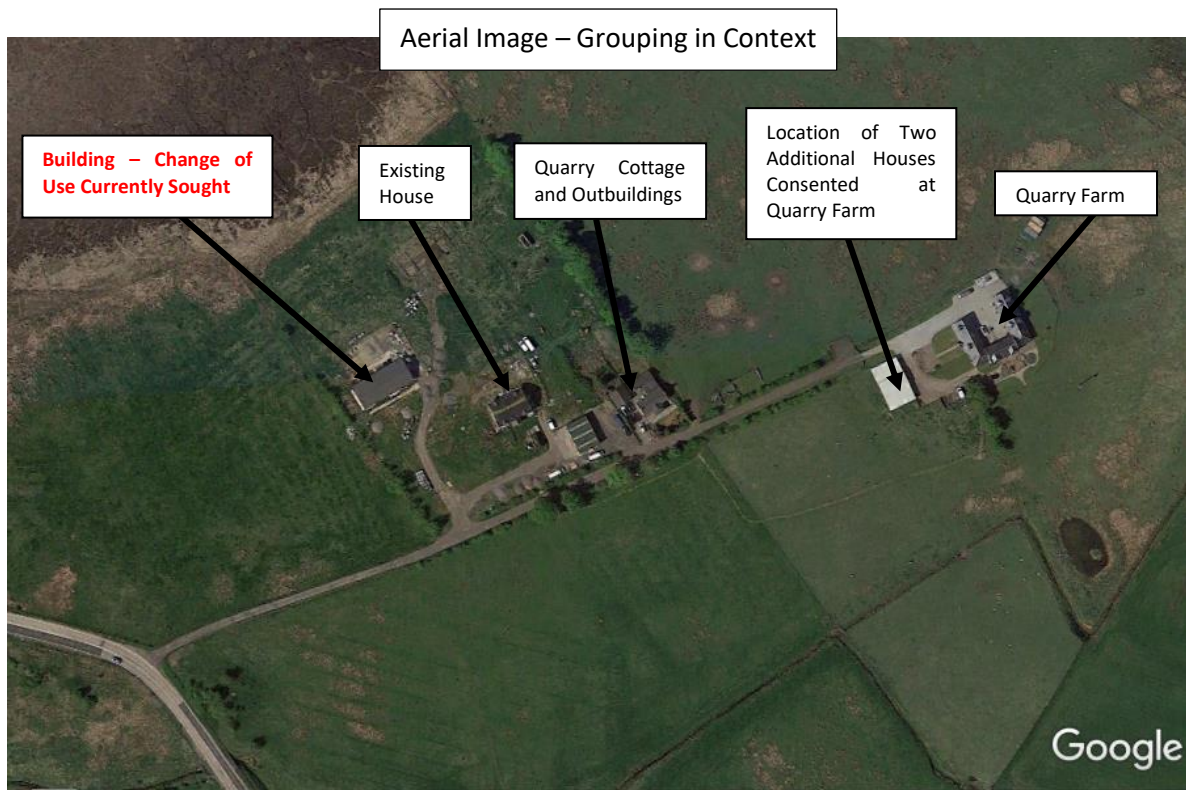
#### Part 3 - Context of Building in Relation to Built Form Within Area

The Planning Authority state within their Response to the Appellant's Statement of Case that *...The Council's view is that the proposed house would not consolidate a grouping and would create gap sites to the front.*" (Ref: point 3.1 (g))

Respectfully, the Appellant feels that it is perhaps worthwhile for the Planning Authority to reflect again upon the fact that the building already exists. The Appellant is not applying to demolish this building under a brownfield justification and to replace it with a much larger structure as per the Quarry Farm proposal next door - which would have been a possibility for him given what has happened at Quarry Farm.

In relation to the possible creation of gap sites to the front, nothing can be built unless a planning permission is granted. That requires a formal planning application and appropriate determination of such an application by the Planning Authority.

On the matter of site context, the image below clearly exhibits that the two new houses granted consent at Quarry Farm would be no less remote from the adjacent farmhouse at Quarry Farm or more connected to it, than the Appellant's building is to buildings that are adjacent it. Even the separation distances between dwellings and buildings are similar in both cases and throughout the wider grouping.



### Conclusion:

The Appellant advocates that he has demonstrated that the proposed dwelling is acceptable in planning terms and wishes his proposal to be dealt by adopting a common sense approach to the interpretation of Policy and Guidance, just as has occurred in relation to other proposals in the immediate locale.

His proposal represents the re-use/the conversion of a building, which when sympathetically elevated, will reflect the local traditional vernacular to an acceptable degree. The extent of development is clearly very limited as the main building already exists. Its scale and positioning takes account of and is sufficiently well integrated with its grouping and immediate context.

The Appellant respectfully requests that Members grant planning permission subject to appropriate conditions. In this regard the Appellant will gladly accept and indeed encourages the imposition of conditions ensuring that the building's elevations are finished in a manner that reflects the traditional local vernacular. Such as the use of renders and the incorporation of traditional banding features around windows and doors.

