



Council Offices, Almada Street
Hamilton, ML3 0AA

Friday, 15 January 2021

Dear Councillor

Planning Local Review Body

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

Date: Monday, 25 January 2021
Time: 10:30
Venue: By Microsoft Teams,

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

Yours sincerely

Cleland Sneddon
Chief Executive

Members

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

Substitutes

John Bradley, Walter Brogan, Stephanie Callaghan, Margaret Cowie, Ian Harrow, Martin Lennon, Katy Loudon, Joe Lowe, Lynne Nailon, Collette Stevenson

BUSINESS

1 Declaration of Interests

2 Minutes of Previous Meeting

3 - 6

Minutes of the meeting of the Planning Local Review Body held on 30 November 2020 submitted for approval as a correct record. (Copy attached)

Item(s) for Decision

3	Review of Case P/20/0469 for Sub-division of Garden Ground and Erection of a 2 Storey Detached House at 15 Dunedin Drive, East Kilbride	7 - 10
	Report dated 14 January 2021 by the Executive Director (Finance and Corporate Resources). (Copy attached)	
3a	Appendix 1 Planning Application Form	11 - 20
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Urgent Business

4 Urgent Business

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

For further information, please contact:-

Clerk Name: Stuart McLeod

Clerk Telephone: 01698 454815

Clerk Email: stuart.mcleod@southlanarkshire.gov.uk

PLANNING LOCAL REVIEW BODY (PLRB)

2

Minutes of meeting held via Microsoft Teams on 30 November 2020

Chair:

Councillor Isobel Dorman

Councillors Present:

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

Councillor's Apology:

Councillor David Shearer

Attending:

Community and Enterprise Resources

G McCracken, Planning Adviser to the Planning Local Review Body

Finance and Corporate Resources

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

1 Declaration of Interests

No interests were declared.

2 Minutes of Previous Meeting

The minutes of the meeting of the Planning Local Review Body held on 21 September 2020 were submitted for approval as a correct record.

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

3 Review of Case P/19/1607 for Residential Development (Planning Permission in Principle) at Westyett Farm, Westshields Road, Braehead, Lanark

A report dated 19 November 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/19/1607 by J Hardie for a residential development (planning permission in principle) at Westyett Farm, Westshields Road, Braehead, 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 and responses from statutory consultees
- ♦ site photographs and location plan
- ♦ decision notice
- ♦ notice of review, including applicant's statement of reasons for requiring the review
- ♦ further submissions from interested parties following notification of the request for the review of the case

- ♦ comments from the applicant's agent on the further submissions received from the interested parties

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

The PLRB heard the Planning Adviser in relation to the case.

In response to concerns raised by the PLRB that the photographs had not provided an accurate reflection of the site, the Planning Adviser displayed additional photographs which had been before the planning officer who made the determination.

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 taken under review.

In reviewing the case, the PLRB considered:-

- ♦ the information submitted by all parties
- ♦ the relevant policies contained in the Adopted South Lanarkshire Local Development Plan and associated Supplementary Guidance (SG):-
 - ♦ Policy 2 – climate change
 - ♦ Policy 3 – green belt and rural area
 - ♦ Policy 4 – development management and placemaking
 - ♦ Policy GBRA6 – consolidation of existing building groups
- ♦ the relevant policies contained in the Proposed South Lanarkshire Local Development Plan 2:-
 - ♦ Policy 2 – climate change
 - ♦ Policy 4 – green belt and rural area
 - ♦ Policy 5 – development management and placemaking
 - ♦ Policy GBRA9 – consolidation of existing building groups

Following discussion, Councillor Allison, seconded by Councillor Le Blond, moved that the decision taken by officers, in terms of the Scheme of Delegation, to refuse planning permission for planning application P/19/1607 by J Hardie for a residential development (planning permission in principle) at Westyett Farm, Westshields Road, Braehead, Lanark be reversed and that the application be granted on the grounds that the proposal had not received any objections and was located on an ideal site in terms of its access and topography which would shield the proposed development from view. Councillor Dorman, seconded by Councillor Horsham, moved as an amendment that the decision taken by officers, in terms of the Scheme of Delegation, to refuse planning permission for planning application P/19/1607 by J Hardie for a residential development (planning permission in principle) at Westyett Farm, Westshields Road, Braehead, Lanark be upheld.

On a vote being taken by roll call, members voted as follows:-

Motion

Alex Allison, Ann Le Blond

Amendment

Maureen Devlin, Isobel Dorman, Mark Horsham, Davie McLachlan, Graham Scott, Jim Wardhaugh

6 members voted for the amendment and 2 for the motion. The amendment was declared carried.

The Committee decided:

that the decision taken by officers, in terms of the Scheme of Delegation, to refuse planning permission for planning application P/19/1607 by J Hardie for a residential development (planning permission in principle) at Westyett Farm, Westshields Road, Braehead, Lanark be upheld.

4 Urgent Business

There were no items of urgent business.

Report

3

Report to:	Planning Local Review Body
Date of Meeting:	25 January 2021
Report by:	Executive Director (Finance and Corporate Resources)

Subject:	Review of Case – Application P/20/0469 for the Sub-Division of Garden Ground and Erection of a 2-Storey Detached House
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1. Purpose of Report

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

1.2. *Summary Application Information*

Application Type:	Detailed Planning Permission
Applicant:	C Mullan
Proposal:	Sub-division of garden ground and erection of a 2-storey detached house
Location:	15 Dunedin Drive, East Kilbride, G75 8QQ
Council Area/Ward:	09 - East Kilbride West

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 submission(s) 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. 6 further submissions, including a Statement of Observations from the Planning Officer on the applicant's Notice of Review, were received in the course of the 14 day period from the date on which notification of the request for a review of the case was given. 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)

14 January 2021

Link(s) to Council Values/Ambitions/Objectives

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

Previous References

- ◆ None

List of Background Papers

- ◆ Guide to the Planning Local Review Body

Contact for Further Information

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

Stuart McLeod, Administration Officer

Ext: 4815 (Tel: 01698 454815)

E-mail: stuart.mcleod@southlanarkshire.gov.uk

Appendix 1

3a

Planning Application Form

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100246506-001

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

Type of Application

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

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

Description of Proposal

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

Erection of detached dwellinghouse

Is this a temporary permission? *

☐ Yes ☒ No

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

☐ Yes ☒ No

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

☒ No ☐ Yes – Started ☐ Yes - Completed

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	DTA Chartered Architects Limited		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	DTA Chartered	Building Name:	
Last Name: *	Architects	Building Number:	9
Telephone Number: *		Address 1 (Street): *	Montgomery Street
Extension Number:		Address 2:	The Village
Mobile Number:		Town/City: *	East Kilbride
Fax Number:		Country: *	Scotland
		Postcode: *	G74 4JS
Email Address: *			
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	C	Building Number:	9
Last Name: *	Mullan	Address 1 (Street): *	Montgomery Street
Company/Organisation		Address 2:	The Village
Telephone Number: *		Town/City: *	East Kilbride
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	G74 4JS
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

South Lanarkshire Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Land at Inglewood Crescent Hairmyres East Kilbride G75 8QD

Northing

Easting

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Site Area

Please state the site area:

476.00

Please state the measurement type used:

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

Existing Use

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

Garden ground

Access and Parking

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

☒ Yes ☐ No

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

<p>Are you proposing any change to public paths, public rights of way or affecting any public right of access? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.</p>	
<p>How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?</p>	<div style="border: 1px solid black; padding: 2px 10px;">0</div>
<p>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)? *</p>	<div style="border: 1px solid black; padding: 2px 10px;">3</div>
<p>Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).</p>	
<h2 style="margin: 0;">Water Supply and Drainage Arrangements</h2>	
<p>Will your proposal require new or altered water supply or drainage arrangements? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *</p> <p><input checked="" type="checkbox"/> Yes – connecting to public drainage network</p> <p><input type="checkbox"/> No – proposing to make private drainage arrangements</p> <p><input type="checkbox"/> Not Applicable – only arrangements for water supply required</p>	
<p>Do your proposals make provision for sustainable drainage of surface water?? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (e.g. SUDS arrangements) *</p> <p>Note:-</p> <p>Please include details of SUDS arrangements on your plans</p> <p>Selecting 'No' to the above question means that you could be in breach of Environmental legislation.</p>	
<p>Are you proposing to connect to the public water supply network? *</p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No, using a private water supply</p> <p><input type="checkbox"/> No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>	
<h2 style="margin: 0;">Assessment of Flood Risk</h2>	
<p>Is the site within an area of known risk of flooding? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p> <p>If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.</p> <p>Do you think your proposal may increase the flood risk elsewhere? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p>	
<h2 style="margin: 0;">Trees</h2>	
<p>Are there any trees on or adjacent to the application site? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.</p>	
<h2 style="margin: 0;">Waste Storage and Collection</h2>	
<p>Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	

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

Please see plans

Residential Units Including Conversion

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

☒ Yes ☐ No

How many units do you propose in total? *

1

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

All Types of Non Housing Development – Proposed New Floorspace

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

☐ Yes ☒ No

Schedule 3 Development

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

☐ Yes ☐ No ☒ Don't Know

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

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

Planning Service Employee/Elected Member Interest

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

☐ Yes ☒ No

Certificates and Notices

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

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

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

☒ Yes ☐ No

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

☐ Yes ☒ No

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: DTA Chartered Architects

On behalf of: Mr C Mullan

Date: 03/04/2020

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

- ☒ Site Layout Plan or Block plan.
- ☒ Elevations.
- ☒ Floor plans.
- ☐ Cross sections.
- ☐ Roof plan.
- ☐ Master Plan/Framework Plan.
- ☐ Landscape plan.
- ☐ Photographs and/or photomontages.
- ☐ Other.

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

Provide copies of the following documents if applicable:

- | | |
|--|--|
| A copy of an Environmental Statement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |

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

Declare – For Application to Planning Authority

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

Declaration Name: . DTA Chartered Architects

Declaration Date: 03/04/2020

Payment Details

Pay Direct

Created: 03/04/2020 14:50

Appendix 2

3b

Report of Handling

Report dated 27 August 2020 by the Council's Authorised Officer under the Scheme of Delegation

	Delegated Report	Reference no.	P/20/0469
			3b
		Date	27 August 2020

Planning proposal: Sub-division of garden ground and erection of a two storey detached dwellinghouse
Location: 15 Dunedin Drive
East Kilbride
G75 8QQ

Application Type : Detailed planning application

Applicant : Mr C Mullan
Location : 15 Dunedin Drive
East Kilbride
G75 8QQ

Decision: Application refused

Report by: Area Manager (Planning & Building Standards)

Policy reference:

South Lanarkshire Local Development Plan (adopted 2015)

Policy 4 Development management and placemaking
Policy 6 General urban area/settlements

Development Management, Placemaking and Design Supplementary Guidance (2015)

Policy DM1 Design
Policy DM3 Sub-division of garden ground

Proposed South Lanarkshire Local Development Plan 2

Policy 3 General Urban Areas
Policy 5 Development Management and Placemaking
Policy DM1 New Development Design
Policy DM3 Sub-division of garden ground

Assessment

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

Representation(s):

▶	12	Objection letters
▶	0	Support letters
▶	1	Comment letters

Planning Application Delegated Report

1 Application Site

- 1.1 The application site relates to a detached dwellinghouse and its garden ground at 15 Dunedin Drive in East Kilbride. The site is bounded by detached dwellings on Dunedin drive to the north, and across Dunedin Drive to the east. It is also bounded by detached dwellings to the west on Inglewood Crescent and to the south across Inglewood Crescent. The site is generally level although raised up slightly from Inglewood Crescent. The garden runs parallel to Inglewood Crescent and has mature trees and shrubs along the rear boundary. The site area of the proposed plot is 476 sqm and the existing house and garden plot is approximately 1050 sqm.

2 Proposal(s) and Background

- 2.1 The applicant seeks detailed planning permission for the subdivision of garden ground and the erection of a two storey detached dwellinghouse and the creation of a vehicular access and parking to serve the new dwellinghouse in the rear garden of the existing property.
- 2.2 The proposed dwelling provides accommodation on the ground floor of living room, family dining kitchen room with utility, study and cloakroom/wc. On the upper floor 4 double bedrooms two with ensuite and a family bathroom would be provided. The proposed house would be situated adjacent to the original dwelling in the rear garden, facing onto Inglewood Crescent. The external materials proposed are render with brick base layer, timber cladding feature and concrete roof tiles.
- 2.3 There were no pre-application discussions in respect of the proposed development and there have been no previous applications at the property. The applicant submitted a Design Statement in support of the application.

3 Consultation(s)

- 3.3 **Arboricultural Services** – Requested to defer any decision until further information had been submitted including a Tree Survey, Tree Retention Removal Plan, Tree Protection Plan and Arboricultural Impact Assessment, however the view is taken that the current application is unacceptable and therefore the information has not been requested.
Response: Noted.
- 3.4 **Environmental Services** – No objections to the proposed development subject to advisory notes being attached to any consent issued.
Response: Noted.
- 3.5 **Roads Development Management Team** - No objections subject to conditions in respect of visibility splays, kerbing, surfacing, parking space provision, driveway construction and location of gates.

Response: Noted.

4 Representation(s)

4.1 Statutory neighbour notification was undertaken as well as advertisement in the local press. Following this, 12 letters of objection and 1 letter of comment were received. The issues raised in these representations can be summarised as follows:

- (a) **The proposal is overdevelopment of the site. The resulting plots are too small and out of character with the surrounding plot sizes / plot ratios both in Dunedin Drive and Inglewood Crescent resulting in an unacceptable density.**

Response: The proposed plot size for both the proposed and remaining dwelling are considerably smaller than those of the surrounding properties in the immediate area. It is therefore agreed that the proposed development does not reflect the character of the surrounding area and does not accord with the established pattern of development.

- (b) **The proposed dwelling is located too close to the footway on Inglewood Crescent, approximately 2m, in comparison with surrounding properties which are all more than 8m from the edge of the footway altering the established building line making it contrary to policy.**

Response: The proposed dwelling is located close to the footway and is forward of the existing building line. It is therefore agreed that the proposed development does not reflect the character of the surrounding area and does not accord with the established pattern of development.

- (c) **The garden area for the proposed house and that for the remaining house are too small and significantly smaller than surrounding properties.**

Response: The proposed garden space for the new dwelling and particularly for the remaining dwelling are not considered to provide sufficient useable garden ground and do not reflect the character of the surrounding area.

- (d) **The new house is not required as there is a significant number of new houses being built in East Kilbride with a number of major housing developments being constructed.**

Response: Each application is considered on its own merits. Development of individual houses within the settlement boundary are considered taking account of Local Development Plan policies, the specific location and design of the house proposed.

- (e) **The proposed house will result in a loss of privacy and overlooking for neighbouring properties, particularly in respect of 17 Dunedin Drive and 2 Inglewood Crescent. Directly overlooking the rear garden and rear windows and preventing the owners of these properties having privacy in their own properties.**

Response: Although the rear of the property faces directly towards the rear garden of 17 Dunedin Drive the window to window is greater than 20m and the

widows are not directly facing onto each other. Similarly there are a limited number of windows on the side of the proposed property towards 2 Inglewood Crescent, all of which are non-habitable rooms. Although the rear garden length is 8m there is not considered to be a significantly unacceptable level of overlooking from the proposed property.

- (f) **The proposal would result in overshadowing and loss of light to neighboring properties.**

Response: It is not considered that there would be a significantly unacceptable level of overshadowing or loss of light to existing properties from the proposed property.

- (g) **The proposed development would result in a loss of trees from the existing garden together with the tree that have recently been removed by the owner this would have an adverse impact on the character of the area.**

Response: It is agreed that the proposed development does not reflect the character of the surrounding area, however the trees in the rear garden of the existing property are not protected and could be removed by the owner without planning consent.

- (h) **The development of the rear garden would result in the loss of green space and have an adverse impact on wildlife.**

Response: The rear garden space is not protected green space and it is not considered that the development would have a significant adverse impact on wildlife.

- (i) **The proposed development has insufficient and unsuitable parking which will resulting road safety issues caused by parking on street and on the pavement in this location where children play and which is busy at school drop off times.**

Response: The applicant has provided 3 off street parking spaces for each property and Roads and Transportation Services have no objection to the proposed development.

- (j) **The design of the proposed house is bland.**

Response: Noted.

- (k) **The development would set a dangerous precedent for similar developments in the area changing the character of the area.**

Response: It is agreed that the proposed development does not reflect the character of the surrounding area and does not accord with the established pattern of development.

- (l) **The construction of the proposed development would result in unacceptable traffic, dust, noise, disruption to services and due to lack of space result in materials being stored on the street causing a safety hazard.**

Response: Noted. The development is not considered to be acceptable.

- (m) **Previous planning applications at the property were refused.**

Response: There are no records of any previous formal planning applications at the property.

- (n) **No. 1 Inglewood Crescent has an absentee landlord and no.16 Inglewood Crescent is owned by trustees who were not consulted.**

Response: Formal neighbor notification process was undertaken and letters sent out directly to properties. An advert was also placed in the local press. A letter of representation has been received from no. 16 Inglewood Crescent and taken into consideration with other representations received.

- (o) **The title deeds of properties in Dunedin Drive prevent the land from being developed and part of the land in the rear of all the properties was sold to all the owners by the East Kilbride Development Corporation in 1979 on the basis that it was to be used for garden ground.**

Response: This is a legal matter for the owners of the properties and not a valid planning consideration.

- (p) **Request for a Declaration of Vested Interests – all those who have any function in assessment and approval of the application must make a clear and concise statement that they have no vested interest in the application or that they know the applicants, objectors or any of their agents. This should include Planning Officers and Councillors but the declaration request is not exclusive to them.**

Response: All planning applications are assessed and decisions reached through formal planning procedures which requires that any vested interests are declared by officers or elected members. The applicant has confirmed on the application form that they or their spouse or partner are not a member of the staff of the planning service or an elected member of the Council.

- (q) **Has consideration been given to the inability to hold face to face meetings during the current COVID situation?**

Response: During this period site visit was undertaken by the case officer and any meetings and discussions have been undertaken electronically. This has not affected the assessment of the application.

- (r) **The proposed development would adversely affect the potential for adjacent properties to extend their homes.**

Response: Each planning application is assessed on its own merits.

- (s) **South Lanarkshire Council have a reputation for permitting singularly inappropriate constructions and developments and the planning process does not allow appeals by objectors.**

Response: Each planning application is assessed on its own merits following full assessment. The planning process does not provide for third party appeals at present. The development is not considered to be acceptable.

- (t) **Comment that the flora, fauna and species requires to be protected throughout the development process.**

Response: Given the nature of the proposed development and the development location it is considered unlikely that there would be any such impacts in this case. However, the development is not considered to be acceptable.

5 Assessment and Conclusions

- 5.1 The applicant seeks detailed planning permission for the subdivision of garden ground and the erection of a two storey detached dwellinghouse and the creation of a vehicular access and parking to serve the new dwellinghouse in the rear garden of the existing property. The main considerations in determining this application are its compliance with local plan policy, its impact on the amenity and character of the surrounding residential area and road/pedestrian safety and the previous planning application and planning appeal history of the site.
- 5.2 In terms of the South Lanarkshire Local Development Plan (adopted 2015), Policies 4 – Development Management, DM1 - Design and, DM3 – Sub Division of Garden Ground are applicable. Policies 4 and DM1 resist any development that would be detrimental to residential amenity and that all planning applications should take account of the local context and built form. All development should be compatible with adjacent buildings and surrounding streetscape in terms of scale, massing, design, external materials and impact on amenity. The proposed development would not make a positive contribution to the character and appearance of the environment and would not relate satisfactorily to adjacent surrounding development. As such, the proposal does not fully comply with these two policies.
- 5.3 Policy DM3 states that there will be a presumption against development within the curtilage of an existing dwelling unless certain criteria can be met. The proposal has been assessed in detail against the criteria as follows:
- (a) **That the proposed house is of a scale, massing, design and material sympathetic to the character and pattern of the area and does not result in a development which appears cramped, visually obtrusive or of an appearance which is out of keeping with the established character that is harmful to the amenity of the area;**
- The proposed development would not make a positive contribution to the character and appearance of the environment and the size and character of the proposed house plot and that of the remaining plot for the existing house are not considered to be compatible with the surrounding street pattern.
- (b) **The proposed house plot and that remaining to the existing house is 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 new house plot resulting from the subdivision of the garden ground is smaller than that of the existing house and surrounding properties. The proposed house plot and that of the remaining plot for the existing house are not considered to be compatible with the surrounding street pattern.

- (c) **The proposed house should have a proper road frontage of comparable size and form with those of surrounding curtilages;**
It is accepted that the proposed dwelling would have a proper road frontage and that a suitable access for the proposed dwelling could be achieved.
- (d) **That the proposed vehicular access should be of an adequate standard and should not have any adverse implications for traffic safety or adversely affect the amenity of adjacent properties;**
It is accepted that a suitable access for the proposed dwelling could be achieved.
- (e) **The garden space of the proposed house and remaining for the existing house should be sufficient of the recreational, amenity and drying needs of the occupants;**
The space required for the proposed dwelling within the existing garden results in the useable garden ground, particularly for the existing house being insufficient in terms of area and nature being made up of small areas to the rear and side of the remaining property.
- (f) **That the new development will not cause an unacceptable reduction in privacy to surrounding houses as well as the new house itself;**
Although the rear of the property faces directly towards the rear garden of 17 Dunedin Drive the window to window is greater than 20m and the windows are not directly facing onto each other. Similarly there are a limited number of windows on the side of the proposed property towards 2 Inglewood Crescent, all of which are non-habitable rooms. Although the rear garden length is 8m there is not considered to be a significantly unacceptable level of overlooking from the proposed property.
- (g) **That the new development will not overshadow adjacent properties to a degree which will result in loss of amenity or itself be significantly adversely affected by overshadowing;**
It is not considered that there would be a significantly unacceptable level of overshadowing or loss of light to existing properties from the proposed property.
- (h) **That all existing features such as trees, hedges etc that contribute to the character of the area will be retained;**
It is agreed that the proposed development does not reflect the character of the surrounding area, however the trees in the rear garden of the existing property are not protected and could be removed by the owner without planning consent.
- (i) **That adequate parking can be provided for both the proposed and the existing house, and must not be harmful to the character of the established character and amenity of the area;**
In respect of the proposed and the existing dwelling adequate on-curtilage parking is achievable.
- (j) **That the new development must not jeopardise any further desirable development in the area;**

It is not considered that the proposal would jeopardise further development in this area.

(k) The proposal should take account of any supplementary guidance prepared by the Council, where relevant;

The proposal has been assessed above against the relevant Supplementary Guidance.

- 5.4 The above assessment against Policy DM3, demonstrates that the proposal is contrary to criteria (a), (b) and (e) as detailed above.
- 5.5 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 3, 5, DM1 and DM3 are relevant and the proposal has been assessed as set out above against these policies.
- 5.6 In conclusion, careful consideration of this proposal has been undertaken and although the site is located within an area designated for residential land use it is considered that the size and character of the proposed house plot and that of the remaining plot for the existing house are not considered to be compatible with the surrounding street pattern and the resulting useable garden ground, particularly for the existing house is not considered to be satisfactory in terms of area or nature. In this regard, the proposal is not deemed to be in accordance with the Policies 4, DM1 and DM3 of the South Lanarkshire Local Development Plan (adopted) and also Policies 5, DM1 and DM3 of the proposed South Lanarkshire Local Development Plan 2. As such it is recommended that the application is refused.

6 Reason for Decision

- 6.1 The proposal would have an adverse impact on the amenity of the surrounding residential area and is contrary to Policies 4, DM1 and DM3 of the South Lanarkshire Local Development Plan (adopted) and the associated Supplementary Guidance and contrary to Policies 5, DM1 and DM3 of the proposed South Lanarkshire Local Development Plan 2.

Delegating officer: G Rae

Date: 28.8.20

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 24.04.2020

▶ Consultations

Roads Development Management Team 13.08.2020

Environmental Services 21.07.2020

Arboricultural Services 09.07.2020

▶ Representations

Mr Greg McNally, 16 Dunedin Drive, East Kilbride, G75 8QQ, , Dated: 02.05.2020

Thomas Quinn, 3 Inglewood Crescent, East Kilbride, Glasgow, South Lanarkshire, G75 8QD Dated: 12.05.2020

Jill Hills, 17 Dunedin Drive, East Kilbride, G75 8QQ Dated: 30.04.2020

Mr R. N. Kay And Mrs M. R. Kay, 2 Inglewood Crescent, East Kilbride, Glasgow, South Lanarkshire, G75 8QD Dated: 06.05.2020

Mr Nigel Hoskins, 4 Inglewood Crescent, East Kilbride, G75 8QD, , Dated: 12.05.2020

Mr Mark Kelly, 1A Inglewood Crescent, East Kilbride, Glasgow, South Lanarkshire, G75 8QD Dated: 14.05.2020

Mr And Mrs Philip And Geraldine McMahon, 21 Dunedin Drive, East Kilbride, Glasgow, South Lanarkshire, G75 8QQ Dated: 13.05.2020

Mr David Hills, Mr David Hills, 17 Dunedin Drive, East Kilbride, G75 8QQ, Dated: 07.05.2020

Kenneth Gorman, 11 Dunedin Drive, East Kilbride, Glasgow, South Lanarkshire, G75 8QS Dated: 12.05.2020

Mr J E Allan, 94 Franklin Place, East Kilbride, Glasgow, South Lanarkshire, G75 8LS Dated: 07.05.2020

David Hills, 17 Dunedin Drive , East Kilbride, G75 8QQ, , Dated: 07.05.2020

Mr Gordon Robertson, 19 Inglewood Crescent, East Kilbride, G75 8QD Dated: 28.07.2020

Mr Kevin Mackenzie, 16 Inglewood Crescent, East Kilbride, G75 8QD, , Dated:
04.06.2020

Contact for further information

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

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

Phone: 01698 455053

Email: morag.neill@southlanarkshire.gov.uk

Planning Application

Application number: P/20/0469

Reasons for refusal

01. In the interests of amenity in that the size and character of the proposed house plot and that of the remaining plot for the existing house are not considered to be compatible with the surrounding street pattern and the resulting useable garden ground, particularly for the existing house is not considered to be satisfactory in terms of area or nature.
02. The proposal is contrary to Policy 4, DM1 and DM3 of the adopted South Lanarkshire Local Development Plan and Policy 5, DM1 and DM3 of the proposed South Lanarkshire Local Development Plan 2 in that the proposed development would not make a positive contribution to the character and appearance of the environment, would not relate satisfactorily to adjacent surrounding development and the resulting useable garden ground, particularly for the existing house is not considered to be satisfactory in terms of area or nature.
03. The proposal is contrary to Policy DM3 of the adopted South Lanarkshire Local Plan as it does not comply with criteria (a), (b) and (e) of the said Policy and Policy DM3 of the proposed South Lanarkshire Local Development Plan 2 as it does not comply with criteria 1, 2 and 5 of the said Policy.

Reason(s) for decision

The proposal would have an adverse impact on the amenity of the surrounding residential area and is contrary to Policies 4, DM1 and DM3 of the South Lanarkshire Local Development Plan (adopted) and the associated Supplementary Guidance and contrary to Policies 5, DM1 and DM3 of the proposed South Lanarkshire Local Development Plan 2.

Informatives

01. This decision relates to drawing numbers:

Reference	Version No:	Plan Status
T1.08_L(0-)01 EXISTING LOCATION PLAN	-	Refused
T1.08_L(0-)02 PROPOSED LOCATION PLAN	-	Refused
T1.08_L(0-)03 EXISTING SITE PLAN	-	Refused
T1.08_L(0-)04 PROPOSED SITE	-	Refused

PLAN

L 2 01 PROPOSED FLOOR PLANS	-	Refused
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L 2 02 PROPOSED ELEVATIONS	-	Refused
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T1.08_L(0)05 SITE PLAN PARKING/SIGHTLINES _ GARDEN MEASUREMENTS	-	Refused
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Appendix 2(b)

3c

Consultation Responses

- ◆ Response dated 8 July 2020 from Arboricultural Services
- ◆ Response dated 21 July 2020 from Environmental Services
- ◆ Response dated 12 August 2020 from Roads and Transportation Services

From: Whalley, Andy
Sent: 08 July 2020 17:42
To: Planning
Subject: Re: Application consultation from South Lanarkshire Council for application no. P/20/0469

Hi Planning,

The decision should be deferred pending the submission of further information (see below).

Reason - Under the UK planning system, South Lanarkshire Council has a statutory duty to ensure, whenever it is appropriate, that in granting permission for any development adequate provision is made, for the preservation or planting of trees. The potential effect of development on trees, whether statutorily protected (e.g. by tree preservation order or by their inclusion within a conservation area) or not, is a material consideration that has to be taken into account when dealing with planning applications. BS 5837 – ‘Trees in relation to design, demolition and construction – Recommendations’ tree surveys are compulsory for all planning applications that may affect trees.

I have reviewed the information you provided and undertaken a desktop review of the site. Trees would be affected by the above proposed development. So far, we have not been provided any information in accordance with BS5837 to enable the council to consider the trees on or adjacent the proposed development. Without providing the compulsory information the council is unable to fulfil its statutory duty to consider and ensure the protection and planting of trees for the proposed development. The nature and level of detail of information required to enable the council to properly consider the implications and effect of development proposals varies between stages and in relation to what is proposed. In line with BS5837 (table B1) I've highlighted below the appropriate amount of information required at this stage. Additional information, and the reserved matters / planning condition stage will be considered during my formal consultation.

The proposal should therefore be deferred until the following has been provided:

**Delivery of tree-related information into the planning system
(table B1. BS 5837:2012)**

Stage in process	Expected detail	Additional information
Pre application	<ul style="list-style-type: none"> Tree Survey 	<ul style="list-style-type: none"> Tree retention/removal plan (draft)
Planning application	<ul style="list-style-type: none"> Tree Survey Tree retention/removal plan (finalised) Retained trees and soft landscape design, including species and location of new tree planting Arboricultural Impact Assessment (AIA) 	<ul style="list-style-type: none"> Existing and proposed finished levels Tree Protection Plan (TPP) Arboricultural Method Statement (AMS) – heads of terms Details of all special engineering within the Root Protection Area (RPA) and other relevant construction details.

Reserved Matters/ planning conditions	<ul style="list-style-type: none"> • Alignment of utility apparatus (including drainage), where outside the RPA or where installed using a trenchless method • Dimensioned TPP • AMS –detailed • Schedule of works to retained trees, e.g. access facilitation pruning • Detailed hard and soft landscaping design 	<ul style="list-style-type: none"> • Arboricultural site monitoring schedule • Tree and landscape management plan • Post-construction remedial works • Landscape maintenance schedule
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Please reconsult me once the compulsory information has been provided.

Should you require any further information, please contact Andy Whalley on 01698 717731.

Kindest regards

Andy Whalley HND arb, MArborA
Arboricultural Officer

Community Resources

18 Forrest Street,
 Blantyre,

Hamilton, G72 0JP.

Email:- andrew.whalley@southlanarkshire.gov.uk

Councils website:- www.southlanarkshire.gov.uk



If you own a tree, then we recommend you read this helpful leaflet on Managing trees for safety by National Tree Safety Group (NTSG) <http://ntsgroup.org.uk/wp-content/uploads/2016/06/FCMS026.pdf>

From: Planning <Planning@southlanarkshire.gov.uk>

Sent: 03 July 2020 13:00

To: Whalley, Andy <Andy.Whalley@southlanarkshire.gov.uk>

Subject: Application consultation from South Lanarkshire Council for application no. P/20/0469

Please find attached correspondence from South Lanarkshire Council, with regards to the planning application number P/20/0469,

15 Dunedin Drive

East Kilbride

G75 8QQ

If you have any queries, about the content of the attached letter, please do not hesitate to contact the Case Officer.

Yours sincerely

Morag Neill

Planning officer

Phone: 01698 455053

Email: morag.neill@southlanarkshire.gov.uk

South Lanarkshire Council, 154 Montrose Crescent, Hamilton, South Lanarkshire, ML3 6LB



3c

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

To:	Planning & Building Standards Services	Our Ref.	MJH/419807
		Your Ref.	P/20/0469
		If Calling Ask for	Mary Harkness
CC:		Phone	
From:	Mary Harkness	Date.	21 July 2020

Subject:	Application Ref:	P/20/0469
	Address:	15 Dunedin Drive East Kilbride Glasgow G75 8QQ
	Proposed Development:	Sub-division of garden ground and erection of a two storey detached dwellinghouse

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

(A) I have no objections to the proposal

However, I would request that if the application is approved, then the following advisory notes are 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, 154 Montrose Crescent, Hamilton, ML3 6LB 01698 454898

ADV NOTE Formal action may be taken if nuisance occurs.

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

ADV NOTE Pest Control

The applicant is advised that adequate pest control measures should be employed to ensure that any 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 South Lanarkshire Council, Environmental Services, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB 01698 454898

Montrose House, 154 Montrose Crescent, Hamilton ML3 6LB Phone: 08457 406080
Minicom: 01698 454039 Email: Mary.harkness@southlanarkshire.gov.uk





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

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.

ADV NOTE 13 Smoke Control Area (located within)

The property is located within a declared Smoke Control Area, restrictions apply in relation to types of fuel that are permitted to be used in these areas, as well as permitted types of solid fuel appliances (e.g. stoves/ biomass burners) that may be used.

Details of the proposed solid fuel appliance to be used in the proposed development must be submitted and approved by the Council as Planning Authority.

For further details please contact South Lanarkshire Councils Environmental Services, Montrose House, Hamilton, ML3 6LB Tel -0845 740 6080. Additional information on the location of smoke control areas, approved fuels and a list of exempt appliances is available at www.uksmokecontrolareas.co.uk

Should you require any further information, please contact Mary Harkness.

**Mary Harkness
Environmental Health Officer**

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

To:	Planning	Planning Application No:	P/20/0469
From:	Development Management Roads and Transportation Services	Case Officer:	Morag Neill
		Contact:	Mark Kirk
		Phone Ext:	
		Date:	12 August 2020

Subject: OBSERVATIONS ON PLANNING APPLICATION P/20/0469

Location: Land at 15 Dunedin Drive East Kilbride

I refer to the above planning consultation response and our previous comments dated 22nd July 2020.

Thank you for sending over the updated site plan (drawing TL.08 – L(0-05)).

This plan satisfactorily addresses the issues highlighted in our previous comments.

I can confirm that this service has no adverse comments and would have no objection to the proposed development subject to the following conditions:-

- That before the proposed dwelling house is completed or brought into use, a visibility splay of 2.0 metres by 35 metres, measured from the road channel shall be provided on both sides of the vehicular access and everything exceeding 0.9 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sightlines.
- That before the proposed dwelling house is completed or brought into use, a dropped kerb access site shall be constructed in accordance with the specification and to the satisfaction of the Council as Planning and Roads Authority.
- That before the proposed dwelling house is completed or brought into use the surface of the driveway, shall be so trapped as to prevent any surface water from running onto the public road and thereafter shall be maintained to the satisfaction of the Council as Planning and Roads Authority.
- That before the proposed dwelling house is brought into use, the proposed driveway shall be constructed such that no less than the first 2.0 metres of the access within the property shall be surfaced or bound to prevent deleterious material being carried onto the public road and thereafter shall be maintained to the satisfaction of the Council as Planning and Roads Authority.
- That before the proposed dwelling house is completed or brought into use, 3No car parking spaces, as shown on the submitted plans, shall be laid out, constructed and thereafter maintained to the specification of the Council as Planning and Roads Authority.
- That before the proposed dwelling house is brought into use, the driveway shall be constructed such that the gradient does not exceed 1 in 12.
- That no gates or other obstructions shall be erected within the first 6.0 metres from the heel kerb line of the public footway.

Montrose House, 154 Montrose Crescent, Hamilton ML3 6LB
Email: enterprise.hq@southlanarkshire.gov.uk

A final observation relates to the physical construction of the project. The applicant shall be responsible for ensuring that all material/equipment deliveries and contractor parking does not impede access for existing residents and/or disruption to access for regular services such as home delivery, bin collection and public transport services where appropriate.

Appendix 2(c)

3d

Representations

Representation From	Dated
♦ Mrs Jill Hills, by e-mail	30/04/20
♦ Mr J.E. Allan, 94 Franklin Place, Westwood, East Kilbride	01/05/20
♦ Mr Greg McNally, by e-mail	02/05/20
♦ Mr David Hills, by e-mail	06/05/20
♦ Mr Kenneth Gorman, 11 Dunedin Drive, East Kilbride	09/05/20
♦ Mr and Mrs McMahon, by e-mail	12/05/20
♦ Mr Nigel Hoskins, by e-mail	12/05/20
♦ Mr Mark Kelly, by e-mail	14/05/20
♦ Mr Kevin Mackenzie, by e-mail	04/06/20
♦ Mr Gordon Robertson, by e-mail	28/07/20
♦ Mr and Mrs Kay, 2 Inglewood Crescent, Hairmyres, East Kilbride	N/A
♦ Mr Thomas Quinn, 3 Inglewood Crescent, Hairmyres, East Kilbride	N/A

From: Jill Hills <[REDACTED]>
Sent: 30 April 2020 13:31
To: Planning
Subject: Planning Application Ref P/20/0469

I write with regard to the above Neighbour Notification Notice re an application for planning permission at Inglewood Crescent, Hairmyres, East Kilbride G75 8QD.

I live at No 17 Dunedin Drive. I moved here 3 years ago due to it being in a quiet residential area with mature gardens and not overlooked, giving me upmost privacy. I also have a large glass outlook from my kitchen area which is raised above the level of the garden. Being a keen gardener the selling point for us was the private garden.

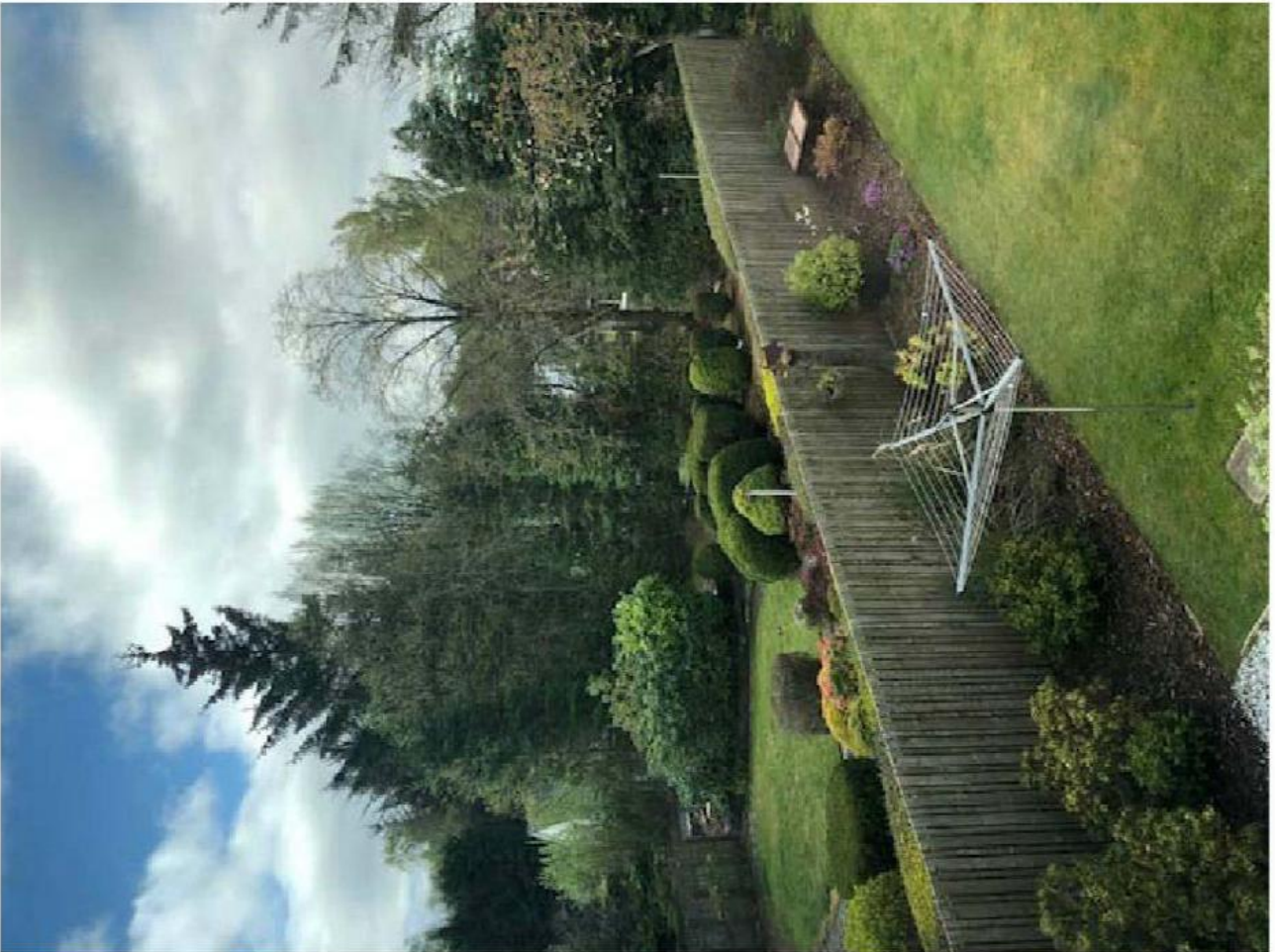
Where the planned house is proposed to be built causes me a few concerns. First of all the area is part of an existing garden which is far too small a development site for another dwelling let alone a 4 bedroom two storey one. There will be excessive noise from two family houses in what is essentially one garden! It will also upset the existing natural layout of the area - the owner has already cut down 3 large fir trees (photos available) and may require to cut down other large trees to build.

I regard my privacy as a very integral part of my lifestyle and the enclosed photographs show just how close to my garden the new build would be and views they would have into my garden and indeed into my kitchen.

These houses were built on sections of land intended for one dwelling only and should planning permission be granted for a subsequent dwelling on this land then the legalities of such permission would require to be fiercely addressed and the manner by how this decision was reached require explanation.

Regards
Jill Hills





3d

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

01355-225845

HEAD OF PLANNING &
ECONOMIC DEVELOPMENT

01/05/2020

Dear Sir

PLANNING APPLICATION
P/20/0469 + P/20/0489

PLEASE ENSURE ALL
POSSIBLE PROTECTION OF
ALL AND ANY WILDLIFE
FLORA & FAUNA ON EACH
SITE INCLUDING MOLES

FLEECESHOES AND BUNAW-
BOOS REMAIN AT RISK
BIRDS NEST ON CROWN
AS WELL AS TREES
AND BUILDINGS etc

ANY LANDSCAPING
SHOULD BE TO THE

II

BENEFIT OF BUTTERFLIES
AND MOTH WILD
FLOWERS AND TREES
TO BE PLANTED

STAY SAFE STAY
WELL ONS AND ALL

Yours fraternally



COMMUNITY - ENTERPRISE RESOURCE	
Montrose House	
RECEIVED:	
07 MAY 2020	
Allocated to:	
File Ref:	

From: Planning
Sent: 02 May 2020 12:47
To: Planning
Subject: Comments for Planning Application P/20/0469

Follow Up Flag: Follow up
Flag Status: Flagged

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

Comments were submitted at 12:47 PM on 02 May 2020 from Mr Greg McNally.

Application Summary

Address: Land at Inglewood Crescent Hairmyres East Kilbride G75 8QD

Proposal: Sub-division of garden ground and erection of a two storey detached dwellinghouse

Case Officer: Morag Neill

[Click for further information](#)

Customer Details

Name: Mr Greg McNally

Email: [REDACTED]

Address: 16 Dunedin Drive East Kilbride

Comments Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Reasons for comment:

Comments: I received a neighbour notification for the planned construction of a new dwelling house at Inglewood Crescent, and would like to object.

We moved here in 2012 having previously lived in a "new build" area close by where the houses were built right on top of each other. However, even those houses would ensure that the back gardens would be of an equal or greater size to the footprint of the house, and that the windows minimised intrusion on the privacy of the neighbours.

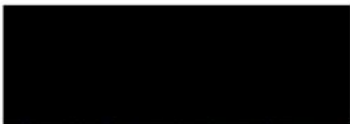
We therefore moved to this neighbourhood as it was developed in the early 1970s and has a different feel to it. The plots of land are larger than average giving it a special vibe, and one that is very sought after.

From a review of the plans, the dwelling in question will take up the majority of the land, and gives little to no privacy to the neighbour at the back of the house. By allowing these plots to be split, and developed will set a dangerous precedent and would change the feeling/vibe at this part of the street, and no doubt devalue the neighbouring houses.

From: McAdams, Monique Councillor
Sent: 06 May 2020 10:44
To: Planning
Cc: [REDACTED]
Subject: FW: Pending Planning Application P/20/0469 : Closing date 15/5/2020

Please log this as an objection.

Councillor Monique McAdams
Ward 9 East Kilbride West
Scottish Labour Party



South Lanarkshire Council
Council Offices
Almada Street
Hamilton
ML3 0AA

From: David <[REDACTED]>
Sent: 06 May 2020 10:41
To: McAdams, Monique Councillor <[REDACTED]>
Subject: Pending Planning Application P/20/0469 : Closing date 15/5/2020

I wonder if I could ask for your support in challenging / objecting to the above planning permission which is looking to build a new 2 storey, 4 bedroom house in the garden of an existing property at Inglewood Crescent, Hairmyres, East Kilbride.

I believe that the proposal is totally unsuitable for this location as it will be totally out of character for this area of the town.

All existing properties are sited on large plots with substantial rear gardens giving good-sized areas for drying and recreation purposes. The proposed new build will have seriously reduced rear garden area and will also seriously reduce the rear garden area of the existing property at 15 Dunedin Drive. The layout and density of this proposal

would be totally at odds with the layout and density of the other properties in Inglewood Crescent and Dunedin Drive.

Policy DM1 in the SLC LDP2 states that any new development should enhance or make a positive contribution to the character and appearance of the area in which the proposed development is located and this particular proposal certainly doesn't meet such criteria. The front elevation of the proposed new house will be much closer to the public footpath than all the other properties in Inglewood Crescent and also in Dunedin Drive. The new proposed house will be only in the region of 2 metres from the public footpath whereas all the other properties in Inglewood Crescent are some 8+ metres distant from the public footpath to the nearest elevation of these other buildings. There is also a proposed overhang on the front elevation which would be even closer to the public footpath. All the existing houses in Inglewood Crescent are situated whereby their road-facing elevations are generally in line with each other. The proposed new build will be considerably out-with the existing line. Even the applicant's existing property at 15 Dunedin Drive has all street-facing elevations set far back from the public footpath, in keeping with all other houses in this location.

I do not believe that the proposal satisfies South Lanarkshire Development Plan Policy 4 (i) insofar as the proposal would introduce a cramped development which would result in both the new and existing houses being on significantly reduced plots compared to all the other houses in this location. The new house would be sited extremely close to the public footpath compared to all nearby properties which are set at least 8 metres or so back from the footpaths. I also believe that it doesn't satisfy SLDP Policy 4 (iv) as it would have significantly less open space and landscape provision than all other properties in the area and have a similar negative effect on the existing property at 15 Dunedin Drive. The applicant has already had three mature fir trees removed, clearly with this proposal in mind and it is possible that more may require to be removed to allow the construction to proceed. This proposed development does not meet Policy DM3 Subdivision of Garden Ground in keeping with all neighbouring properties as it severely reduces the garden and recreation area of the applicant's existing property and will create a similarly smaller garden and recreation area for the proposed new house.

Although the proposal shows 3 parking areas in the plans, they would be unsuitable for most large cars as it would be difficult to enter and exit a vehicle due to the restricted size of the spaces. In fact, it is unlikely that more than one vehicle would actually use the parking area which would mean that other vehicles would be parked on the public roadway of Inglewood Crescent thus negating the provision of 2 of the three parking spaces. Indeed, if there were 3 vehicles in the parking spaces it would be extremely difficult to enter the side door of the house due to the proximity of the parked vehicles. Surely it is the case that simply allocating space to comply with a planning requirement is insufficient grounds for acceptance by the planners if it can be seen that such parking provision is unsuitable for the purpose, clearly impractical and would lead to on-road parking on a regular (daily) basis. As is common practice, on-road parking invariably leads to vehicles being half-parked on the public footpath which is a matter of concern from a safety aspect.

During the construction phase, there will be noise, disturbance and dust for an indeterminate but certainly lengthy period which will adversely affect all neighbouring properties, particularly to 17 Dunedin Drive and also numbers 1 and 2 in Inglewood Crescent. Due to the proposal showing the building to be extremely close to the public footpath and road, there will be very little room for the storage of materials. Deliveries of materials such as concrete, sand, cement, bricks etc. and the erection of the roof trusses will be likely to cause considerable disturbance and inconvenience to all nearby properties. Construction traffic and tradesmen's vehicles will all be located on Inglewood Drive or Dunedin Drive as there is no off-road provision on the proposed site. It would be highly likely that it would entail such vehicles being parked halfway onto the public footpath and possibly very close to the road junction between Inglewood Crescent and Dunedin Drive thereby causing a safety hazard.

On a personal level, the proposed house will be sited with two sets of patio doors to the rear elevation which overlook the garden and patio area of my property at 17 Dunedin Drive. It will be an invasion of my privacy and be seriously detrimental to such privacy and my personal enjoyment of my back garden and my own patio area. In addition, the proposed house will have an overall height of some 8 metres which will seriously overshadow my back garden area and impinge on my privacy and enjoyment of my own property with some degree of loss of light. The effect of such an imposing structure overlooking my property will be overwhelming. The view of the rear (and side) elevation of this proposed relatively large house would not be conducive to my privacy, peace and enjoyment in my back garden and in my home.

Were the proposal to have been simply a tasteful extension to the applicant's existing house at 15 Dunedin Drive then i would have been unlikely to object but the current proposal is totally unsuitable for the site and totally out of character for the Inglewood Crescent / Dunedin Drive area. An overview of the locale on Google Earth or similar will show that such a cramped site to be completely at odds with all the other properties.

It should also be of some concern to the Local Council that such a development would create precedent for all other properties in this area to utilise their large gardens for similar ventures and thus ruin the existing character of the entire location and add additional pressure to local services including schools and infrastructure.

I have suggested that the proposal and objections would best be served by the Planning Officer visiting the site at the very earliest opportunity, and have suggested that in my objection.

Thanking you in anticipation for your support on this important local issue.

Mr David Hills
17 Dunedin Drive
East Kilbride
G75 8QQ

From: David [REDACTED]
Sent: 06 May 2020 11:06
To: Planning
Subject: Pending Planning Application: P/20/0469
Attachments: After.PNG; Existing.jpg

Further to my wife's earlier objection to this planning proposal, I wonder if I could offer some further input after consulting with a retired planner friend.

I wish to object to the Planning Application Ref. P/20/0469 for the erection of a two storey house in the garden at the rear of 15 Dunedin Drive, East Kilbride G75 8QQ and the reasons for my objection are as noted hereunder:

I believe that the proposal is totally unsuitable for this location as it will be totally out-of-character for this area of the town.

All existing properties are sited on large plots with substantial rear gardens giving good-sized areas for drying and recreation purposes. The proposed new build will have seriously reduced rear garden area and will also seriously reduce the rear garden area of the existing property at 15 Dunedin Drive. The layout and density of this proposal would be totally at odds with the layout and density of the other properties in Inglewood Crescent and Dunedin Drive.

Policy DM1 in the SLC LDP2 states that any new development should enhance or make a positive contribution to the character and appearance of the area in which the proposed development is located and this particular proposal certainly doesn't meet such criteria. The front elevation of the proposed new house will be much closer to the public footpath than all the other properties in Inglewood Crescent and also in Dunedin Drive. The new proposed house will be only in the region of 2 metres from the public footpath whereas all the other properties in Inglewood Crescent are some 8+ metres distant from the public footpath to the nearest elevation of these other buildings. There is also a proposed overhang on the front elevation which would be even closer to the public footpath. All the existing houses in Inglewood Crescent are situated whereby their road-facing elevations are generally in line with each other. The proposed new build will be considerably out-with the existing line. Even the applicant's existing property at 15 Dunedin Drive has all street-facing elevations set far back from the public footpath, in keeping with all other houses in this location.

I do not believe that the proposal satisfies South Lanarkshire Development Plan Policy 4 (i) insofar as the proposal would introduce a cramped development which would result in both the new and existing houses being on significantly reduced plots compared to all the other houses in this location. The new house would be sited extremely close to the public footpath compared to all nearby properties which are set at least 8 metres or so back from the footpaths. I also believe that it doesn't satisfy SLDP Policy 4 (iv) as it would have significantly less open space and landscape provision than all other properties in the area and have a similar negative effect on the existing property at 15 Dunedin Drive. The applicant has already had three mature fir trees removed, clearly with this proposal in mind and it is possible that more may require to be removed to allow the construction to proceed. This proposed development does not meet Policy DM3 Subdivision of Garden Ground in keeping with all neighbouring properties as it severely reduces the garden and recreation area of the applicant's existing property and will create a similarly smaller garden and recreation area for the proposed new house.

Although the proposal shows 3 parking areas in the plans, they would be unsuitable for most large cars as it would be difficult to enter and exit a vehicle due to the restricted size of the spaces. In fact, it is unlikely that more than one vehicle would actually use the parking area which would mean that other vehicles would be parked on the public roadway of Inglewood Crescent thus negating the provision of 2 of the three parking spaces. Indeed, if there were 3 vehicles in the parking spaces it would be extremely difficult to enter the side door of the house due to the proximity of the parked vehicles. I think it clear to any neutral observer that it would be highly unlikely that the three parking spaces would ever be used simultaneously. Surely it is the case that simply allocating space to comply

with a planning requirement is insufficient grounds for acceptance by the planners if it can be seen that such parking provision is unsuitable for the purpose, clearly impractical and would lead to on-road parking on a regular (daily) basis. As is common practice, on-road parking invariably leads to vehicles being half-parked on the public footpath which is a matter of concern from a safety aspect.

During the construction phase, there will be noise, disturbance and dust for an indeterminate but certainly lengthy period which will adversely affect all neighbouring properties, particularly to 17 Dunedin Drive and also numbers 1 and 2 in Inglewood Crescent. Due to the proposal showing the building to be extremely close to the public footpath and road, there will be very little room for the storage of materials. Deliveries of materials such as concrete, sand, cement, bricks etc. and the erection of the roof trusses will be likely to cause considerable disturbance and inconvenience to all nearby properties. Construction traffic and tradesmen's vehicles will all be located on Inglewood Drive or Dunedin Drive as there is no off-road provision on the proposed site. It would be highly likely that it would entail such vehicles being parked halfway onto the public footpath and possibly very close to the road junction between Inglewood Crescent and Dunedin Drive thereby causing a safety hazard.

The proposed house will be sited with two sets of patio doors to the rear elevation which overlook the garden and patio area of my property at 17 Dunedin Drive. It will be an invasion of my privacy and be seriously detrimental to such privacy and my personal enjoyment of my back garden and my own patio area. As my kitchen and dining area is also rear-facing, my enjoyment and privacy of my own home will also be adversely affected.

In addition, the proposed house will have an overall height of some 8 metres which will seriously overshadow my back garden area and impinge on my privacy and enjoyment of my own property with some degree of loss of light. The effect of such an imposing structure overlooking my property will be overwhelming. The view of the rear (and side) elevation of this proposed relatively large house would not be conducive to my privacy, peace and enjoyment in my back garden and in my home.

Were the proposal to have been simply a tasteful extension to the applicant's existing house at 15 Dunedin Drive then I would have been unlikely to object but the current proposal is totally unsuitable for the site and totally out of character for the Inglewood Crescent / Dunedin Drive area. An overview of the locale on Google Earth or similar will show that such a cramped site to be completely at odds with all the other properties.

It should also be of some concern to the Planning Officer that such a development would create precedent for all other properties in this area to utilise their large gardens for similar ventures and thus ruin the existing character of the entire location.

It is my belief that the proposal and objections would best be served by the Planning Officer visiting the site at the very earliest opportunity.

I also enclose a 'before & after' view to help with the visualisation.

Thanking you in anticipation.

Mr David Hills
17 Dunedin Drive
East Kilbride
G75 8QQ

EXISTING





11 Dunedin Drive
East Kilbride
G75 8QS
9th May 2020

Planning Application Number P/20/0469 – Objections

Dear Sir/Madam,

I am the owner of the property at 11 Dunedin Drive, East Kilbride and this letter constitutes my objections to the planning application for the property at 15 Dunedin Drive, East Kilbride, Planning Application Number P/20/0469.

Whatever the outcome of this planning application in respect of permitted development, it will certainly influence the nature of other proposals for any potential development in Dunedin Drive and surrounding areas.

OBJECTION TO THE PLANNING APPLICATION

I object on the bases below.

General

Precedent

A tour of Dunedin Drive and adjoining roads will indicate clearly that there is substantial separation between detached properties typically 6-10m between the living areas of the properties. Even where there have been extensions to the side of the properties, they have almost invariably been for garages or single storey rooms for inhabitation.

The Planning Process has the option of rejecting the proposal as it stands. However, if it is accepted then Dunedin Drive and all similar areas become an adventure playground for developers who can come in, buy up property, apply inappropriate extensions and then sell up leaving the residents cheated, resentful and with another eyesore right in their midst.

Specific

Policy DM3 “Subdivision of Garden Ground” lists requirements for this proposal to meet. It is apparent that the proposed construction scarcely meets any of the TEN requirements. I am at a loss to know why this was ever entered into the Planning Proposal System for consideration since it just wastes the time, money and resources of all those involved. When addressing my objections, I request that the suitability of the application is assessed against all 10 requirements and that any reason for acceptability is formally reported.

Specific to the requirements of Policy DM3:

- The overpowering physical appearance of the proposal in respect of size, scale and mass and subsequent loss of amenity to adjacent neighbours.
- The front of the house is extraordinarily close to the public walk. I can think of no precedent within East Kilbride for this. This is surely completely inappropriate especially within the estate of which Inglewood Crescent and Dunedin Drive are part.
- The proposed parking arrangements are simply inadequate for a 4-bedroom house, as would be clearly seen if this area is surveyed. This will result in on street parking or, more likely, on pavement parking adjacent to a sharp road corner.
- When the strip of land that ran through many properties in Dunedin Drive and Inglewood Crescent was offered to owners for purchase it was on the condition that it would form part of the garden. This was important because the land would continue to form part of a “Nature Highway” that permitted and encouraged the passage of wildlife and the development of the Natural Environment. This application is clearly at odds with that requirement. In fact, the new owner of the property has commenced cutting down trees and uprooting the flowers and shrubs of a well maintained garden. Has the Planning Department at South Lanarkshire Council already given tacit acceptance of this application?

This application is simply a development opportunity that destroys the natural environment existing in our neighbourhood.

- The detrimental effect of loss of light and privacy to adjacent properties, both home and garden, and subsequent loss of amenity to adjacent neighbours.
- The means of construction of the proposed new house is such that access will cross and disrupt the walkways in Inglewood Crescent. This will also apply to any future inspection and maintenance of the property.
- The proposed build will adversely affect the potential for adjacent properties or any future owners to extend their homes and deprives them of their rights to do this.

Summary

There appears a substantial imbalance in the planning process whereby it permits developers of property to suggest any modification to their property no matter how inappropriate and planning departments are required to set a process in motion that has those neighbours affected by it running around trying to oppose on very limited allowable criteria for opposition and within short timescales.

It allows appeal by the proposer, but none by the objectors.

It is clearly important to strike the correct balance otherwise the consequence for the quality of life, neighbour relations and the amenity of the area itself will be adversely affected.

Until a few years ago, the overwhelming precedent of properties within the area in the area was that they were done sympathetically to the architecture and neighbours. Regrettably, South Lanarkshire Council now have a reputation for permitting singularly inappropriate constructions and developments. It now has the opportunity to meet its responsibilities to current householders and its vested authority by rejecting this application.

I request that the Planning Department and Planning Committee reject the development on the basis of the above issues.

Declaration of Vested Interests

I request that all those who have any function in the assessment and approval of this application make a clear and concise statement that they have no vested interest in the application or that they know the applicants, or objectors, or any of their agents. This will include Planning Officers and Councillors, but the declaration request is not exclusive to them. I wish a clear statement to this requirement in any response to my objections and comments.

I hope and believe that good sense will prevail in the decision regarding the property development at No. 15 Dunedin Drive and that it will be rejected.

Yours faithfully,

Kenneth Gorman,

[REDACTED]

From: Philip McMahon <[REDACTED]>
Sent: 12 May 2020 10:58
To: Planning
Subject: P/20/0469 FAO Morag Neill

3d

The following comments are sent on behalf of
Mr Philip McMahon
Mrs Gerardine McMahon
21 Dunedin Drive
East Kilbride
G75 8QQ
[REDACTED]
[REDACTED]

Please regard this communication as an **objection** to Planning Application P/20/0469 - Construction of 4 bedroom detached villa at 15 Dunedin Drive

Although we are not 'consultees' in the terms of this planning application, we feel compelled, as adjacent neighbours, to comment as follows.

We would initially like to focus on South Lanarkshire Council's Document DM3 - Subdivision of Garden Ground

Criterion 1

It is difficult to comment on design, use of materials etc from website available drawings. However, the proposed site plan would give the strong impression that this second house is being shoehorned into the existing garden space resulting in a cramped appearance/existence.

Criterion 3

The building proposal locates the front of the property substantially nearer to the footpath than other properties on Inglewood Crescent/Dunedin Drive.

Criterion 5

Our impression is that both the 'donor' and recipient gardens will be heavily compromised in relation to space and other long-existing gardens in this area. These plots were sold on the strict understanding (according to our title) that only one detached bungalow or villa could be built on each plot. Was No 15 different?

Additionally, our home and adjacent properties (including, we presume, No 15) purchased additional (wood)land in 1979 from East Kilbride Development Corporation to be used solely as garden ground Ref: Land Register of Scotland D. Burdens Section 3 SECOND. Presuming No 15 did participate in a similar transaction, does this mean that the proposed development is being facilitated by the availability of this added ground or, worse still, being built upon?

Criterion 6

Although it will impact marginally on our property with seating areas being 'viewable' from upstairs windows, clearly the privacy of No 17 will be unerringly affected.

Criterion 7

The same reservation applies here as for Criterion 6

Criterion 9

Parking bays would appear to be a drawing exercise for planning approval rather than the expectation that three cars will be accommodated there and still enable access to/from the side door and 'wheelie' bins.

In conclusion, we would like to make a further five comments.

1. This proposal is overdevelopment on this particular site in this particular area. Does East Kilbride need another 4 bedroomed villa with new ones being built all around the town - Benthall Farm, Merlin Gardens, Thornton View, Ocean Drive, Landsdale and the Cala Development on Eaglesham Road. We are sure this list is not exhaustive.
2. Will this proposal set a precedent for garden ground (protected or otherwise) in this area?
3. With an absentee landlord/lady at 1 Inglewood Crescent, is provision being made to ensure that the likely impact on that property is being taken into consideration?
4. We understand that a previous owner lodged a similar application for 15 Dunedin Drive and this was rejected. We are unaware why it was rejected. If our information is correct and should this application be successful what material/legal planning change has taken place to enable this?
5. Is consideration being given to current Covid-19 restrictions and, in particular, the inability to hold face-to-face meetings?

Sent from my iPad

From: Planning
Sent: 12 May 2020 18:11
To: Planning
Subject: Comments for Planning Application P/20/0469

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

Comments were submitted at 6:10 PM on 12 May 2020 from Mr nigel Hoskins.

Application Summary

Address: 15 Dunedin Drive East Kilbride G75 8QQ
Proposal: Sub-division of garden ground and erection of a two storey detached dwellinghouse
Case Officer: Morag Neill
[Click for further information](#)

Customer Details

Name: Mr nigel Hoskins
Email: [REDACTED]
Address: 4 Inglewood Crescent East Kilbride, East Kilbride Glasgow

Comments Details

Commenter Type: Neighbour
Stance: Customer objects to the Planning Application
Reasons for comment:
Comments: We feel that although the land identified could accommodate a further building we feel it would be more suited to an extension rather than a 2 storey new build which would be squeezed onto the undersized plot. The circulation space and outdoor space is poor for a house of this size.

The plot is identified has having three car-parking spaces which seems excessive and will add to an already congested and poorly laid out junction with Mossneuk road.

The Architecture of the building is bland with no thought going into its character or material spec. The properties within Dunedin and Inglewood Crescent all have their individual details and personality which is what contributes to making the area a great and attractive place to live. This property could act as a catalyst for nondescript homes becoming the norm in this area as they are in a lot of East Kilbride.

From: Planning
Sent: 14 May 2020 21:38
To: Planning
Subject: Comments for Planning Application P/20/0469

3d

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

Comments were submitted at 9:37 PM on 14 May 2020 from Mr MARK KELLY.

Application Summary

Address: 15 Dunedin Drive East Kilbride G75 8QQ
Proposal: Sub-division of garden ground and erection of a two storey detached dwellinghouse
Case Officer: Morag Neill
[Click for further information](#)

Customer Details

Name: Mr MARK KELLY
Email: [REDACTED]
Address: 1A INGLEWOOD CRESCENT WESTWOOD EAST KILBRIDE

Comments Details

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

Comments: Further to the application of a 4 storey dwelling being built on land at 15 Dunedin Drive, i would like to confirm my objection for this going ahead as i simply cannot see why in any of the points for building it are valid. Clearly all the reasoning as to why it should be opposed, have already been put across in previous neighbours comments.

As the build will be almost directly be affecting my family, as it will be built right across the road of which we have 2 small children 3 & 5 years old who play up in down the road at where the numerous flow of construction traffic would be expected. So my immediate concern would be from the safety point.

I would have thought that it would be simply better for the owner to simply extend the exisiting property. Again its quite clear that this build would not blend in with the existing layout of Dunedin Drive/Inglewood Crescent and will set a precedent that would not be wise with the current character of the area and not what the vast amount of people who stay here would neither like or expect to be passed.

From: Planning
Sent: 04 June 2020 20:47
To: Planning
Subject: Comments for Planning Application P/20/0469

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

Comments were submitted at 8:46 PM on 04 Jun 2020 from Mr Kevin Mackenzie.

Application Summary

Address: 15 Dunedin Drive East Kilbride G75 8QQ
Proposal: Sub-division of garden ground and erection of a two storey detached dwellinghouse
Case Officer: Morag Neill
[Click for further information](#)

Customer Details

Name: Mr Kevin Mackenzie
Email: [REDACTED]
Address: 16 Inglewood Crescent East Kilbride

Comments Details

Commenter Type: Neighbour
Stance: Customer objects to the Planning Application
Reasons for comment:
Comments: The proposed development appears to be in close proximity to the rear of the property at 16 Inglewood Crescent and yet no notification of planning has been received. 16 Inglewood Crescent is a Church of Scotland manse held by the General Trustees of the Church of Scotland. No planning notification has been forwarded to me via the General Trustees.

Properties in Inglewood Crescent tend to be private developments from the 1960's where private individuals have purchased plots and self built. Grounds are spacious and design / architecture is very individual. The proposed development does not blend in with the area being too large for the plot of land and lacking in character / individuality.

A driveway onto Inglewood Crescent will create congestion close to the junction with Dunedin Drive which is a very busy area when Duncanrig pupils are being met by parents at the end of the school day.

The recent felling of a large pine tree on the corner of

the development plot has already detracted from the appearance and maturity of the landscaped areas. In an age where we need to exercise concern over climate change the needless loss of any mature tree is a real concern.

In these terms I record my objections to this development.

In these terms

From: Planning
Sent: 28 July 2020 20:43
To: Planning
Subject: Comments for Planning Application P/20/0469

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

Comments were submitted at 8:42 PM on 28 Jul 2020 from Mr Gordon Robertson.

Application Summary

Address: 15 Dunedin Drive East Kilbride G75 8QQ
Proposal: Sub-division of garden ground and erection of a two storey detached dwellinghouse
Case Officer: Morag Neill
[Click for further information](#)

Customer Details

Name: Mr Gordon Robertson
Email: [REDACTED]
Address: 19 Inglewood Crescent East Kilbride

Comments Details

Commenter Type: Neighbour
Stance: Customer objects to the Planning Application
Reasons for comment:
Comments: The proposed development imposes directly onto Inglewood Crescent and the entrance to this street and we are not aware of local residents being advised or notified of this. We have not received anything by way of post or leaflet.

When we purchased our home in 2008 in Inglewood Crescent we were drawn to the area particularly because of the individual and architect designed homes from the 1960s with a particular appeal coming from the spacing of this older style development and also the mature trees and gardens.

Already a significant and mature tree has been felled to make way for this proposed dwelling and the new building planned would rob the area of its feeling of well-spaced and sympathetic building development.

The driveway is at a particularly congested area at school pick up and drop off times given its proximity to Duncanrig and Canberra schools, as well as children from Mossneuk school and those using the St Andrew's and St

Bride's and Our Lady of Lourdes school bus services. In addition, its close proximity to the entrance to Inglewood Crescent could make it dangerous if a car is reversing out of the driveway into entering traffic.

The design of the proposed dwelling is not in keeping with the house in which grounds it is proposed to be built and neither of that of its neighbour. Its design is far too large for its plot - this size and spacing issue is fundamentally opposite to the 1960's design and planning evident in Inglewood Crescent. No other house in the crescent is positioned so imposingly close to the pavement and passing pedestrians - generous front and rear gardens being an obvious and consistent feature of Inglewood Crescent homes.

If this development is approved it would have a negative impact on the crescent and also set a potentially negative precedent for the whole street and create a risk that other homes, currently occupied by other residents who might wish to move, could fall prey to speculative developers who do not have a care for the area, as it is, or wish to live here long term.

For the above reasons we record our objection to this development

We would be grateful if you can also confirm if the tree has been felled legally.

Objection to Planning Application Ref: P/20/0469

In terms of formal objections we believe that the following points have ongoing applicability and are directly related to clauses, shown in bold italics and quotes, taken from a number of sections and policy statements made in anticipation of South Lanarkshire's 'Local development Plan 2' Vols 1 and 2 being the accepted standard.

In particular reference is made to the following Policy Statement which directly addresses the nature of the proposed project.

"Policy DM3 Subdivision of Garden Ground"

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

1. The proposed house(s) is of a scale, massing, design and material sympathetic to the character and pattern of development in the area and does not result in a development that appears cramped, visually obtrusive or is of an appearance which is out of keeping with the established character or is harmful to the amenity of the area.

2. The proposed house plot(s) and that remaining to the existing house are comparable with those nearby in terms of size, shape, and amenity and accords with the established pattern of development in the surrounding area.

3. The proposed house(s) should have a proper road frontage of comparable size and form to surrounding curtilages unless the proposal reflects the development pattern of the area.

4. The proposed vehicular access is of an adequate standard and will not have adverse implications for traffic safety or adversely affect the amenity of adjacent properties by virtue of noise or loss of privacy.

5. The garden space allocated to the proposed house(s) and that remaining for the existing house should be sufficient for the recreational and amenity needs of the occupants.

6. The proposed development will not cause an unacceptable reduction in privacy to existing houses and will, itself, enjoy a level of privacy comparable with surrounding dwellings.

7. The proposed development will not overshadow adjacent properties to a degree which results in a significant loss of amenity for residents or is significantly adversely affected by overshadowing.

8. All existing features such as trees, hedges, walls, fences and buildings that contribute to the character of the area should be retained and should not be adversely affected by the development.

9. Adequate parking for both the proposed and existing house must be provided within the site and must not be harmful to the established character and amenity of the area.

10. The proposal must not jeopardise or be prejudicial to any future development proposals in the vicinity. "

Objections

Fundamental and ongoing:

We would contend that the proposal does not comply with and in several ways directly conflicts with the above policy statement in its overall objectives and in particular:

- 1) The proposed new two storey building will severely restrict light to our property and garden and contrary to the Design Statement as there are windows on all elevations this will result in loss of privacy. **(Items 6 and 7 above)**

Moreover the size of the proposed building and the resultant increased density of housing development in this relatively small plot of land is at odds with the overall normative appearance and ambience of the surrounding properties. **(Items 1 and 2 above)**
Furthermore contrary to the Design Statement the resultant garden areas are materially smaller than neighbouring properties.

- 2) The close proximity of the property to our property will result in increased levels of noise and disturbance. **(Items 4 and 6 above)**
- 3) ***"Proposals shall comply with all required parking and access standards and have no adverse impact in terms of road or public safety"***

Also Item 4 above

With additional driveway access to Inglewood Crescent there will be increased traffic and resultant increased hazard for the young children who are regularly dropped off and picked up by parents from school at this end of Inglewood Crescent and Dunedin Drive.

- 4) ***"Whilst some gardens may be capable of accommodating additional dwelling units, this type of proposal has the potential to adversely affect residential amenity if standards relating to distances between dwellings, garden sizes, access, parking and privacy cannot be met. In addition, this type of proposal can erode the established layout and character of an area."***

This proposal does not accord with the above policy statement nor with the principles of ***"placemaking"*** which as specified in LDP2 ***"requires developers to demonstrate an understanding of landscape, setting and context, which reinforces the character and settlement patterns of local areas."***

This is a mature settled area with a distinctive character that has evolved over many years. Houses being extended or altered in ways that exhibit an empathy with and understanding of this context is laudable but this not a building site for new development.

- 5) *“Existing trees, woodland and boundary features such as beech and hawthorn hedgerows and stone dykes, shall be retained on site.” Also Item 8 in Policy DM3 above*

Large established trees have recently been removed from the proposed site in contravention of the above. Was formal permission applied for and granted?

Objections

During the period of any construction work:

- I. A development of this scale and duration will cause severe disruption possibly to both traffic and services. As a result of the proposed build, we cannot countenance any planned loss of services before, during or after the period in question.

Furthermore this will not be a project that can be conducted in silence. While a normal level of work related noise is always a possibility, we feel that what is likely to be involved will be ongoing and excessive.

Legal Issue Enquiries

- 1) It was our understanding that each plot was designated for one dwelling house only. Do the deeds/feu for this property permit a subdivision of the existing plot for the proposed purposes of an additional dwelling house?
- 2) The plan included with the application that shows the 20m range within which property owners are alerted overlaps with No. 16 Inglewood Crescent, The Westwood Church Manse. However the same plan does not show this property as having been informed. What is the correct position?

Covid-19

Under Covid-19 lockdown rules there is greatly reduced opportunity to take advice in face-to-face meetings with for example legal representation. This situation significantly undermines the ability to prepare a proper case for objection within the given time constraints.

Mr R. N. Kay, Mrs M. R. Kay

2, Inglewood Crescent

Hairmyres

East Kilbride G75 8QD

3d
Thomas Quinn

3, Inglewood Crescent,
EAST KILBRIDE
Glasgow
G75 8QD

To. planning@southlanarkshire.gov.uk

Dear, Sir/Madam

Planning Application reference P/20/0469

I wish to record my objections to the above planning application.

It is my view that the design proposed conflicts with much of Policy DM3 Subdivision of garden and ground. My objections are as follows.

1. The proposed house is of a scale that will result in a development, which is cramped and is out of keeping with the established character of the area.
2. The proposed house and that remaining of the existing house would not be compatible with those nearby in terms of size and shape, and would not accord with the established pattern of development in the area.
3. The proposed house will not have a proper road frontage of comparable size and form to the surrounding curtilages.
4. The proposed vehicle access does not appear to be of an adequate size for 3 cars and could result in street parking. This would lead to congestion at the road junction with Dunedin Drive.
5. The cramped front garden space and the reduced rear garden size would not appear to be sufficient for the recreational and amenity needs of the house occupants.
6. The proposed development will result in an unacceptable reduction in privacy of existing neighbours and also result in loss of amenity due to overshadowing.
7. Existing features such as mature trees that contribute to the character of the area will need to be removed.

It is my view that if this application is approved, that it will result in the overall reduction in the character of the area, and would create a precedent for similar developments of this kind.

I look forward to the Council's decision in due course.

Yours truly

Thomas Quinn.

Appendix 3

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Site photographs and location plan

Photo 1



Photo 2



Photo 3



Photo 4



Photo 5



Photo 6



Photo7



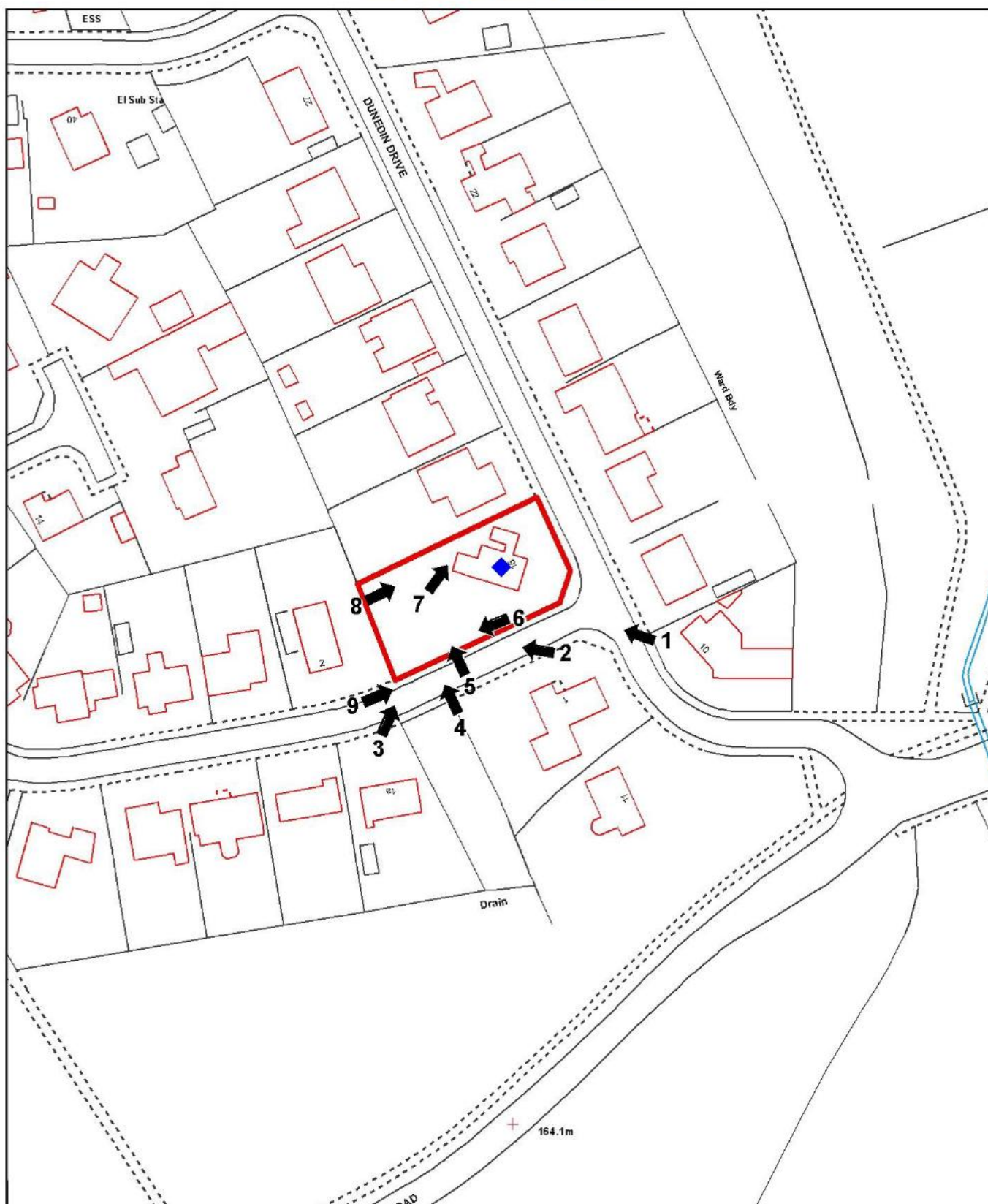
Photo 8



Photo 9



Planning Review for application P/20/0469 15 Dunedin Drive, East Kilbride G75 8QQ Location of photographs



This map indicates from where photographs were taken

-  Application site
-  Photograph viewpoints
-  Settlement Boundary

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



Scale: 1:1,250

Date:

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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

DTA Chartered Architects
DTA Chartered Architects Limited
9 Montgomery Street
The Village
East Kilbride
G74 4JS

Our Ref: P/20/0469
Your Ref:
If calling ask for: Morag Neill
Date: 28 August 2020

Dear Sir/Madam

Proposal: Sub-division of garden ground and erection of a two storey detached dwellinghouse
Site address: 15 Dunedin Drive, East Kilbride, G75 8QQ,
Application no: P/20/0469

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

If you consider that you can overcome the reasons for refusal and that it is not the principle of the development that is unacceptable, you may submit an amended application. If you do amend your proposals and re-apply within one year of this refusal, then you will not have to pay a fee, provided the proposal is of the same character or description as the application which has just been refused.

As your application has been refused, you may appeal against the decision within 3 months of the date of the decision notice. The attached notes explain how you may appeal.

Should you have any enquiries relating to the refusal of your application or a potential amended submission, please contact Morag Neill on 01698 455053

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

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

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

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

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



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

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

Yours faithfully

Head of Planning and Economic Development

Enc:

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

To: **Mr C Mullan**

**9 Montgomery Street, The
Village, East Kilbride, G74
4JS,**

Per: **DTA Chartered Architects**

**9 Montgomery Street, The
Village, East Kilbride, G74
4JS,**

With reference to your application received on **03.04.2020** for planning permission under the
above mentioned Act:

Description of proposed development:

**Sub-division of garden ground and erection of a two storey detached
dwellinghouse**

Site location:

15 Dunedin Drive, East Kilbride, G75 8QQ,

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: 28th August 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/20/0469

Reason(s) for refusal:

01. In the interests of amenity in that the size and character of the proposed house plot and that of the remaining plot for the existing house are not considered to be compatible with the surrounding street pattern and the resulting useable garden ground, particularly for the existing house is not considered to be satisfactory in terms of area or nature.
02. The proposal is contrary to Policy 4, DM1 and DM3 of the adopted South Lanarkshire Local Development Plan and Policy 5, DM1 and DM3 of the proposed South Lanarkshire Local Development Plan 2 in that the proposed development would not make a positive contribution to the character and appearance of the environment, would not relate satisfactorily to adjacent surrounding development and the resulting useable garden ground, particularly for the existing house is not considered to be satisfactory in terms of area or nature.
03. The proposal is contrary to Policy DM3 of the adopted South Lanarkshire Local Plan as it does not comply with criteria (a), (b) and (e) of the said Policy and Policy DM3 of the proposed South Lanarkshire Local Development Plan 2 as it does not comply with criteria 1, 2 and 5 of the said Policy.

Reason(s) for decision

The proposal would have an adverse impact on the amenity of the surrounding residential area and is contrary to Policies 4, DM1 and DM3 of the South Lanarkshire Local Development Plan (adopted) and the associated Supplementary Guidance and contrary to Policies 5, DM1 and DM3 of the proposed South Lanarkshire Local Development Plan 2.

Notes to applicant

Application number: P/20/0469

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
T1.08_L(0-)01 EXISTING LOCATION PLAN	-	Approved
T1.08_L(0-)02 PROPOSED LOCATION PLAN	-	Approved
T1.08_L(0-)03 EXISTING SITE PLAN	-	Refused
T1.08_L(0-)04 PROPOSED SITE PLAN	-	Refused
L 2 01 PROPOSED FLOOR PLANS	-	Refused
L 2 02 PROPOSED ELEVATIONS	-	Refused
T1.08_L(0)05 SITE PLAN PARKING/SIGHTLINES _ GARDEN MEASUREMENTS	-	Refused



COMMUNITY AND ENTERPRISE RESOURCES
EXECUTIVE DIRECTOR Michael McGlynn
Planning and Economic Development

Important notes

Town and Country Planning (Scotland) Act 1997

1. Compliance with conditions

Under the provisions of the Town and Country Planning (Scotland) Act 1997 (Section 145), failure to comply with any condition(s) imposed on any planning permission may result in the service by the Council of a "Breach of Condition Notice" requiring compliance with the said condition(s).

There is no right of appeal against such a Notice and failure to comply with the terms of the Notice within the specified time limit will constitute a summary offence, liable on summary conviction to a fine not exceeding £1000.

2. Procedure for appeal to the planning authority

- (a) If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997, within three months from the date of this notice. The notice of review should be addressed to:

Executive Director (Corporate Resources)
Council Headquarters
Almada Street
Hamilton
ML3 0AA

To obtain the appropriate forms:

Administrative Services at the above address.

Telephone: 01698 454108

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

- (b) If permission to develop land is refused or granted subject to conditions, whether by the planning authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered incapable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the planning authority a purchase notice requiring the purchase of his interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

Appendix 5

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Notice of Review (including Statement of Reasons for Requiring the Review) submitted by applicant Mr Connor Mullan

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100334653-001

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

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Certus"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Margaret Anne"/>	Building Name:	<input type="text" value="Orbital House"/>
Last Name: *	<input type="text" value="McGleish"/>	Building Number:	<input type="text" value="3"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Address 1 (Street): *	<input type="text" value="Redwood Crescent"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="East Kilbride"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
		Postcode: *	<input type="text" value="G74 5PR"/>
Email Address: *	<input type="text" value="REDACTED"/>		

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

☐ Individual ☒ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text"/>
First Name: *	<input type="text" value="Connor"/>	Building Number: <input type="text" value="15"/>
Last Name: *	<input type="text" value="Mullan"/>	Address 1 (Street): * <input type="text" value="Dunedin Drive"/>
Company/Organisation	<input type="text" value="n/a"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="East Kilbride"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="G75 8QQ"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text" value="REDACTED"/>	

Site Address Details

Planning Authority:	<input type="text" value="South Lanarkshire Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="15 DUNEDIN DRIVE"/>
Address 2:	<input type="text" value="EAST KILBRIDE"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="GLASGOW"/>
Post Code:	<input type="text" value="G75 8QQ"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="653711"/>	Easting	<input type="text" value="261293"/>
----------	-------------------------------------	---------	-------------------------------------

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)

Sub-division of garden ground and erection of a two storey detached 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? *

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

Statement of reasons for seeking review

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

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

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

Please see attached Statement of Case and related Appendices.

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

☐ Yes ☒ No

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

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

Statement of Case, C.Mullan 25.11.2020, Appendix 1 - Officers Report, Appendix 2(a-h) - Application Drawings, Plans and Design Statement.

Application Details

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

P/20/0469

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

03/04/2020

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

28/08/2020

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: Mrs Margaret Anne McGleish

Declaration Date: 25/11/2020

25/11/2020

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

Prepared by Margaret Anne McGleish, BA (Hons), MRTPI

Introduction

This Review presented before Members, relates to the Planning Authority's refusal of an application for detailed planning permission for the subdivision of garden ground and the erection of a two-storey detached dwelling at the residential Property known as 15 Dunedin Drive, East Kilbride G75 8QQ.

The Applicant Mr C Mullan, is the owner of the said Property. The date of refusal shown on the refusal letter is the 28th August 2020.

The Applicant has instructed this request for a Review of the Planning Authority's refusal of detailed planning permission.

The Applicant is seeking Members to uphold his request that detailed planning permission is granted subject to appropriate conditions.

This document constitutes the Applicant's Statement of Case.

Brief Description of the Proposed Development and the Application Site

The Applicant seeks detailed planning permission for the subdivision of the south-western garden ground, located on Inglewood Crescent, associated with the two-storey dwelling house known as 15 Dunedin Drive. This is to allow for the erection of a two-storey detached dwelling house within the subdivided garden, the creation of a vehicular access and parking to serve the proposed dwelling.

The proposal is located within the East Kilbride settlement boundary and within Policy 6 - General Urban Area as defined within the South Lanarkshire Council Local Development Plan Adopted 2015.

The proposed dwelling provides accommodation on the ground floor of living room, family dining/kitchen room with utility, study and cloakroom/wc. On the upper floor 4 double bedrooms, two with ensuite and a family bathroom would be provided. The proposed house would be situated adjacent to the original dwelling in the south west section of the garden, facing onto Inglewood Crescent. The external materials proposed are render with brick base layer, timber cladding feature and concrete roof tiles akin to several properties in both Dunedin Drive and Inglewood Crescent. A new vehicular access would be provided from Inglewood Crescent with off-road parking contained within the curtilage to accommodate 3 vehicles.

The application site is bounded by a detached dwelling on Dunedin Drive to the north and Dunedin Drive carriageway to the east with houses fronting onto that thereafter. It is also bounded by a detached dwelling on Inglewood Crescent to the west and Inglewood Crescent carriageway to the south with houses fronting onto that thereafter.

The surrounding detached dwellings on both Inglewood Crescent and Dunedin Drive are a mixture of one, one and a half and two storey dwellings of varied architectural design.

The site is generally level although is raised up slightly from Inglewood Crescent to which it runs parallel. There are mature trees and shrubs running along the rear/side garden boundary of the existing dwelling house.

There have been no previous planning applications submitted on the application site.

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

Consultations:

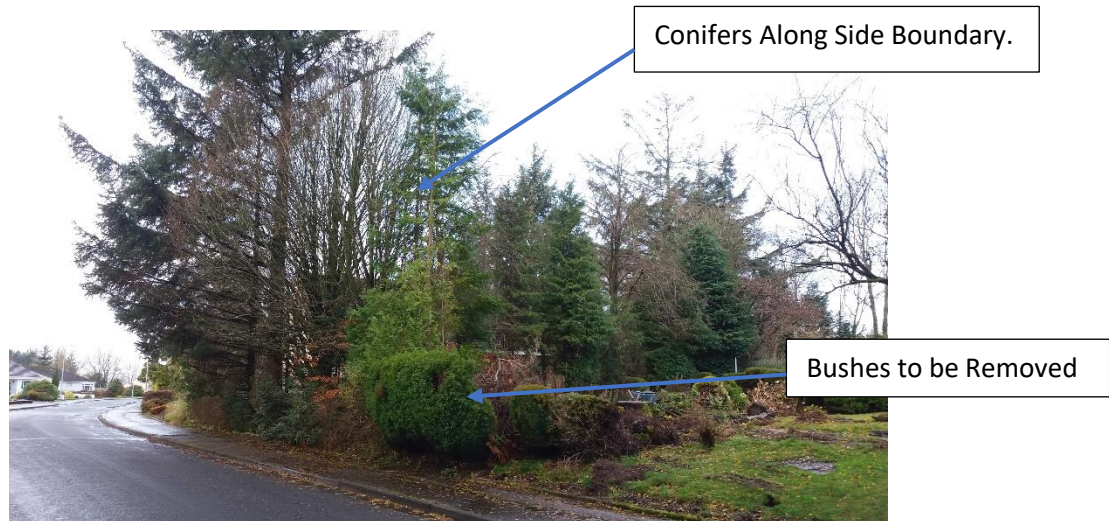
Both Environmental Services and the Roads Development Management Team had no objections subject to appropriate advisory notes and conditions being attached to any approval.

Arboricultural Services appeared to want more information about trees on site, including a tree survey. That information was never requested from the Applicant on the basis that the Planning Authority considered the application unacceptable.

The Applicant wishes to highlight to Members that whilst there are some mature trees on site these are by no means specimens of note and worthy of special protection. The largest and most mature trees are mainly conifers along the side boundary and should be unaffected by the proposals .

The loss of one small tree and some bushes at the site frontage will occur, and the Applicant would intend to keep any further impact to a minimum. However, any argument which might arise that planning permission for the subject proposal should be refused because of the

quality of trees on site or any impact that the proposal might have on trees of particular quality would be untenable in planning terms (see photograph below).



Neighbour Notification:

There were 12 letters of objection and 1 letter of comment received. Of these representations only three of the points raised gave any concern to the Planning Authority. These are:

1. Plot Size - Plot sizes for the proposed and remaining dwellings are too small, therefore the proposed development does not reflect the character of the surrounding area and does not accord with the established pattern of development.
2. House Too Far Forward - The proposed dwelling is close to the footway and forward of the existing building line and therefore does not reflect the character of the surrounding area and does not accord with the established pattern of development.
3. Precedent - The proposed development does not reflect the character of the surrounding area and does not accord with the established pattern of development.

The issues raised in the consultation responses and objections/representations are outlined more fully in the Officer's Report of Handling which is contained within Appendix 1 of this Statement of Case.

Planning Authority's Conclusions and Reasons for Refusal of Application

The Planning Authority concluded that...

"although the site is located within an area designated for residential land use it is considered that the size and character of the proposed house plot and that of the remaining plot for the existing house are not considered to be compatible with the surrounding street pattern and the resulting useable garden ground, particularly for the existing house is not considered to be satisfactory in terms of area or nature. In this regard, the proposal is not deemed to be in accordance with the Policies 4, DM1 and DM3 of the South Lanarkshire Local Development Plan (adopted) and also Policies 5, DM1 and DM3 of the proposed South Lanarkshire Local Development Plan 2. As such it is recommended that the application is refused."

The Reasons for Refusal given by the Planning Authority were...

“01. In the interests of amenity in that the size and character of the proposed house plot and that of the remaining plot for the existing house are not considered to be compatible with the surrounding street pattern and the resulting useable garden ground, particularly for the existing house is not considered to be satisfactory in terms of area or nature.

02. The proposal is contrary to Policy 4, DM1 and DM3 of the adopted South Lanarkshire Local Development Plan and Policy 5, DM1 and DM3 of the proposed South Lanarkshire Local Development Plan 2 in that the proposed development would not make a positive contribution to the character and appearance of the environment, would not relate satisfactorily to adjacent surrounding development and the resulting useable garden ground, particularly for the existing house is not considered to be satisfactory in terms of area or nature.

03. The proposal is contrary to Policy DM3 of the adopted South Lanarkshire Local Plan as it does not comply with criteria (a), (b) and (e) of the said Policy and Policy DM3 of the proposed South Lanarkshire Local Development Plan 2 as it does not comply with criteria 1, 2 and 5 of the said Policy.”

Analysis of the Planning Authority’s Reasons for Refusal and Applicant’s Grounds for Appeal

The Applicant sought only a common sense and balanced approach to planning decision making from the Planning Authority.

To assist Members within the Review Body, the Applicant has set out the Planning Authority’s arguments accurately and succinctly below, followed by the Applicant’s own comments on these shown in blue text thereafter for ease of reference.

Compatibility with Adjacent Buildings, Streetscape, Character and Surrounding Environment:

All development should be compatible with adjacent buildings and surrounding streetscape in terms of scale, massing, design, external materials and impact on amenity as required by Policy 4 and DM1.

The Planning Authority argue that the proposal does not do this and would not make a positive contribution to the character and appearance of the environment and would not relate satisfactorily to adjacent surrounding development. As such, the proposal does not fully comply with these two policies in the view of the Planning Authority.

Respectfully, the Applicant disagrees with the Planning Authority’s argument. The Applicant is by no means proposing to break a very rigid or repetitious pattern of development, any suggestion that his proposal does so would be unsupportable. Even a brief visit to the area would identify quite an extensive variation in house types. All the surrounding houses have been individually built, mainly in the 1960s and 70s. They comprise a varied mixture of one,

one-and-a-half and two-storey properties. House sizes, garden sizes, house orientations and general streetscape are not regimented.

The Applicant has provided photographs below which show entirely representative examples of properties in both Dunedin Drive and Inglewood Crescent. These photographs clearly illustrate the mixture of scale, character, design and external materials of the houses in the locale. The last image is the Applicant's proposed dwelling, which will be entirely compatible with adjacent buildings and surrounding streetscape in terms of scale, massing, design, external materials and impact on amenity as required by Policy 4 and DM1. Appendix 2 of this Statement of Case contains the application drawings and Design Statement submitted to the Planning Authority in support of the application. These further help to illustrate this point.



[illegible]

Compatibility with the Character and Environment of Surrounding Area, Street Pattern and Provision of Sufficient Garden Space:

The Planning Authority argue that the proposal does not accord with 3 parts of Policy DM3 (i.e. parts a, b & e) and therefore the proposal should be refused. They state within the Report of Handling with regards to each of these parts that...

(a) “The proposed development would not make a positive contribution to the character and appearance of the environment and the size and character of the proposed house plot and that of the remaining plot for the existing house are not considered to be compatible with the surrounding street pattern.”

(b) “The new house plot resulting from the subdivision of the garden ground is smaller than that of the existing house and surrounding properties. The proposed house plot and that of the remaining plot for the existing house are not considered to be compatible with the surrounding street pattern.”

(e) “The space required for the proposed dwelling within the existing garden results in the useable garden ground, particularly for the existing house being insufficient in terms of area and nature being made up of small areas to the rear and side of the remaining property.”

The Applicant does not agree with the Planning Authority’s analysis. He goes further than that and questions the veracity of the Planning Authority’s case. The reason for that is evident from the information provided below.

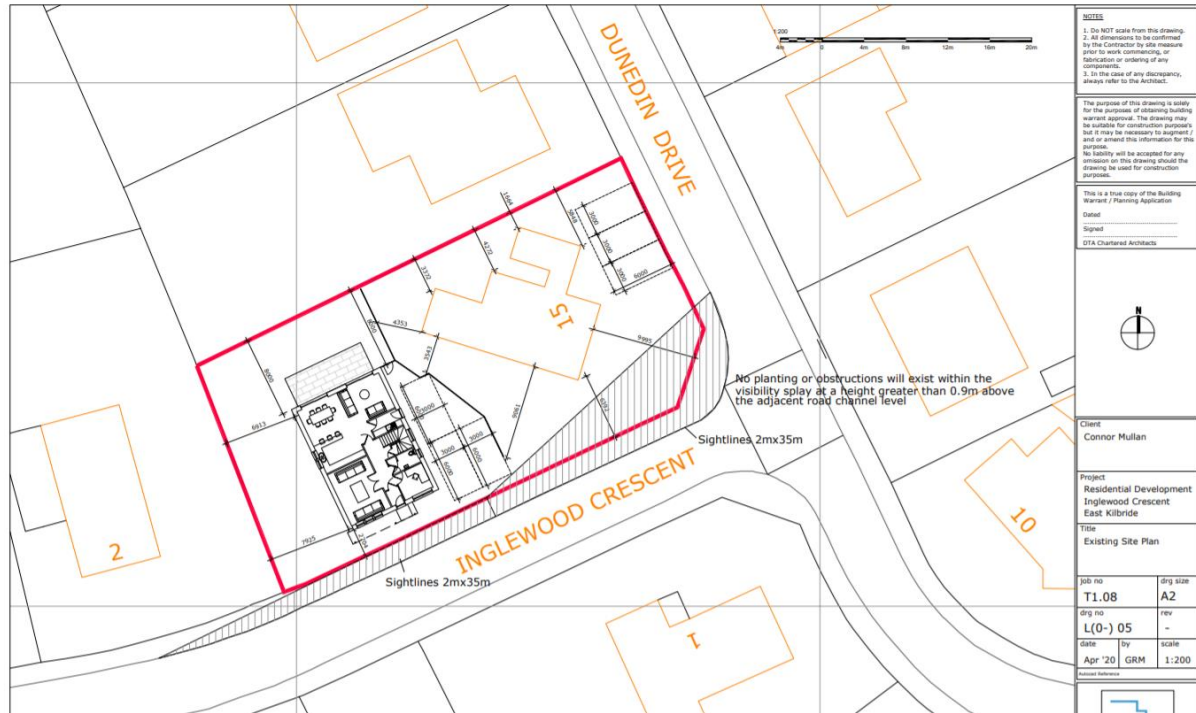
Similar Developments Consented – 13 Dunedin Drive/1 Inglewood Crescent

The Applicant highlights to Members that there are several dwellings within the locale and elsewhere in East Kilbride that have been consented by the Planning Authority which exhibit similar characteristics to his own proposal. Perhaps the most striking example being directly across the road from his Property.

In this regard the Planning Authority approved the subdivision of garden ground and erection of a two-storey dwelling house at 13 Dunedin Drive/1 Inglewood Crescent (planning reference EK/10/0007). That application was approved on 15th September 2010 and involved part demolition and extension to the existing dwelling house and sub-division of garden ground to accommodate a two-storey dwelling. It also proposed having its own access from Inglewood Crescent and 3 parking spaces within the curtilage. The proposed dwelling was described as having ‘floorspace of approximately 250sqm, accommodating four bedrooms. Proposed materials are roughcast, concrete tiles and upvc windows’ – similar in many respects to the Applicant’s proposal.

The site layout plans for both the proposal under Review and the proposal granted planning permission directly across the road from that are shown on the following page of this Statement of Case. The elevations for both are shown on the page after that. These will allow easy comparison by Members. There are significant similarities between the consented house and the proposal currently under Review by Members.

EK/20/0469 - 15 Dunedin Drive , Proposed Site Layout (Under Review by Members)



EK/10/0007 - 13 Dunedin Drive/1 Inglewood Crescent, Approved Site Layout



The application at 13 Dunedin Drive/1 Inglewood Crescent was obviously considered positively by the Planning Authority against Policies RES6, ENV11, EN30, ENV31, DM1 and DM5(a-k) of the South Lanarkshire Local Plan Adopted 2009. There is little or no practical difference, between then and now, with regard to the regulatory effect of the different planning policies contained within the preceding, current or proposed Local Development Plan, in relation to the issues that the Planning Authority are founding their current refusal on.

Members are asked to note the contents of the table below which compares certain elements of the current 15 Dunedin Drive proposal under Review and the previously consented dwelling at 13 Dunedin Drive/1 Inglewood Crescent. There are striking similarities in particular with regard to the plot sizes of both the original dwellings and all of the new proposed plot sizes.

	15 Dunedin Drive	13 Dunedin Drive/ 1 Inglewood Crescent
Current Total Plot Size	1050sqm	1076sqm
Proposed New Plot Size	476sq	478sqm
Existing house – Revised Plot Size	574sqm	598sqm
New Plot: Revised Plot Ratio (% of Total Plot)	45.3 : 54.7	44.4 : 55.6
House Style	4 bed detached	4 bed detached
Dwelling Size	209sqm	250sqm
New access	From Inglewood Crescent	From Inglewood Crescent
Parking	3 spaces	3 spaces

(Approximate sizes taken from Registers of Scotland On-line Land Register)

Members are further asked to consider other plot sizes from within the immediate area that are similar to the proposed plot sizes at 15 Dunedin Drive, for example:

- No 98 Dunedin Drive = 531sqm
- No 4 Inglewood Crescent = 636sqm
- No 34 Inglewood Crescent = 650sqm
- No 2 Auckland Park = 498sqm

(Approximate sizes taken from Registers of Scotland On-line Land Register)

Garden Ground Remaining for Existing House

The Planning Officer commented in the Report that... *“The space required for the proposed dwelling within the existing garden results in the useable garden ground, particularly for the existing house being insufficient in terms of area and nature being made up of small areas to the rear and side of the remaining property.”*

It is noted that in making this comment, the Planning Authority are focusing more on the garden ground that will be left for the existing house.

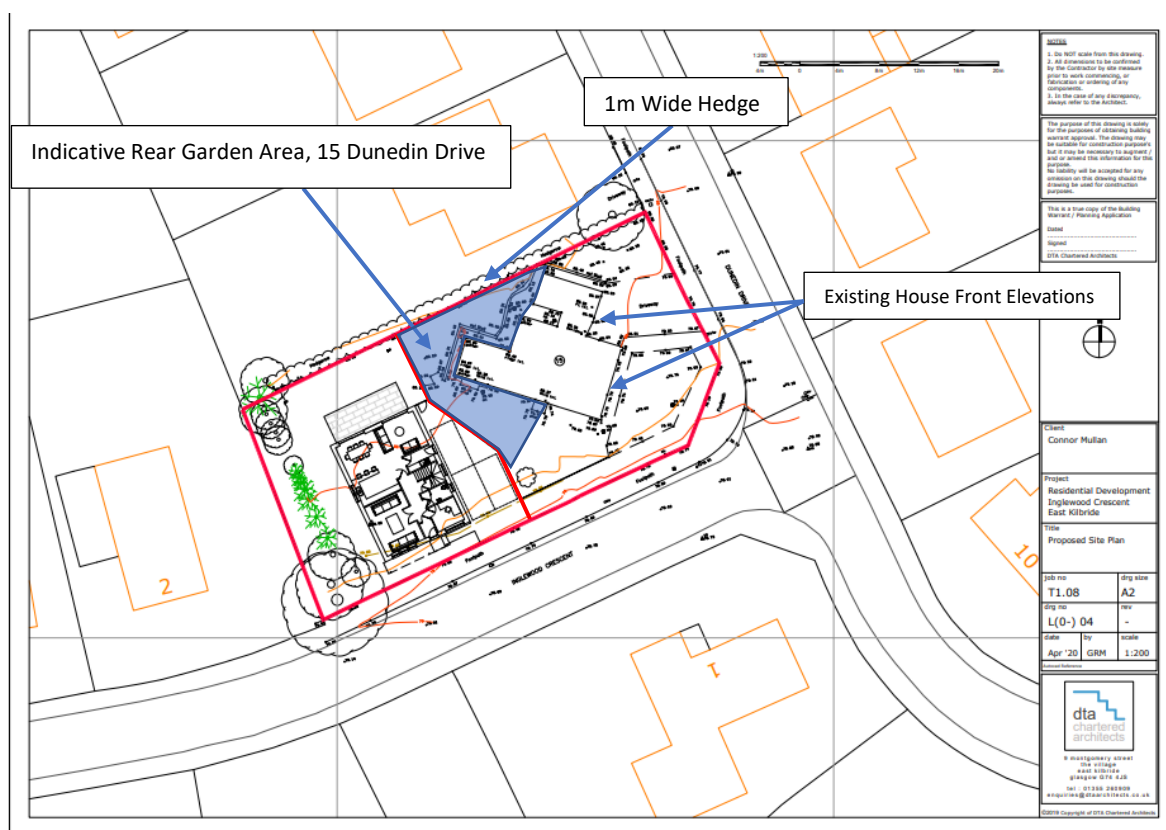
The Applicant appreciates that the garden for the existing house will not be a regular shape but reminds the Planning Authority that the existing house has always had an irregular shaped garden. That is due to the front elevation of the house directly facing the corner of Dunedin Drive and Inglewood Crescent as opposed directly parallel onto either street. However, the

Applicant points out that the nature of this garden layout has not precluded enjoyment of the garden.

Furthermore, Members should note that the existing house will benefit from a relatively generous garden compared to most new builds.

For example, South Lanarkshire Council's Supplementary Planning Guidance - Residential Design Guide 2011 states that there should be a minimum rear garden size of 70sqm. The approximate 'rear' garden area of 15 Dunedin Drive could easily be measured from the application drawings as 150sqm or thereby (see drawing below showing an indicative rear garden area shaded blue).

Additionally, the Applicant advises that the garden as occupied actually extends beyond the redline application boundary and blue shaded area shown on the drawing below. That extra space incorporates a 1m wide hedge. The hedge is drawn indicatively on the application plans below and also forms an integral part of the garden area.



The Applicant is therefore of the opinion that the total rear garden space in addition to the substantial front and side gardens is more than sufficient to provide the existing property at 15 Dunedin Drive with a... 'pleasant, safe living environment that offers reasonable privacy, daylight and a secure, private outdoor living space'... as suggested by the Council's Residential Design Guide 2011.

To interrogate this matter further, the Applicant looked to other examples of dwellings granted planning permission in East Kilbride. One is Decluka House, Lindsay Road, East Kilbride G74 4HZ.

In this case, a previously Council owned property was given planning approval for a change of use from a workshop to dwelling house (planning ref: EK04/0167). This property as you can see from the image below, benefits from only an elongated narrow front garden and no rear garden. Please note that we have relied on a Google image below, as it was felt intrusive to photograph a third party's garden area. However, CERTUS can confirm that the entire curtilage of Decluka House remains the same size as shown within the Google image provided.



Members should note that the houses surrounding Decluka House have both front and rear gardens, that is the established pattern of development for residential dwellings in the area. Permitting the use of Decluka House as a large, detached dwelling breaks that pattern of development. If the property were to remain in commercial use e.g. as an office, that would not be a concern in this regard.

The area and nature of the garden ground associated with Decluka House is small compared to the size of the dwelling. To emphasise this point further, excluding the essential parking area, the garden for Decluka House amounts to a total maximum of approximately 70sqm. That is circa 24% of the total garden ground, excluding essential parking area, which will be available for the existing house at 15 Dunedin Drive should Members grant planning permission for the Applicant's proposal.

Planning policy relating to minimum standards of residential amenity have not changed significantly since the date that Decluka House was granted planning permission for residential use. Indeed, they are relatively constant. The Applicant is not suggesting that the change of use at Decluka House to residential use should not have been granted. However, he feels that if the bare bones minimum levels of residential amenity are achieved at Decluka House, then he has significantly improved upon that with regards to his proposal.

Members are asked to note that Decluka House is not a listed building or noteworthy in any way architecturally to merit any special dispensations from minimum standards of residential amenity or compliance with the surrounding pattern of residential development. It may have been that the Council considered the property was more marketable as a residential opportunity and more able to produce a capital receipt for them if sold as that, however those factors are not material planning considerations with regard to determining whether sufficient garden ground and residential amenity existed to warrant planning permission for residential use.

Distance of Proposed Dwelling to Public Footpath

A further issue raised through Representations and within the Report of Handling was that the proposed house was too far forward at circa 2m from the footway.

The Planning Officer commented in the Report that... "The proposed dwelling is located close to the footway and is forward of the existing building line. It is therefore agreed that the proposed development does not reflect the character of the surrounding area and does not accord with the established pattern of development."

The Council's Residential Design Guide indicates..."a minimum front garden depth of six metres should generally be provided from the front elevation of the dwelling to the heel of the footpath **unless** the existing building pattern or building line dictates otherwise.'

In this regard, there are various examples in Inglewood Crescent of properties with less than a 6 metre front garden depth e.g. No.6 = 4m, No.17 = 3.8m, No. 21 = 4.6m and No.43 = 4.2m (all approx.).

The Applicant wishes Members to be aware that had he been given the opportunity to discuss the proposal properly with the Planning Authority, which he sought to do, there would have been the opportunity to easily move the proposed house inwards perhaps by up to circa 2m.

Therefore, simply moving the proposed dwelling back slightly from the kerb line would absolutely allow the proposal to mimic some of the existing plots in the street and to blend well with the varied streetscape that currently exists.

Further General Comments by Applicant

Given the varied format of development within the locale, along with similarities between his proposal and many existing plots within Inglewood Crescent and on top of that the approval of a dwelling house directly across the road from his proposed dwelling, which exhibits strikingly similar underlying characteristics to his own proposal, the Applicant questions the robustness of the Planning Authority's decision making.

Applicant's Attempts to Undertake Meaningful Discussions with the Planning Authority

The Applicant's architect (DTA) received an email from the Planning Authority indicating that they deemed the application unacceptable and invited the architect to discuss with the Applicant the potential to withdraw the application.

At this stage, the Applicant's father (John Mullan) who was acting on his behalf when the Applicant was in absentia from the country, asked Councillor Monique McAdams for assistance to ascertain if there could be any possibility of a speedy resolution to any planning issues. Subsequently, both Councillor McAdams and also Councillor Graham Scott were involved in dialogue with Tina Meikle of the Planning Authority. The outcome of which seemed to indicate that the house depth would need to be reduced by at least a metre.

However, attempts thereafter by the Applicant's architect to progress necessary discussions to resolve any issues the Planning Authority might have had with the proposal proved fruitless. Additionally, the Planning Authority denied having indicated to both Councillors McAdams and Scott that alterations to the application might result in the Planning Authority considering it acceptable.

The application was subsequently Refused without further meaningful engagement with the Applicant.

The Applicant would like to point out to Members that this matter is now the subject of a formal complaint to the Council and this is currently ongoing. He is very disappointed that he was not afforded the opportunity to properly understand which particular aspects of the proposal were unsatisfactory to the Planning Authority and given the opportunity to quickly resolve them, which would have avoided having to rely on this Review process and taking up Members time and resources to unravel the situation.

Conclusion

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

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

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

There will be no negative impact on streetscape. In this regard the scale, height and massing of the proposal integrates/blends well with the varied nature of dwellings in Inglewood Crescent and Dunedin Drive.

House types in this part of Hairmyres vary considerably in terms of height and footprint. The garden grounds vary in size, shape and level. Inglewood Crescent and Dunedin Drive exhibit one of the most varied collections of house types and plot shapes in East Kilbride, largely as a function of the number of individually built dwellings such as the one proposed. For example,

there are two storey houses next to bungalows, regular shaped plots next to irregular shaped plots, varying front garden depths – the list is extensive.

The plot size being proposed for both the new house and the remaining dwelling will still be substantial in modern terms. Further, it is important to note that the proposed dwelling mimics to a very significant degree a planning permission for a dwelling directly across the road.

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

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

There is no prospect of undesirable precedent being set if the application is approved. It is respectfully suggested by the Applicant that should future proposals arise elsewhere that exhibit similar plot/garden sizes and bespoke house type design, presented in a manner that is as sympathetic to amenity as the proposed development, then potentially a desirable precedent would be the outcome in many respects.

Accordingly, the proposal accords with Policies 4, DM1 and DM3 of the South Lanarkshire Local Development Plan (adopted) and the associated Supplementary Guidance and contrary to Policies 5, DM1 and DM3 of the proposed South Lanarkshire Local Development Plan 2.

The Applicant respectfully requests that Members grant planning permission subject to appropriate conditions.

	Delegated Report	Reference no.	P/20/0469
		Date	27 August 2020

Planning proposal: Sub-division of garden ground and erection of a two storey detached dwellinghouse

Location: 15 Dunedin Drive
East Kilbride
G75 8QQ

Application Type : Detailed planning application

Applicant : Mr C Mullan

Location : 15 Dunedin Drive
East Kilbride
G75 8QQ

Decision: Application refused

Report by: Area Manager (Planning & Building Standards)

Policy reference:

South Lanarkshire Local Development Plan (adopted 2015)

Policy 4 Development management and placemaking
Policy 6 General urban area/settlements

Development Management, Placemaking and Design Supplementary Guidance (2015)

Policy DM1 Design
Policy DM3 Sub-division of garden ground

Proposed South Lanarkshire Local Development Plan 2

Policy 3 General Urban Areas
Policy 5 Development Management and Placemaking
Policy DM1 New Development Design
Policy DM3 Sub-division of garden ground

Assessment

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

Representation(s):

▶	12	Objection letters
▶	0	Support letters
▶	1	Comment letters

Planning Application Delegated Report

1 Application Site

- 1.1 The application site relates to a detached dwellinghouse and its garden ground at 15 Dunedin Drive in East Kilbride. The site is bounded by detached dwellings on Dunedin drive to the north, and across Dunedin Drive to the east. It is also bounded by detached dwellings to the west on Inglewood Crescent and to the south across Inglewood Crescent. The site is generally level although raised up slightly from Inglewood Crescent. The garden runs parallel to Inglewood Crescent and has mature trees and shrubs along the rear boundary. The site area of the proposed plot is 476 sqm and the existing house and garden plot is approximately 1050 sqm.

2 Proposal(s) and Background

- 2.1 The applicant seeks detailed planning permission for the subdivision of garden ground and the erection of a two storey detached dwellinghouse and the creation of a vehicular access and parking to serve the new dwellinghouse in the rear garden of the existing property.
- 2.2 The proposed dwelling provides accommodation on the ground floor of living room, family dining kitchen room with utility, study and cloakroom/wc. On the upper floor 4 double bedrooms two with ensuite and a family bathroom would be provided. The proposed house would be situated adjacent to the original dwelling in the rear garden, facing onto Inglewood Crescent. The external materials proposed are render with brick base layer, timber cladding feature and concrete roof tiles.
- 2.3 There were no pre-application discussions in respect of the proposed development and there have been no previous applications at the property. The applicant submitted a Design Statement in support of the application.

3 Consultation(s)

- 3.3 **Arboricultural Services** – Requested to defer any decision until further information had been submitted including a Tree Survey, Tree Retention Removal Plan, Tree Protection Plan and Arboricultural Impact Assessment, however the view is taken that the current application is unacceptable and therefore the information has not been requested.
Response: Noted.
- 3.4 **Environmental Services** – No objections to the proposed development subject to advisory notes being attached to any consent issued.
Response: Noted.
- 3.5 **Roads Development Management Team** - No objections subject to conditions in respect of visibility splays, kerbing, surfacing, parking space provision, driveway construction and location of gates.

Response: Noted.

4 Representation(s)

4.1 Statutory neighbour notification was undertaken as well as advertisement in the local press. Following this, 12 letters of objection and 1 letter of comment were received. The issues raised in these representations can be summarised as follows:

- (a) **The proposal is overdevelopment of the site. The resulting plots are too small and out of character with the surrounding plot sizes / plot ratios both in Dunedin Drive and Inglewood Crescent resulting in an unacceptable density.**

Response: The proposed plot size for both the proposed and remaining dwelling are considerably smaller than those of the surrounding properties in the immediate area. It is therefore agreed that the proposed development does not reflect the character of the surrounding area and does not accord with the established pattern of development.

- (b) **The proposed dwelling is located too close to the footway on Inglewood Crescent, approximately 2m, in comparison with surrounding properties which are all more than 8m from the edge of the footway altering the established building line making it contrary to policy.**

Response: The proposed dwelling is located close to the footway and is forward of the existing building line. It is therefore agreed that the proposed development does not reflect the character of the surrounding area and does not accord with the established pattern of development.

- (c) **The garden area for the proposed house and that for the remaining house are too small and significantly smaller than surrounding properties.**

Response: The proposed garden space for the new dwelling and particularly for the remaining dwelling are not considered to provide sufficient useable garden ground and do not reflect the character of the surrounding area.

- (d) **The new house is not required as there is a significant number of new houses being built in East Kilbride with a number of major housing developments being constructed.**

Response: Each application is considered on its own merits. Development of individual houses within the settlement boundary are considered taking account of Local Development Plan policies, the specific location and design of the house proposed.

- (e) **The proposed house will result in a loss of privacy and overlooking for neighbouring properties, particularly in respect of 17 Dunedin Drive and 2 Inglewood Crescent. Directly overlooking the rear garden and rear windows and preventing the owners of these properties having privacy in their own properties.**

Response: Although the rear of the property faces directly towards the rear garden of 17 Dunedin Drive the window to window is greater than 20m and the

widows are not directly facing onto each other. Similarly there are a limited number of windows on the side of the proposed property towards 2 Inglewood Crescent, all of which are non-habitable rooms. Although the rear garden length is 8m there is not considered to be a significantly unacceptable level of overlooking from the proposed property.

- (f) **The proposal would result in overshadowing and loss of light to neighboring properties.**

Response: It is not considered that there would be a significantly unacceptable level of overshadowing or loss of light to existing properties from the proposed property.

- (g) **The proposed development would result in a loss of trees from the existing garden together with the tree that have recently been removed by the owner this would have an adverse impact on the character of the area.**

Response: It is agreed that the proposed development does not reflect the character of the surrounding area, however the trees in the rear garden of the existing property are not protected and could be removed by the owner without planning consent.

- (h) **The development of the rear garden would result in the loss of green space and have an adverse impact on wildlife.**

Response: The rear garden space is not protected green space and it is not considered that the development would have a significant adverse impact on wildlife.

- (i) **The proposed development has insufficient and unsuitable parking which will resulting road safety issues caused by parking on street and on the pavement in this location where children play and which is busy at school drop off times.**

Response: The applicant has provided 3 off street parking spaces for each property and Roads and Transportation Services have no objection to the proposed development.

- (j) **The design of the proposed house is bland.**

Response: Noted.

- (k) **The development would set a dangerous precedent for similar developments in the area changing the character of the area.**

Response: It is agreed that the proposed development does not reflect the character of the surrounding area and does not accord with the established pattern of development.

- (l) **The construction of the proposed development would result in unacceptable traffic, dust, noise, disruption to services and due to lack of space result in materials being stored on the street causing a safety hazard.**

Response: Noted. The development is not considered to be acceptable.

- (m) **Previous planning applications at the property were refused.**

Response: There are no records of any previous formal planning applications at the property.

- (n) **No. 1 Inglewood Crescent has an absentee landlord and no.16 Inglewood Crescent is owned by trustees who were not consulted.**

Response: Formal neighbor notification process was undertaken and letters sent out directly to properties. An advert was also placed in the local press. A letter of representation has been received from no. 16 Inglewood Crescent and taken into consideration with other representations received.

- (o) **The title deeds of properties in Dunedin Drive prevent the land from being developed and part of the land in the rear of all the properties was sold to all the owners by the East Kilbride Development Corporation in 1979 on the basis that it was to be used for garden ground.**

Response: This is a legal matter for the owners of the properties and not a valid planning consideration.

- (p) **Request for a Declaration of Vested Interests – all those who have any function in assessment and approval of the application must make a clear and concise statement that they have no vested interest in the application or that they know the applicants, objectors or any of their agents. This should include Planning Officers and Councillors but the declaration request is not exclusive to them.**

Response: All planning applications are assessed and decisions reached through formal planning procedures which requires that any vested interests are declared by officers or elected members. The applicant has confirmed on the application form that they or their spouse or partner are not a member of the staff of the planning service or an elected member of the Council.

- (q) **Has consideration been given to the inability to hold face to face meetings during the current COVID situation?**

Response: During this period site visit was undertaken by the case officer and any meetings and discussions have been undertaken electronically. This has not affected the assessment of the application.

- (r) **The proposed development would adversely affect the potential for adjacent properties to extend their homes.**

Response: Each planning application is assessed on its own merits.

- (s) **South Lanarkshire Council have a reputation for permitting singularly inappropriate constructions and developments and the planning process does not allow appeals by objectors.**

Response: Each planning application is assessed on its own merits following full assessment. The planning process does not provide for third party appeals at present. The development is not considered to be acceptable.

- (t) **Comment that the flora, fauna and species requires to be protected throughout the development process.**

Response: Given the nature of the proposed development and the development location it is considered unlikely that there would be any such impacts in this case. However, the development is not considered to be acceptable.

5 Assessment and Conclusions

- 5.1 The applicant seeks detailed planning permission for the subdivision of garden ground and the erection of a two storey detached dwellinghouse and the creation of a vehicular access and parking to serve the new dwellinghouse in the rear garden of the existing property. The main considerations in determining this application are its compliance with local plan policy, its impact on the amenity and character of the surrounding residential area and road/pedestrian safety and the previous planning application and planning appeal history of the site.
- 5.2 In terms of the South Lanarkshire Local Development Plan (adopted 2015), Policies 4 – Development Management, DM1 - Design and, DM3 – Sub Division of Garden Ground are applicable. Policies 4 and DM1 resist any development that would be detrimental to residential amenity and that all planning applications should take account of the local context and built form. All development should be compatible with adjacent buildings and surrounding streetscape in terms of scale, massing, design, external materials and impact on amenity. The proposed development would not make a positive contribution to the character and appearance of the environment and would not relate satisfactorily to adjacent surrounding development. As such, the proposal does not fully comply with these two policies.
- 5.3 Policy DM3 states that there will be a presumption against development within the curtilage of an existing dwelling unless certain criteria can be met. The proposal has been assessed in detail against the criteria as follows:
- (a) **That the proposed house is of a scale, massing, design and material sympathetic to the character and pattern of the area and does not result in a development which appears cramped, visually obtrusive or of an appearance which is out of keeping with the established character that is harmful to the amenity of the area;**
- The proposed development would not make a positive contribution to the character and appearance of the environment and the size and character of the proposed house plot and that of the remaining plot for the existing house are not considered to be compatible with the surrounding street pattern.
- (b) **The proposed house plot and that remaining to the existing house is 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 new house plot resulting from the subdivision of the garden ground is smaller than that of the existing house and surrounding properties. The proposed house plot and that of the remaining plot for the existing house are not considered to be compatible with the surrounding street pattern.

- (c) **The proposed house should have a proper road frontage of comparable size and form with those of surrounding curtilages;**
It is accepted that the proposed dwelling would have a proper road frontage and that a suitable access for the proposed dwelling could be achieved.
- (d) **That the proposed vehicular access should be of an adequate standard and should not have any adverse implications for traffic safety or adversely affect the amenity of adjacent properties;**
It is accepted that a suitable access for the proposed dwelling could be achieved.
- (e) **The garden space of the proposed house and remaining for the existing house should be sufficient of the recreational, amenity and drying needs of the occupants;**
The space required for the proposed dwelling within the existing garden results in the useable garden ground, particularly for the existing house being insufficient in terms of area and nature being made up of small areas to the rear and side of the remaining property.
- (f) **That the new development will not cause an unacceptable reduction in privacy to surrounding houses as well as the new house itself;**
Although the rear of the property faces directly towards the rear garden of 17 Dunedin Drive the window to window is greater than 20m and the windows are not directly facing onto each other. Similarly there are a limited number of windows on the side of the proposed property towards 2 Inglewood Crescent, all of which are non-habitable rooms. Although the rear garden length is 8m there is not considered to be a significantly unacceptable level of overlooking from the proposed property.
- (g) **That the new development will not overshadow adjacent properties to a degree which will result in loss of amenity or itself be significantly adversely affected by overshadowing;**
It is not considered that there would be a significantly unacceptable level of overshadowing or loss of light to existing properties from the proposed property.
- (h) **That all existing features such as trees, hedges etc that contribute to the character of the area will be retained;**
It is agreed that the proposed development does not reflect the character of the surrounding area, however the trees in the rear garden of the existing property are not protected and could be removed by the owner without planning consent.
- (i) **That adequate parking can be provided for both the proposed and the existing house, and must not be harmful to the character of the established character and amenity of the area;**
In respect of the proposed and the existing dwelling adequate on-curtilage parking is achievable.
- (j) **That the new development must not jeopardise any further desirable development in the area;**

It is not considered that the proposal would jeopardise further development in this area.

(k) The proposal should take account of any supplementary guidance prepared by the Council, where relevant;

The proposal has been assessed above against the relevant Supplementary Guidance.

- 5.4 The above assessment against Policy DM3, demonstrates that the proposal is contrary to criteria (a), (b) and (e) as detailed above.
- 5.5 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 3, 5, DM1 and DM3 are relevant and the proposal has been assessed as set out above against these policies.
- 5.6 In conclusion, careful consideration of this proposal has been undertaken and although the site is located within an area designated for residential land use it is considered that the size and character of the proposed house plot and that of the remaining plot for the existing house are not considered to be compatible with the surrounding street pattern and the resulting useable garden ground, particularly for the existing house is not considered to be satisfactory in terms of area or nature. In this regard, the proposal is not deemed to be in accordance with the Policies 4, DM1 and DM3 of the South Lanarkshire Local Development Plan (adopted) and also Policies 5, DM1 and DM3 of the proposed South Lanarkshire Local Development Plan 2. As such it is recommended that the application is refused.

6 Reason for Decision

- 6.1 The proposal would have an adverse impact on the amenity of the surrounding residential area and is contrary to Policies 4, DM1 and DM3 of the South Lanarkshire Local Development Plan (adopted) and the associated Supplementary Guidance and contrary to Policies 5, DM1 and DM3 of the proposed South Lanarkshire Local Development Plan 2.

Delegating officer: G Rae

Date: 28.8.20

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 24.04.2020

▶ Consultations

Roads Development Management Team	13.08.2020
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Environmental Services	21.07.2020
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Arboricultural Services	09.07.2020
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▶ Representations

Mr Greg McNally, 16 Dunedin Drive, East Kilbride, G75 8QQ, ,	Dated: 02.05.2020
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Thomas Quinn, 3 Inglewood Crescent, East Kilbride, Glasgow, South Lanarkshire, G75 8QD	Dated: 12.05.2020
--	----------------------

Jill Hills, 17 Dunedin Drive, East Kilbride, G75 8QQ	Dated: 30.04.2020
--	----------------------

Mr R. N. Kay And Mrs M. R. Kay, 2 Inglewood Crescent, East Kilbride, Glasgow, South Lanarkshire, G75 8QD	Dated: 06.05.2020
--	----------------------

Mr Nigel Hoskins, 4 Inglewood Crescent, East Kilbride, G75 8QD, ,	Dated: 12.05.2020
---	----------------------

Mr Mark Kelly, 1A Inglewood Crescent, East Kilbride, Glasgow, South Lanarkshire, G75 8QD	Dated: 14.05.2020
--	----------------------

Mr And Mrs Philip And Geraldine McMahon, 21 Dunedin Drive, East Kilbride, Glasgow, South Lanarkshire, G75 8QQ	Dated: 13.05.2020
---	----------------------

Mr David Hills, Mr David Hills, 17 Dunedin Drive, East Kilbride, G75 8QQ,	Dated: 07.05.2020
---	----------------------

Kenneth Gorman, 11 Dunedin Drive, East Kilbride, Glasgow, South Lanarkshire, G75 8QS	Dated: 12.05.2020
--	----------------------

Mr J E Allan, 94 Franklin Place, East Kilbride, Glasgow, South Lanarkshire, G75 8LS	Dated: 07.05.2020
---	----------------------

David Hills, 17 Dunedin Drive , East Kilbride, G75 8QQ, ,

Dated:
07.05.2020

Mr Gordon Robertson, 19 Inglewood Crescent, East Kilbride, G75 8QD

Dated:
28.07.2020

Mr Kevin Mackenzie, 16 Inglewood Crescent, East Kilbride, G75 8QD, ,

Dated:
04.06.2020

Contact for further information

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

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

Phone: 01698 455053

Email: morag.neill@southlanarkshire.gov.uk

Planning Application

Application number: P/20/0469

Reasons for refusal

01. In the interests of amenity in that the size and character of the proposed house plot and that of the remaining plot for the existing house are not considered to be compatible with the surrounding street pattern and the resulting useable garden ground, particularly for the existing house is not considered to be satisfactory in terms of area or nature.
02. The proposal is contrary to Policy 4, DM1 and DM3 of the adopted South Lanarkshire Local Development Plan and Policy 5, DM1 and DM3 of the proposed South Lanarkshire Local Development Plan 2 in that the proposed development would not make a positive contribution to the character and appearance of the environment, would not relate satisfactorily to adjacent surrounding development and the resulting useable garden ground, particularly for the existing house is not considered to be satisfactory in terms of area or nature.
03. The proposal is contrary to Policy DM3 of the adopted South Lanarkshire Local Plan as it does not comply with criteria (a), (b) and (e) of the said Policy and Policy DM3 of the proposed South Lanarkshire Local Development Plan 2 as it does not comply with criteria 1, 2 and 5 of the said Policy.

Reason(s) for decision

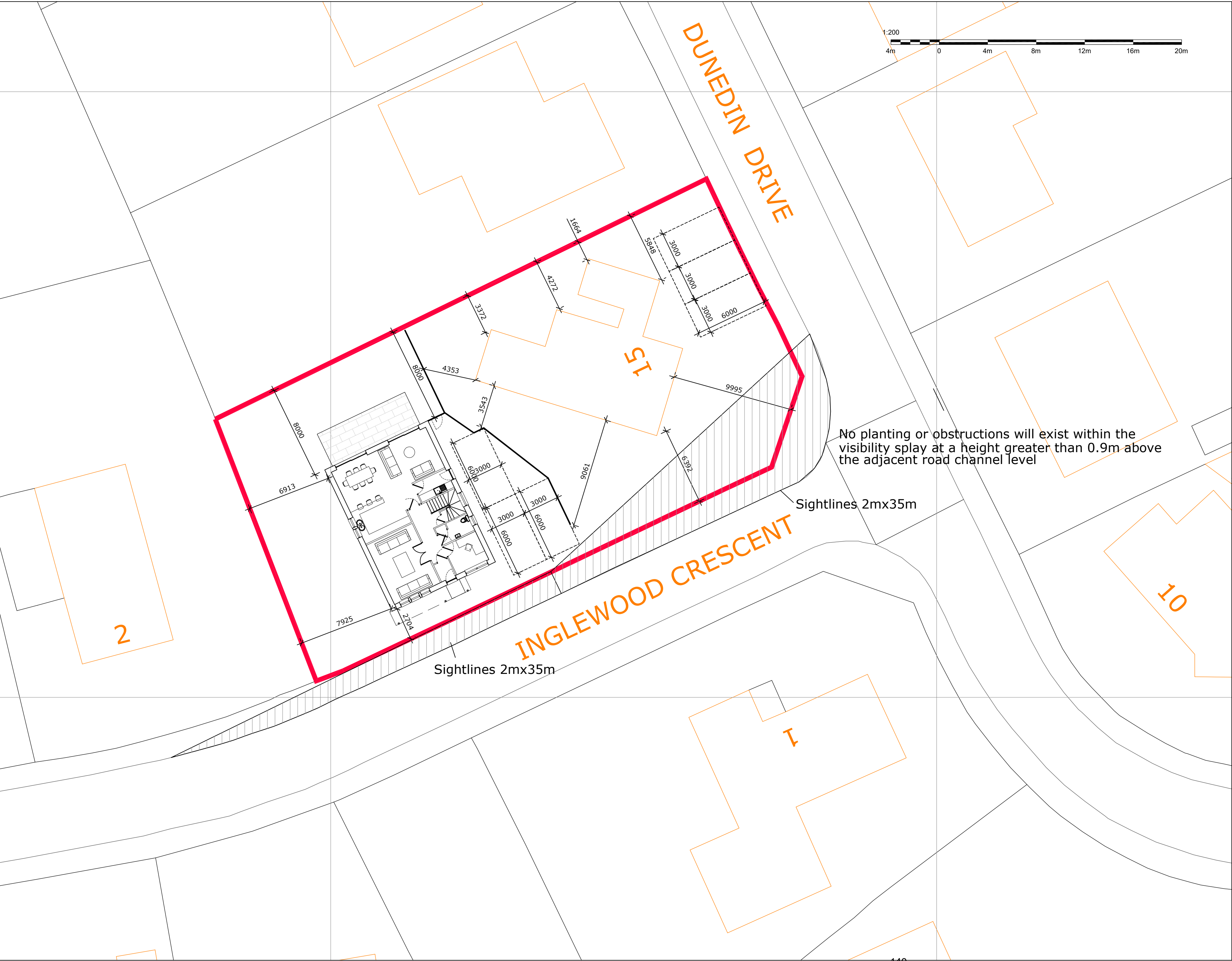
The proposal would have an adverse impact on the amenity of the surrounding residential area and is contrary to Policies 4, DM1 and DM3 of the South Lanarkshire Local Development Plan (adopted) and the associated Supplementary Guidance and contrary to Policies 5, DM1 and DM3 of the proposed South Lanarkshire Local Development Plan 2.

Informatives

01. This decision relates to drawing numbers:

Reference	Version No:	Plan Status
T1.08_L(0-)01 EXISTING LOCATION PLAN	-	Refused
T1.08_L(0-)02 PROPOSED LOCATION PLAN	-	Refused
T1.08_L(0-)03 EXISTING SITE PLAN	-	Refused
T1.08_L(0-)04 PROPOSED SITE	-	Refused

PLAN		
L 2 01 PROPOSED FLOOR PLANS	-	Refused
L 2 02 PROPOSED ELEVATIONS	-	Refused
T1.08_L(0)05 SITE PLAN PARKING/SIGHTLINES _ GARDEN MEASUREMENTS	-	Refused



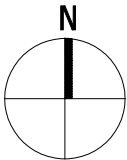
NOTES

1. Do NOT scale from this drawing.
2. All dimensions to be confirmed by the Contractor by site measure prior to work commencing, or fabrication or ordering of any components.
3. In the case of any discrepancy, always refer to the Architect.

The purpose of this drawing is solely for the purposes of obtaining building warrant approval. The drawing may be suitable for construction purpose's but it may be necessary to augment / and or amend this information for this purpose.
No liability will be accepted for any omission on this drawing should the drawing be used for construction purposes.

This is a true copy of the Building Warrant / Planning Application

Dated
Signed
DTA Chartered Architects



Client
Connor Mullan

Project
Residential Development
Inglewood Crescent
East Kilbride

Title
Existing Site Plan

job no	drg size
T1.08	A2

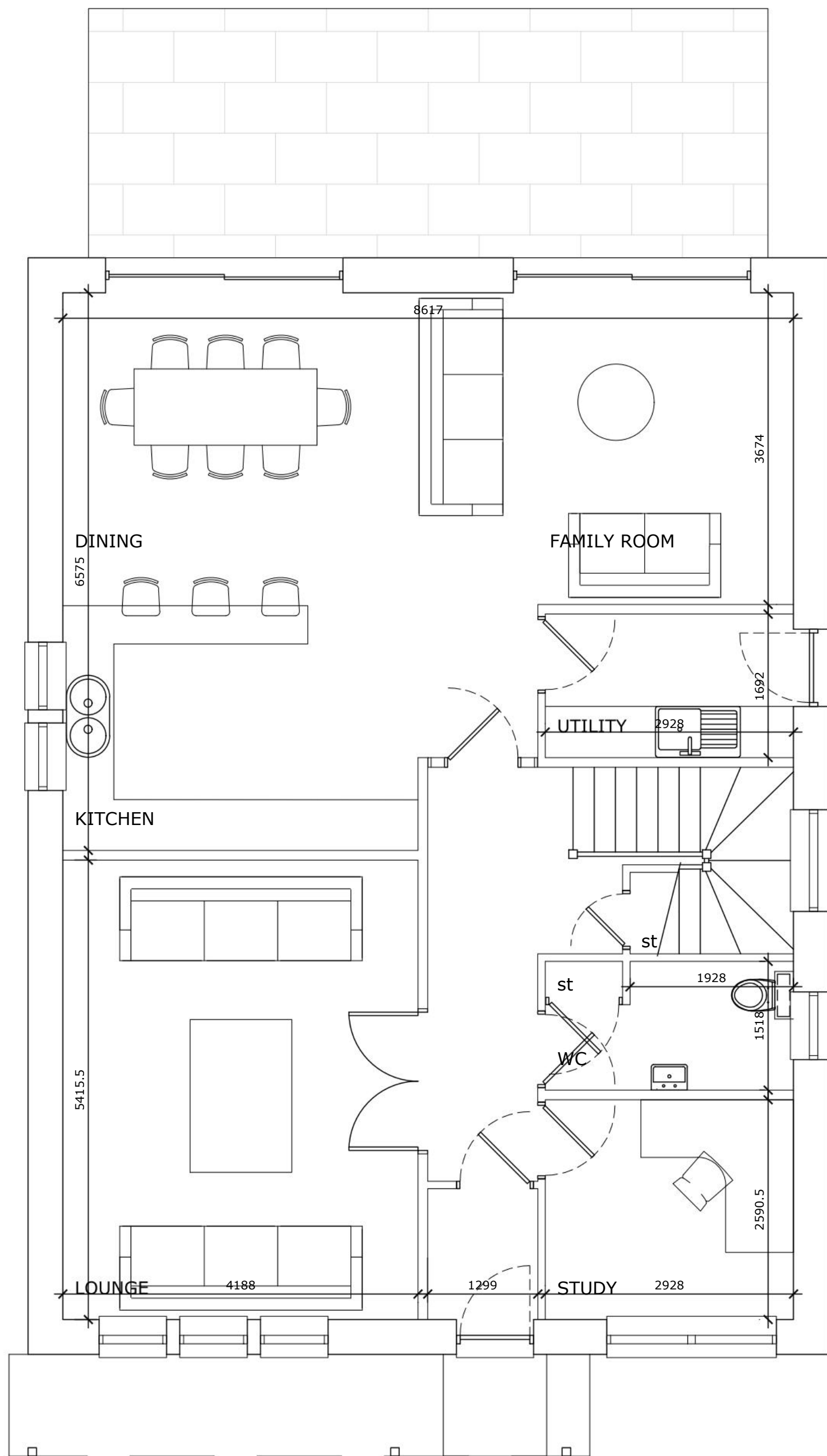
drg no	rev
L(0-) 05	-

date	by	scale
Apr '20	GRM	1:200

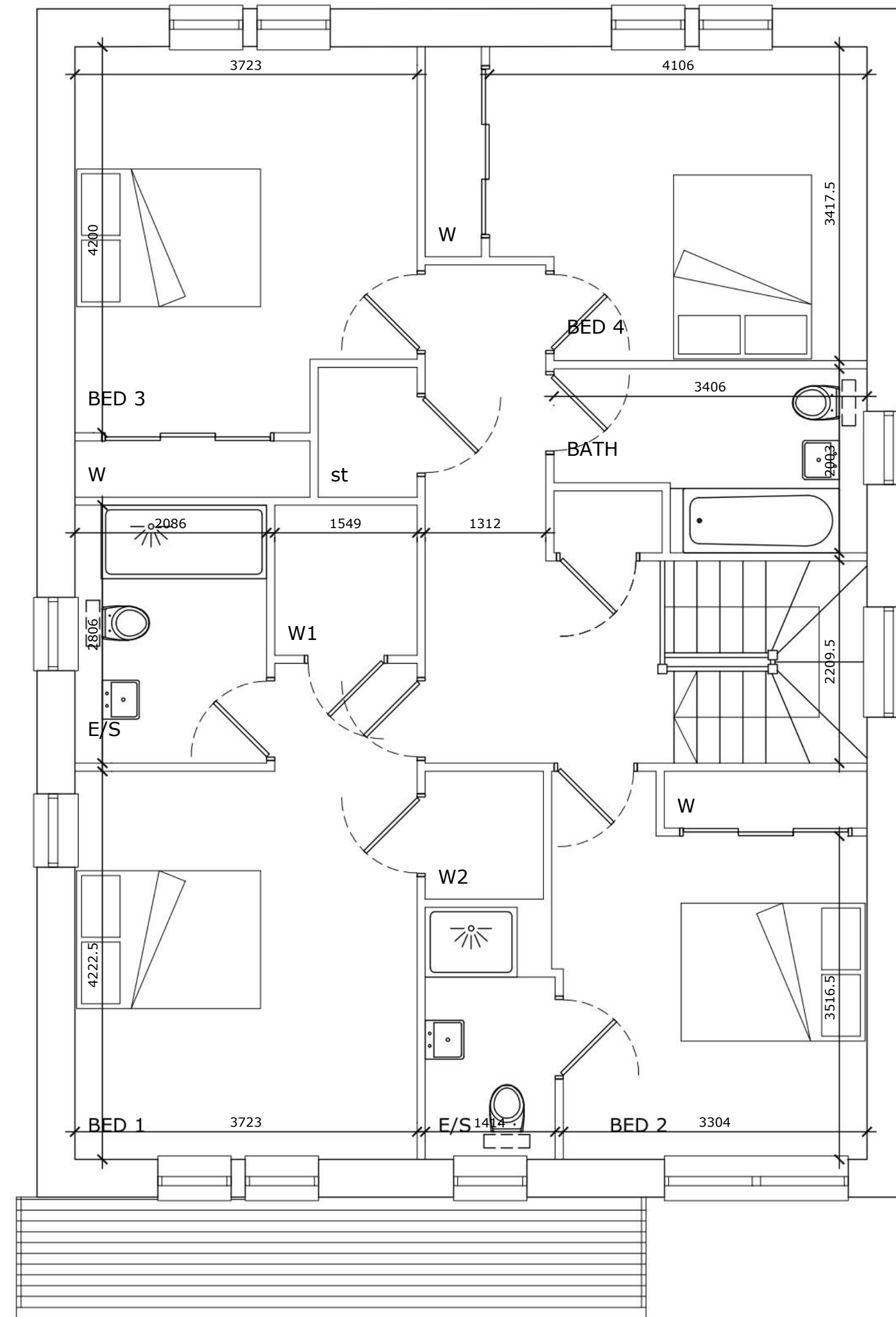
Autocad Reference



9 montgomery street
the village
east kilbride
glasgow G74 4JS



Ground Floor Plan
Total Area - 209 m2 / 2250 ft2



First Floor Plan

NOTES

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Dated
Signed
DTA Chartered Architects

Client
Connor Mullan

Project
Residential Development
Inglewood Crescent
East Kilbride

Title
Proposed Floor Plans

job no	T1.08		drg size	A2
drg no	L(2-) 01		rev	-
date	Apr '20	by	GRM	scale
				1:50

Autocad Reference



9 montgomery street
the village
east kilbride
glasgow G74 4JS



**APPLICATION FOR PLANNING
PERMISSION**

DESIGN STATEMENT

APRIL 2020

CLIENT:

MR MULLAN

PROJECT:

PROPOSED RESIDENTIAL DWELLING

LAND AT INCLEWOOD CRESCENT,

EAST KILBRIDE

JOB No:

T1.08

REV:

-

Note: Document to be read in conjunction with application drawings

INTRODUCTION

This document outlines the proposals for the erection of a two storey, four-bedroom, residential dwelling in the residential area of East Kilbride. The application plot is situated next to an existing 1.5 storey property with another two storey property located on the street. This document aims to explain the design principles for the development and how the proposals comply with the development guidelines set out by South Lanarkshire Council.

EXISTING SITE

Presently the site is to the left of the existing. The client owns the whole site and so there are no issues of ownership.

PROPOSALS – DESIGN STRATEGY

The design incorporates that of the surrounding area, implementing the use of, render, brick base course and timber cladding. The colours would remain fairly neutral, in keeping with the other properties.

Internally the dwelling comprises of four double bedrooms, two en-suites, a bathroom and walk in cupboard located off the main bedroom all within the first floor, with the living/dining/ lounge areas on the ground floor and utility provided as well. The shape of the design allows for a non-impact design on the surrounding area.

The location of the proposed dwelling within the site has been carefully designed in such a way that would not overlook any of the neighbouring properties, allow for adequate parking for 3 cars and to maximise the garden space for the proposed dwelling but also maintain a sufficient area for the existing property for the recreational, amenity and drying needs of those occupants.

With regards to Policy 4 of the South Lanarkshire Local Development Plan, we feel that the design meets the criteria laid out. The mass of the dwelling is similar to other properties located along Inglewood Crescent and Dunedin Drive, and would not have an adverse impact on the streetscape or the adjacent buildings due to the use of similar materials. The site is large enough to provide an appropriate distance from the existing dwelling.

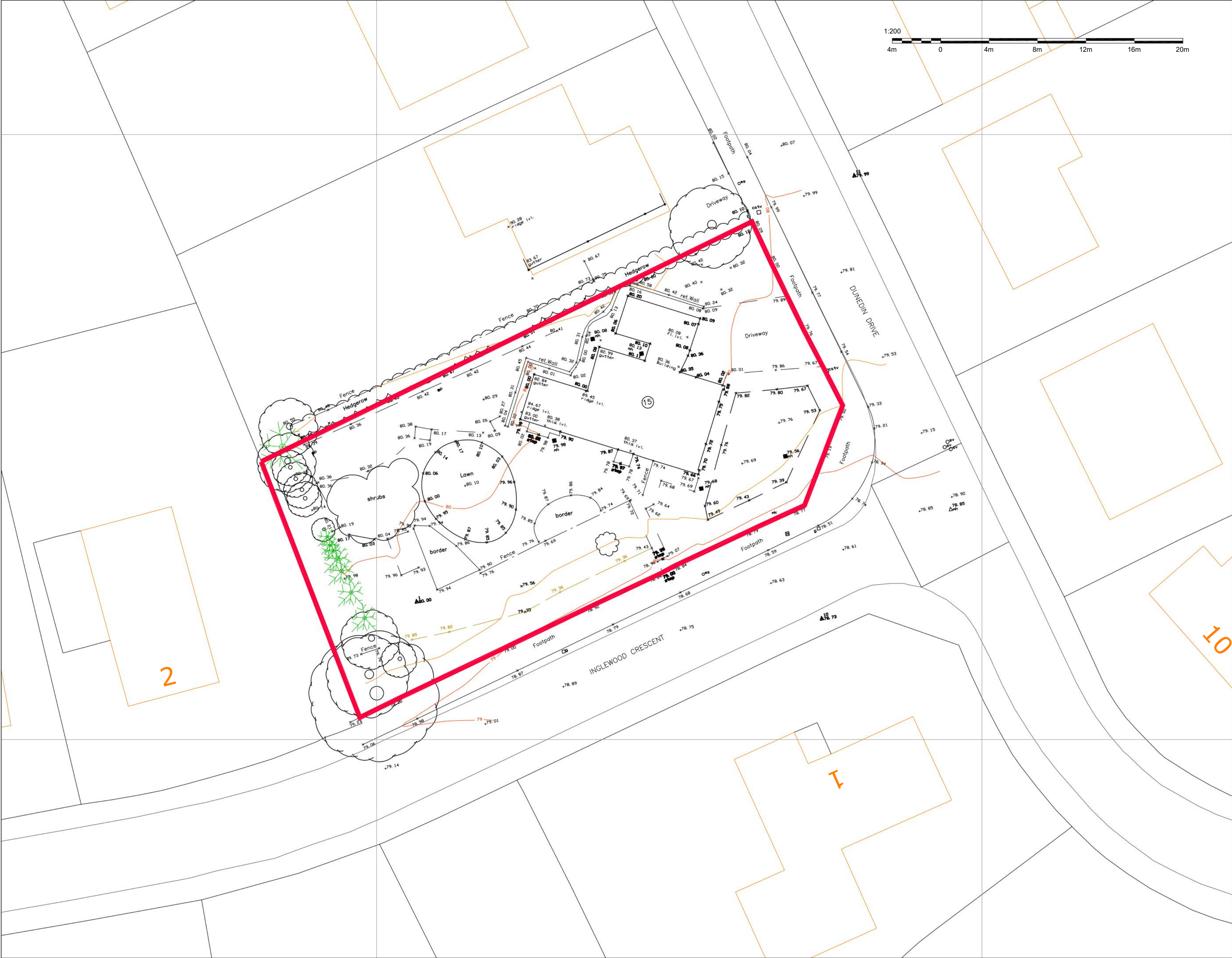
We feel the design complies with Policy DM3 Subdivision of Garden Ground which we have addressed and feel that the design meets the points within the guidance. As can be seen on the site plan the area surrounding the existing dwelling is of a large enough scale to allow for an additional dwelling and maintaining a large garden space for both properties. Comparing the space to the surrounding gardens. We have maintained a similar or larger garden sufficient for amenity, recreational and drying needs of the occupants. Privacy will be maintained due to the location within the site, no windows looking directly in to the adjacent properties or of a distance enough as to not cause issue. Access to the proposed dwelling is also of an adequate standards allowing for 3 spaces and with it to the right of the dwelling it wouldn't cause unwanted noise or loss of privacy to the

existing dwelling. Lastly, the house is of a scale and mass as to not feel cramped or visually obtrusive within the site

Policy DM1 in the SLC LDP2 states that any new development should enhance or make a positive contribution to the character and appearance of the area in which the proposed development is located. Both the design and scale of the proposal, combined with the site layout and proposed landscape strategy, would represent the guidelines set out in this policy given they respect the local context and are appropriate to the character of the area. The design proposals are of a high quality and represent an innovative design that reflect local traditions and modern ideas through the scale, massing and materiality. Any potential issues relating to overlooking, loss of privacy to existing properties have been considered and designed. As such, the proposals contained here within comply with DM1.

CONCLUSION

To conclude, the proposed two storey, four-bedroom dwelling which reflects the surrounding area aims to enhance the character of the area whilst being sympathetic to the surrounding adjacent buildings. Furthermore, the design and nature of the development is in line with the guidance set out in the SLC Local Development Plan and Supplementary Guidance specifically with regards to Policy 4, DM1 and DM3.



NOTES

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This is a true copy of the Building Warrant / Planning Application

Dated
Signed
DTA Chartered Architects



Client
Connor Mullan

Project
Residential Development
Inglewood Crescent
East Kilbride

Title
Existing Site Plan

job no	drg size	
T1.08	A2	
drg no	rev	
L(0-) 03	-	
date	by	scale
Apr '20	GRM	1:200

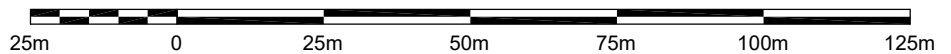
Autocad Reference



9 montgomery street
the village
east kilbride
glasgow G74 4JS



1:1250

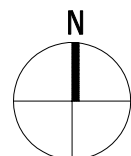


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9 montgomery street
the village
east kilbride
glasgow G74 4JS

Client Connor Mullan			
Project Residential Dev. Inglewood Crescent, EK			
Title Existing Location Plan			
job no T1.08	drg no L(0-) 01	rev -	
date Apr '20	by GRM	scale 1:1250	drg size A4



Appendix 6

3h

Further Representations

Further Representation From

- ◆ Statement of Observations from Planning Officer on Applicant's Notice of Review
- ◆ Mr Kenneth Gorman
- ◆ Mr and Mrs Kay
- ◆ Mr and Mrs McMahon
- ◆ Mr David Hills
- ◆ Mr Thomas Quinn

Planning Application No. P/20/0469**Sub-division of garden ground and erection of a two storey detached dwellinghouse
15 Dunedin Drive, East Kilbride G75 8QQ****1.0 Planning Background**

- 1.1 A planning application was submitted by Mr C Mullan to South Lanarkshire Council on 4 April 2020 seeking permission for the sub-division of garden ground and erection of a two storey detached dwellinghouse at 15 Dunedin Drive, East Kilbride. Following the submission of amended drawings and a Design Statement, the application was validated on 21 April 2020. After due consideration of the application in terms of the Local Development Plan and all other material planning considerations, the planning application was refused by the Council under delegated powers on 28 August 2020. The report of handling dated 27 August 2020 explains the decision and the reasons for refusal are listed in the decision notice. This document is available elsewhere in the papers.
- 1.2 There were no pre-application discussions in respect of this proposal and there have been no previous applications submitted for this site. Statutory neighbour notification was undertaken as well as advertisement in the local press. Following this, 12 letters of objection and 1 letter of comment were received. The issues raised in these representations were set out in the report of handling.

2.0 Assessment against the development plan and other relevant policies

- 2.1 Section 25 of the Town and Country Planning (Scotland) Act 1997, as amended requires that an application for planning permission is determined in accordance with the development plan unless material considerations indicate otherwise.
- 2.2 In terms of the South Lanarkshire Local Development Plan (adopted 2015), Policies 4 – Development Management, DM1 - Design and, DM3 – Sub Division of Garden Ground are applicable. Policies 4 and DM1 resist any development that would be detrimental to residential amenity and state that all planning applications should

take account of the local context and built form. All development should be compatible with adjacent buildings and surrounding streetscape in terms of scale, massing, design, external materials and impact on amenity. It is considered that the proposed development would not make a positive contribution to the character and appearance of the environment and would not relate satisfactorily to adjacent surrounding development. As such, the proposal does not fully comply with these two policies.

2.3 Policy DM3 states that there will be a presumption against development within the curtilage of an existing dwelling unless certain criteria can be met. The proposal has been assessed in detail against the criteria as follows:

- (a) **That the proposed house is of a scale, massing, design and material sympathetic to the character and pattern of the area and does not result in a development which appears cramped, visually obtrusive or of an appearance which is out of keeping with the established character that is harmful to the amenity of the area;**

The proposed development would not make a positive contribution to the character and appearance of the environment and the size and character of the proposed house plot and that of the remaining plot for the existing house are not considered to be compatible with the surrounding street pattern. In particular, the large footprint of the house relative to the size of the plot, together with the two-storey height, elevated position, and the associated loss of trees, will result in a building that will dominate its immediate surroundings, resulting in a significant adverse visual impact.

- (b) **The proposed house plot and that remaining to the existing house is 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 new house plot resulting from the subdivision of the garden ground is substantially smaller than that of the existing house and surrounding properties. The proposed house plot and that of the remaining plot for the existing house are not considered to be compatible with the surrounding street pattern.

- (c) **The proposed house should have a proper road frontage of comparable size and form with those of surrounding curtilages;**

It is accepted that the proposed dwelling would have a proper road frontage and that a suitable access for the proposed dwelling could be achieved.

- (d) **That the proposed vehicular access should be of an adequate standard and should not have any adverse implications for traffic safety or adversely affect the amenity of adjacent properties;**

It is accepted that a suitable access for the proposed dwelling could be achieved.

- (e) **The garden space of the proposed house and remaining for the existing house should be sufficient of the recreational, amenity and drying needs of the occupants;**

The space required for the proposed dwelling within the existing garden results in the useable garden ground, particularly for the existing house being insufficient in terms of area and nature being made up of small areas to the rear and side of the remaining property.

- (f) **That the new development will not cause an unacceptable reduction in privacy to surrounding houses as well as the new house itself;**

Although the rear of the property faces directly towards the rear garden of 17 Dunedin Drive the window to window is greater than 20m and the windows are not directly facing onto each other. Similarly there are a limited number of windows on the side of the proposed property towards 2 Inglewood Crescent, all of which are non-habitable rooms. Although the rear garden length is 8m there is not considered to be a significantly unacceptable level of overlooking from the proposed property.

- (g) **That the new development will not overshadow adjacent properties to a degree which will result in loss of amenity or itself be significantly adversely affected by overshadowing;**

It is not considered that there would be a significantly unacceptable level of overshadowing or loss of light to existing properties from the proposed property.

- (h) That all existing features such as trees, hedges etc that contribute to the character of the area will be retained;**

It is agreed that the proposed development does not reflect the character of the surrounding area, however the trees in the rear garden of the existing property are not protected and could be removed by the owner without planning consent.

- (i) That adequate parking can be provided for both the proposed and the existing house, and must not be harmful to the character of the established character and amenity of the area;**

In respect of the proposed and the existing dwelling, adequate on-curtilage parking is achievable.

- (j) That the new development must not jeopardise any further desirable development in the area;**

It is not considered that the proposal would jeopardise further development in this area.

- (k) The proposal should take account of any supplementary guidance prepared by the Council, where relevant;**

The proposal has been assessed above against the relevant Supplementary Guidance.

2.4 The above assessment against Policy DM3, demonstrates that the proposal is contrary to criteria (a), (b) and (e) as detailed above.

2.5 On 17 August 2020 the Directorate for Planning and Environmental Appeals issued its report of the Examination of SLLDP2 and a number of modifications to the plan are recommended. At the Planning Committee on 1 December 2020 members agreed to the approval of all of the modifications; the publication and public deposit of the Plan, as modified; and the submission of the Plan to Scottish Ministers. For

the purposes of determining planning applications the Council will therefore assess these against the policies contained within the adopted South Lanarkshire Local Plan and those within the proposed South Lanarkshire Local Development Plan. As SLLDP2 is now approved for adoption when considering planning applications greater weight should be given to the policies and guidance contained in this Plan. 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 1. In this instance Policies 3, 5, DM1 and DM3 are relevant and the proposal has been assessed as set out above against these policies. As set out above it is considered that the proposal does not accord with Policies 5, DM1 and DM3 in that the size and character of the proposed house plot and that of the remaining plot for the existing house are not considered to be compatible with the surrounding street pattern and the resulting useable garden ground, particularly for the existing house is not considered to be satisfactory in terms of area or nature.

- 2.6 In conclusion, careful consideration of this proposal has been undertaken and although the site is located within an area designated for residential land use it is considered that the size and character of the proposed house plot and that of the remaining plot for the existing house are not considered to be compatible with the surrounding street pattern and the resulting useable garden ground, particularly for the existing house is not considered to be satisfactory in terms of area or nature. In this regard, the proposal is not deemed to be in accordance with the Policies 4, DM1 and DM3 of the South Lanarkshire Local Development Plan (adopted) and also Policies 5, DM1 and DM3 of the proposed South Lanarkshire Local Development Plan 2.

3.0 Observations on applicants Notice of Review

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

- (a) The Applicant is by no means proposing to break a very rigid or repetitious pattern of development, there is quite an extensive variation**

in house types. All the surrounding houses have been individually built, mainly in the 1960s and 70s. They comprise a varied mixture of one, one-and-a-half and two-storey properties. House sizes, garden sizes, house orientations and general streetscape are not regimented.

Response: As set out in the report of handling and set out above in paragraph 2.3, the new house plot resulting from the subdivision of the garden ground is smaller than that of the existing house and surrounding properties. The proposed house plot and that of the remaining plot for the existing house are not considered to be compatible with the surrounding street pattern. The house plots in this part of Dunedin Drive and Inglewood Crescent are of generally similar proportions to that of the existing property, prior to sub-division of the ground.

- (b) The applicant does not agree that the proposal does not accord with 3 parts of Policy DM3 (i.e. parts a, b & e). Reference is made to a previous consent at 13 Dunedin Drive (Reference EK/10/0007) and references other properties with similar plot sizes.**

Response: The planning consent referred to was granted consent in 2010 under a previous development plan. The consent has never been implemented therefore the consent lapsed a number of years ago. In respect of the other properties referenced, these all have larger plot sizes than the proposed dwelling, are regular in shape providing greater useable garden ground compared to the proposed irregular shaped garden of the remaining house at 15 Dunedin Drive.

- (c) The Applicant appreciates that the garden for the existing house will not be a regular shape, the existing house has always had an irregular shaped garden. That is due to the front elevation of the house directly facing the corner of Dunedin Drive and Inglewood Crescent as opposed directly parallel onto either street. The nature of this garden layout has not precluded enjoyment of the garden. Furthermore, the existing house will benefit from a relatively generous garden compared to most new builds. The total rear garden space in addition to the substantial front and side gardens is more than sufficient. The applicant references an example elsewhere in East Kilbride, at Decluka House,**

Lindsay Road with a small garden which was granted consent for change of use to a residential property in 2004 (reference EK/04/0617).

Response: The existing garden ground of the property, prior to any development of an additional dwelling, benefits from the large rear / side rectangular garden rather than just the proposed remaining irregular shaped garden ground surrounding the house. The property referenced Decluka House is a conversion rather than a sub-division of an existing garden and new build additional property, and is located in a completely different area of East Kilbride. The site is different in nature, located on a lane, and is not comparable to the property at 15 Dunedin Drive. (The reference provided at EK/04/0167 in the consultant's report should read EK/04/0617)

- (d) The applicant disagrees that the proposed dwelling is located close to the footway at circa 2m from the footway and is forward of the existing building line. Reference is made to other properties in Inglewood Crescent where the property is close to the footway giving examples with distances ranging from 3.8m to 4.6m from the footway.**

Response: .The proposed dwelling is forward of the existing building line on Inglewood Crescent and is located significantly closer to the footway than the properties referenced.

4.0 Conclusions

- 4.1 In summary, the proposal would have an adverse impact on the amenity of the surrounding residential area and is contrary to Policies 4, DM1 and DM3 of the South Lanarkshire Local Development Plan 2015 (adopted) and the associated Supplementary Guidance and contrary to Policies 5, DM1 and DM3 of the proposed South Lanarkshire Local Development Plan 2.

11 Dunedin Drive
East Kilbride
G75 8QS
15th December 2020

Planning Application Number P/20/0469 – Objections

Dear Sir/Madam,

I am the owner of the property at 11 Dunedin Drive, East Kilbride and this letter constitutes my statements, in addition to my original objections to the planning application review for the property at 15 Dunedin Drive, East Kilbride, Planning Application Number P/20/0469.

STATEMENTS TO THE PLANNING APPLICATION REVIEW

1. Why is this review being held for an application where the applicant is no longer the owner of the property under which the application was made and is by definition no longer a resident or householder?
2. Why are the residents of Dunedin Drive being pressurised to make comments for the review in such a short timescale when this matter has been running for most of 2020? This situation would be unacceptable at the best of times, but in the light of our country trying to deal with a pandemic it is preposterous. Why is this any sort of priority for SLC?
3. **Additionally, all my comments made on the original application still stand and they are listed below. I recommend that when the review is carried out that all these comments and their implications are read and addressed very carefully.**

I object on the bases below.

General

Precedent

A tour of Dunedin Drive and adjoining roads will indicate clearly that there is substantial separation between detached properties typically 6-10m between the living areas of the properties. Even where there have been extensions to the side of the properties, they have almost invariably been for garages or single storey rooms for inhabitation.

The Planning Process has the option of rejecting the proposal as it stands. However, if it is accepted then Dunedin Drive and all similar areas become an adventure playground for developers who can come in, buy up property, apply inappropriate extensions and then sell up leaving the residents cheated, resentful and with another eyesore right in their midst.

Specific

Policy DM3 “Subdivision of Garden Ground” lists requirements for this proposal to meet. It is apparent that the proposed construction scarcely meets any of the TEN requirements. I am at a loss to know why this was ever entered into the Planning Proposal System for consideration since it just wastes the time, money and resources of all those involved. When addressing my objections, I request that the suitability of the application is assessed against all 10 requirements and that any reason for acceptability is formally reported.

Specific to the requirements of Policy DM3:

- The overpowering physical appearance of the proposal in respect of size, scale and mass and subsequent loss of amenity to adjacent neighbours.
- The front of the house is extraordinarily close to the public walk. I can think of no precedent within East Kilbride for this. This is surely completely inappropriate especially within the estate of which Inglewood Crescent and Dunedin Drive are part.
- The proposed parking arrangements are simply inadequate for a 4-bedroom house, as would be clearly seen if this area is surveyed. This will result in on street parking or, more likely, on pavement parking adjacent to a sharp road corner.
- When the strip of land that ran through many properties in Dunedin Drive and Inglewood Crescent was offered to owners for purchase it was on the condition that it would form part of the garden and would not be built upon. South Lanarkshire Council cannot ignore this requirement since it forms part of a legal undertaking and if it is ignored then you will be party to breaking such an agreement.

This was important because the land would continue to form part of a “Nature Highway” that permitted and encouraged the passage of wildlife and the development of the Natural Environment. This application is clearly at odds with that requirement. In fact, the new owner of the property has commenced cutting down trees and uprooting the flowers and shrubs of a well maintained garden. Has the Planning Department at South Lanarkshire Council already given tacit acceptance of this application?

This application is simply a development opportunity that destroys the natural environment existing in our neighbourhood.

- The detrimental effect of loss of light and privacy to adjacent properties, both home and garden, and subsequent loss of amenity to adjacent neighbours.
- The means of construction of the proposed new house is such that access will cross and disrupt the walkways in Inglewood Crescent. This will also apply to any future inspection and maintenance of the property.
- The proposed build will adversely affect the potential for adjacent properties or any future owners to extend their homes and deprives them of their rights to do this.

Summary

There appears a substantial imbalance in the planning process whereby it permits developers of property to suggest any modification to their property no matter how inappropriate and planning departments are required to set a process in motion that has those neighbours affected by it running around trying to oppose on very limited allowable criteria for opposition and within short timescales.

It allows appeal by the proposer, but none by the objectors.

It is clearly important to strike the correct balance otherwise the consequence for the quality of life, neighbour relations and the amenity of the area itself will be adversely affected.

Until a few years ago, the overwhelming precedent of properties within the area in the area was that they were done sympathetically to the architecture and neighbours. Regrettably, South Lanarkshire Council now have a reputation for permitting singularly inappropriate constructions and developments. It now has the opportunity to meet its responsibilities to current householders and its vested authority by rejecting this application.

I request that the Planning Department and Planning Committee reject the development on the basis of the above issues.

Declaration of Vested Interests

I request that all those who have any function in the assessment and approval of this application make a clear and concise statement that they have no vested interest in the application or that they know the applicants, or objectors, or any of their agents. This will include Planning Officers and Councillors, but the declaration request is not exclusive to them. I wish a clear statement to this requirement in any response to my objections and comments.

I hope and believe that good sense will prevail in the decision regarding the property development at No. 15 Dunedin Drive and that it will be rejected.

Yours faithfully,

Kenneth Gorman,

Burke, John P

From: [REDACTED]
Sent: 17 December 2020 10:17
To: Burke, John P
Cc: Philip McMahon; David Hills
Subject: Re: Planning Application P/20/0469 - Notice of Review
Attachments: SITE PLAN.pdf

Dear Mr. Burke,
Thank you for the confirmation of receipt.

Would you please forward to the Review of the above Planning Application the attachment below which is the Ordnance Survey site plan for my own property which also clearly shows the Nature Highway in the green strip to the left for other properties including No. 15 Dunedin Drive. I invoked this Highway in my objections to the proposed application and plainly indicates the official designation.

Regards,

Kenneth Gorman.

On Tuesday, 15 December 2020, 12:03:51 GMT, Burke, John P <john.burke@southlanarkshire.gov.uk> wrote:

Dear Mr Gorman,

Thank you for responding with your comments, I can acknowledge receipt and will pass them on for inclusion in the review.

Regards

John Burke

Administration Assistant

Administration and Legal Services

Finance and Corporate Resources

Floor 2, Council Offices

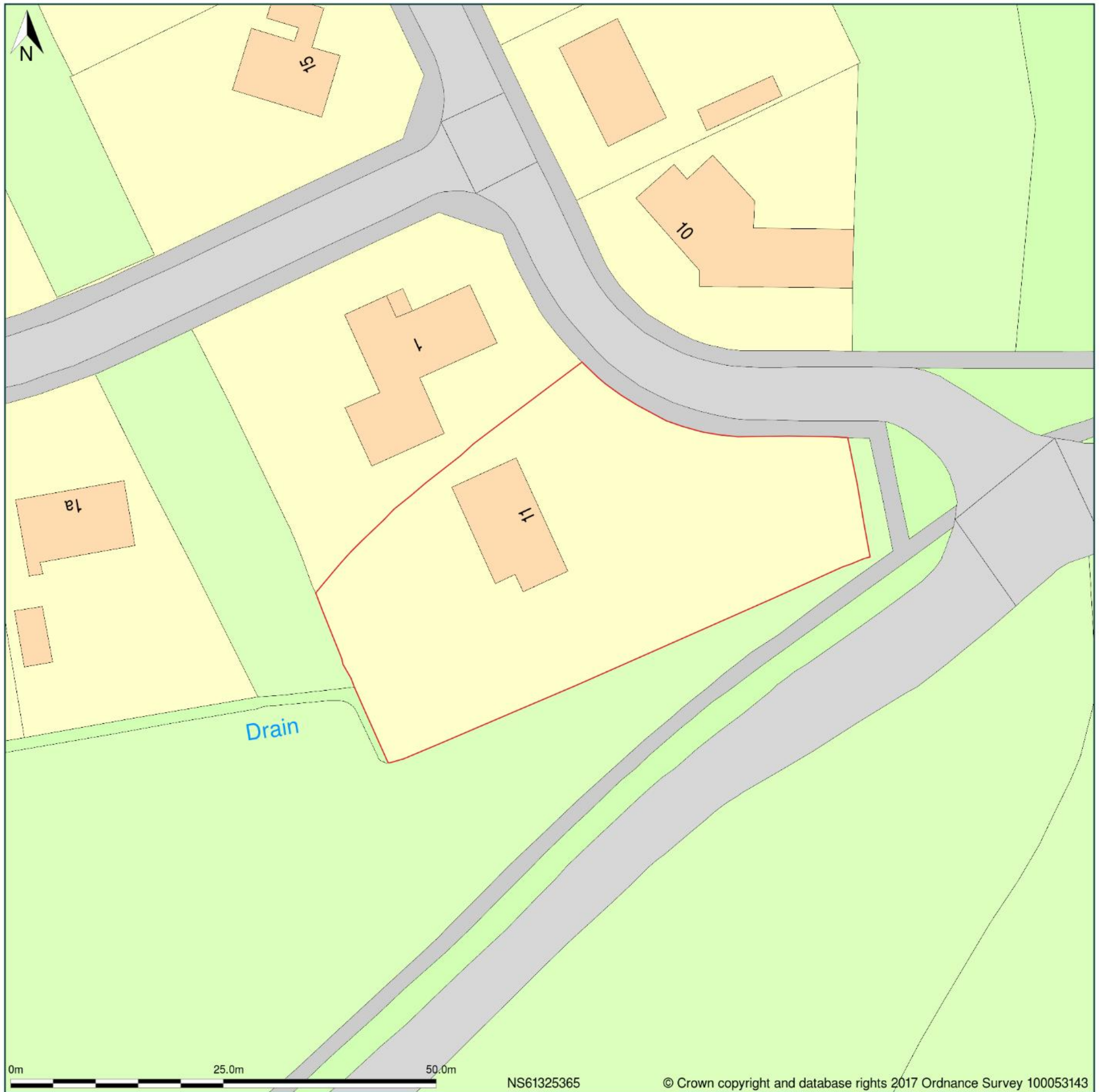
Almada Street, Hamilton, ML3 0AA

Tel: 01698 455011

Fax: 01698 454407

e-mail: john.burke2@southlanarkshire.gov.uk

11 Dunedin Drive, Dunedin Drive, Glasgow, G75 8QS



Block Plan shows area bounded by: 261259.69, 653590.83 261387.69, 653718.83 (at a scale of 1:500), OSGridRef: NS61325365. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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From: Nigel Kay [REDACTED]
Sent: 11 December 2020 09:12
To: McLeod, Stuart <Stuart.McLeod@southlanarkshire.gov.uk>
Subject: Planning Application Review P/20/0469

3h

Planning Permission Review

Application No: P/20/0469

For the Attention of Stuart McLeod, Administration Officer

Dear Mr McLeod

My thanks for your letter of the 4th December informing my wife and I of the intention of the applicant for the above planning request, which was refused at the end of August, to seek a review.

Following our original representation and the reasons given for the outcome of the original application I would like to make the following points.

In the main the original application was refused on the grounds of its adverse impact on the amenity of the surrounding residential area, this being in particular contrary to policy clauses in the South Lanarkshire Local Development Plan and the proposed South Lanarkshire Local Development Plan 2.

The concept and impact of amenity is extremely important and includes not only specific features, facilities and services but also less tangible assets all of which together add value, not just in economic terms, to the quality of life for those who contribute to and benefit from them.

In the case of the area in question, this latter aspect of amenity is manifest in the large garden plots that each property enjoys. For over fifty years residents have chosen and invested in homes in the area because of this feature and have contributed to the maintenance and appropriate evolution of the ambience through investment in time, effort and money.

The original application ignored this important aspect of amenity in a way that would not only be extremely disruptive in the short term, creating a building site in a quiet, established residential area but also destroying the very essence of what the area offers.

We fail to see how it is within the applicant's purview to now implement his original plans and preserve the key issue of amenity.

The second point we would wish to highlight concerns what has happened in the time between the original application, its refusal and the impending request for review. The applicant in the interim has it appears divided the curtilage of 15 Dunedin Drive and sold the property with a greatly reduced garden.

Going back to the reasons for refusing planning in August, it was pointed out with respect to the issue of amenity that splitting the curtilage of the existing property to squeeze in a new two storey house, would as has now happened leave only a very small garden at 15 Dunedin Drive which would be a contributory factor in adversely impacting amenity.

Given this sale we fail to see that the planning application can be revisited in its original form, as the applicant now no longer has a property whose curtilage he is applying to divide.

Yours faithfully

R. N. Kay M. R. Kay

2 Inglewood Crescent

East Kilbride G75 8QD

From: Philip McMahon <[REDACTED]>
Sent: 10 December 2020 15:22
To: McLeod, Stuart <Stuart.McLeod@southlanarkshire.gov.uk>
Subject: Planning Application P/20/0469 - Notice of Review

3h

Dear Mr McLeod,
Please consider these responses re the above application on behalf of Philip McMahon & Gerardine McMahon
21 Dunedin Drive
East Kilbride
G74 8QQ

1. We suggest that there has been a material change with regard to this Planning Application. It appears that the Applicant has sold the house at 15 Dunedin Drive with only part of the original garden ground being included. The remaining part of the feu appears to have been annexed for the purpose of development. Does this mean the original application is no longer valid and the wish to build on the remaining ground should be subject to a new Planning Application or at least some form of planning variation?

2. Unless further information with regards to this appeal has been proffered, and that we are not aware of, we fail to see how the reasons for refusal of the Planning Application will have changed in any way. Rather, we regard the point made above in (1) as an attempt to manipulate that decision and to reduce the amenity of the area held so precious in your original decision.

3. In our previous communication of 12/5/20 under Criterion 5 we commented on the status of protected garden ground purchased by homeowners from EKDC in 1979 and the presumption that No 15 was party to the same obligation of not being able to build on that. You commented on that suggesting that we would require to seek clarification from the legal department. Since the application was refused there was no need for us to seek clarification on your response. However, we were somewhat surprised by this response. Our thinking was and is along the lines that, having had it pointed out to you, the Planning Department would seek clarification from your legal services in order that you would not (potentially) be granting permission to build on restricted land.

Thank you for your consideration of these responses.

Yours sincerely,
Philip McMahon
Gerardine McMahon

From: David Hills <[REDACTED]>
Sent: 17 December 2020 11:55
To: Burke, John P; McLeod, Stuart
Subject: Planning Application P/20/0469 - Notice of Review

3h

Planning Objection

Notice of Review – Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013
Planning Application No: P/20/0469
Proposal: Sub-division of Garden Ground and Erection of a Two Storey Detached House
Location: 15 Dunedin Drive, East Kilbride, G75 8QQ
Applicant: Mr C Mullan

With reference to the above application and the recent appeal against the Planning Refusal decision made by the Council some months ago, I wish to have it noted that I continue to object to the Planning Application Ref. P/20/0469 as previously outlined in my email / letter of objection dated 6th May, 2020. The criteria for refusal which were applicable at the time of the original application are still applicable at this date. However, I am unsure if the original planning application will still be valid as I believe that circumstances may have changed concerning the existing property at 15 Dunedin Drive.

I now believe that the existing house at 15 Dunedin Drive has been sold but that such sale may not include the area of garden to the rear of the property. The area of garden which may now have been separated from the original property would be the plot of land on which the proposed new house would be built. In such case, the original application would surely be invalid as there would now be two separate properties, ie. 15 Dunedin Drive and now also the garden plot between 15 Dunedin Drive and 2 Inglewood Crescent. In fact the proposed house would be on Inglewood Crescent and I would suggest that if the proposed new house was solely relevant to the now possibly legally separated garden plot, that an entirely new application should be made by the appellant. I am concerned that, if this division of the property at 15 Dunedin Drive into two separate properties is correct, the move could possibly be an attempt to circumvent planning restrictions, which I believe would be an abuse of the planning system.

I would also request further consideration of the “blue zone” in the attached register of Scotland link. <https://scotlis.ros.gov.uk/property-summary/LAN242634>.

This is a strip of land that runs at the rear of the gardens from 15-25 Dunedin Drive that was sold by EKDC to the house owners on the condition that nothing was built on the land. The proposed plans would clearly build on this strip of land. Has the designation for this strip of land changed without the owners being aware ?

Regards,
David Hills
17 Dunedin Drive

3h
Thomas Quinn

3, Inglewood Crescent,
EAST KILBRIDE
Glasgow
G75 8QD

16 December 2020

To. Stuart McLeod

Administration Officer
Administration and Legal Services
Floor 2 Council Offices
Almada Street, Hamilton ML3 0AA

Notice of review
Planning Application No: P/20/0469

Dear Mr McLeod.

Thank you for your letter of the 4th December advising me that the applicant for the above planning request, which was refused, was now seeking a review of that decision.

I have again read carefully the Councils Delegated Report and would make the following comments using extracts from the Report.

1. Application site.

The report clearly states in Section 1.1 that the site area of the proposed plot is 476 Sq.M. while the existing house and garden plot is approximately 1050 Sq.M. This makes the curtilage of the total site 1526 Sq.M

Since the original application was made, No.15 Dunedin drive has been sold and it appears that the garden area to the rear of the house has been decreased. This may result in an increase of the ground available for development but it means that the existing property now has a much reduced rear garden with a resultant adverse impact on amenity, recreational and drying needs of the occupants. The overall curtilage has not changed, and the original decision to refuse the application should stand.

I have included some extracts below from the Delegated Report, which I believe were key to the original application being refused and need to be recognized in any appeal process.

I look forward to the outcome of the appeal process in due course.

Yours Sincerely

Thomas Quinn

Extracts from the Delegated `report

4. Representations

- (a) The proposal is overdevelopment of the site. The resulting plots are too small and out of character with the surrounding plot sizes / plot ratios both in Dunedin Drive and Inglewood Crescent resulting in an unacceptable density.

Response: The proposed plot size for both the proposed and remaining dwelling are considerably smaller than those of the surrounding properties in the immediate area. It is therefore agreed that the proposed development does not reflect the character of the surrounding area and does not accord with the established pattern of development.

- (c) The garden area for the proposed house and that for the remaining house are too small and significantly smaller than surrounding properties.

Response: The proposed garden space for the new dwelling and particularly for the remaining dwelling are not considered to provide sufficient useable garden ground and do not reflect the character of the surrounding area.

- (k) The development would set a dangerous precedent for similar developments in the area changing the character of the area.

Response: It is agreed that the proposed development does not reflect the character of the surrounding area and does not accord with the established pattern of development.

5. Assessment and Conclusions

- 5.2 In terms of the South Lanarkshire Local Development Plan (adopted 2015), Policies 4 – Development Management, DM1 - Design and, DM3 – Sub Division of Garden Ground are applicable. Policies 4 and DM1 resist any development that would be detrimental to residential amenity and that all planning applications should take account of the local context and built form. All development should be compatible with adjacent buildings and surrounding streetscape in terms of scale, massing, design, external materials and impact on amenity.

The proposed development would not make a positive contribution to the character and appearance of the environment and would not relate satisfactorily to adjacent surrounding development. As such, the proposal does not fully comply with these two policies.

- 5.3 Policy DM3 states that there will be a presumption against development within the curtilage of an existing dwelling unless certain criteria can be met. The proposal has been assessed in detail against the criteria as follows:

- (a) That the proposed house is of a scale, massing, design and material sympathetic to the character and pattern of the area and does not result in a development which appears cramped, visually obtrusive or of an appearance which is out of keeping with the established character that is harmful to the amenity of the area;

The proposed development would not make a positive contribution to the character and appearance of the environment and the size and character of the proposed house plot and that of the remaining plot for the existing house are not considered to be compatible with the surrounding street pattern.

- (b) The proposed house plot and that remaining to the existing house is 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 new house plot resulting from the subdivision of the garden ground is smaller than that of the existing house and surrounding properties. The proposed house plot and that of the remaining plot for the existing house are not

considered to be compatible with the surrounding street pattern.

- (e)** The garden space of the proposed house and remaining for the existing house should be sufficient of the recreational, amenity and drying needs of the occupants;

The space required for the proposed dwelling within the existing garden results in the useable garden ground, particularly for the existing house being insufficient in terms of area and nature being made up of small areas to the rear and side of the remaining property.

Appendix 7

3i

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

Dear Sir/Madam

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

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

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

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

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

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

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

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

Respectfully, the Planning Authority are reminded of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

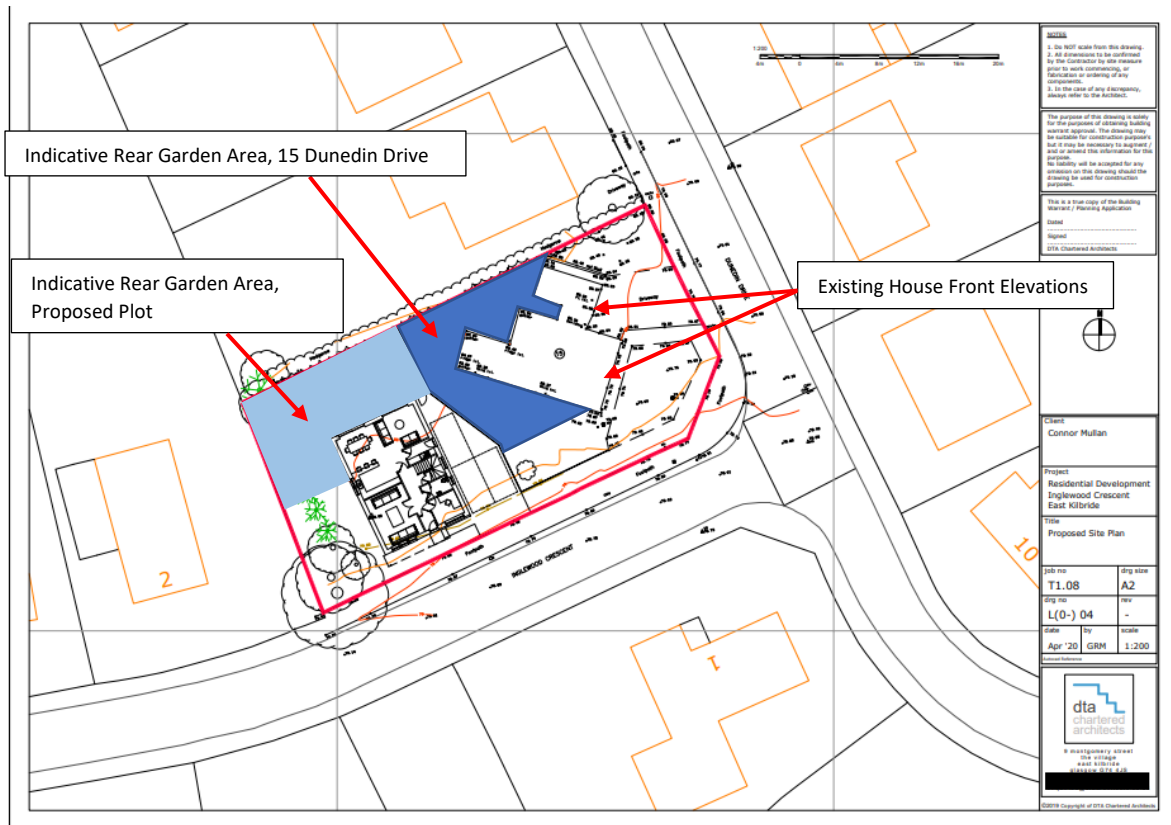
Members will note when looking at the table on the next page that there are garden sizes within the immediate area that are comparable to those associated with the proposed plots and indeed some are smaller.

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

Table of Comparable Garden Sizes

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

Indicative Rear Garden Areas Proposed:



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

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

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

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

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

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

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

Conclusion

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

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

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

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

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

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

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

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



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

South Lanarkshire Local Plan Adopted 2009:

RES 6 Residential Land Use Policy

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

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

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

In addition any development proposed must satisfy the following criteria:

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

ENV 11 Design Quality Policy

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

ENV 30 New Development Design Policy

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

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

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

New developments will require to:

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

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

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

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

ENV 31 New Housing Development Policy

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

Residential developments will require to:

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

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

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

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

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

DM 1 Development Management Policy

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

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

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

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

DM 5 Sub-Division of Garden Ground Policy

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

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

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Policy 4 Development management and placemaking

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

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

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

Policy 6 General urban area/ settlements

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

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

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

3.0 Development management, placemaking and design framework

Overarching framework

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

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

Policy DM1 Design

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

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

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

5.0 Subdivision of garden ground

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

Policy DM3 Subdivision of garden ground

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

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

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

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Policy 3 General Urban Areas and Settlements

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

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

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

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

Policy 5 Development Management and Placemaking

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

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

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

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

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

Policy DM1 New Development Design

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

New developments will require to:

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

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

Policy DM3 Subdivision of Garden Ground

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

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