

Appendix 2(a)

Report of Handling

Report dated 17 October 2018 by the Council's Authorised Officer under the Scheme of Delegation

	Delegated Report	Reference no.	P/18/0245
		Date	17/10/2018

Planning proposal:	Formation of house plot (planning permission in principle)
Location:	Land 55M Nnw Of 16 St Patricks Road St Patricks Road Lanark South Lanarkshire

Application Type : Permission in principle

Applicant : Mr Jim Ward

Location : Land 55M Nnw Of 16 St Patricks Road
St Patricks Road
Lanark
South Lanarkshire

Decision: Application refused

Report by: Area Manager (Planning & Building Standards)

Policy reference:

South Lanarkshire Local Development Plan:

Policy 3 - Green belt and rural area

Policy 4 – Development Management and Placemaking

Policy 15 - Natural and Historic Environment

Supplementary Guidance 9: Natural and Historic Environment Policy NHE16 Landscape

Supplementary Guidance 2: Green Belt and Rural Area Policy GBRA5 Development of Gap Sites

Proposed South Lanarkshire Local Development Plan 2:

Policy 4 Green Belt and Rural Area

Policy NHE16 Landscape

Policy GBRA1 Rural Design and Development

Policy GBRA8 Development of Gap Sites

Assessment

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

Consultations

Summary of response

Roads Development Management Team
Advise that access to the site will require a 6 metre wide dropped kerb crossing. The gradient on this access can not exceed 8%. The submitted plans show that visibility splays of 2.5m x 35m to the north-west and 2.5m x 24m to the south-east are achievable, and due to the narrow road width and reduced vehicle speeds, these splays area acceptable. A Traffic Management Plan should be provided by the applicant to confirm how construction on the site would be managed in relation to the characteristics, and lack of passing places, along St Patricks Road.

Noted. Suitable conditions could be attached to any consent issued.

Roads and Transportation Flooding advise that a Flood Risk Assessment should be submitted which considers any possible impact and the mitigation measures required in relation to the gradients of the site and surrounding land, the proposed earthworks, the presence of an historic well as well as the proximity of Scottish water apparatus.

Noted. A condition will be attached to any planning consent issued, requiring the submission of a Flood Risk Assessment as part of any future detailed planning applications.

WOSAS advise that no substantive archaeological issues are raised by the application as it avoids the site of the well and spring.

Noted.

Scottish Water have no objection to the proposal, but the development proposal impacts on existing Scottish water assets which may place restrictions on the proximity of any construction.

Noted.

Representation(s):

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

Planning Application Delegated Report

1 Application Summary

- 1.1 The application site is located towards the end of St. Patricks Road, Lanark which is a “no-through” road, and just outside the town’s south-west settlement boundary. It is an undefined portion of a field which lies between two bungalows (No.16, Limewood and No.18, Clydesholm), with a difference of 15 metres from the front of the site up to the rear boundary. On the opposite side of the public road from the application site are the grounds associated with the property, St Patricks Cottage. This dwelling is not immediately apparent from the public road due to topography and mature vegetation. St Patricks Road is characterised by the narrow, single width road, bound on both sides by mature hedges or walls which follows the natural curve of the hillside. On the higher side of the road the ground rises steeply north-eastwards up to the Lanark settlement edge. The lower side of the road falls westward down to the River Clyde, again screened by mature vegetation. The application site sits within the New Lanark World Heritage Site Buffer Zone, is in a Special Landscape Area and St Patrick’s Road forms part of the Clyde walkway. The applicant also owns the remaining portion of the field immediately to the rear of the application site plus the ground that spreads southward along the shoulder of the slope, all of which border the Lanark’s settlement boundary.
- 1.3 Planning permission is sought for the formation of a single house plot of approximately 4000 square metres. Due to the aforementioned site topography it is anticipated that any dwelling erected on the site would be split-level, and due to the existence of a natural spring towards the front of the application site, it would have to be positioned higher up the slope towards the rear boundary. An existing field access would be upgrade and re-aligned to provide vehicular access approximately 20 metres into the site, from where pedestrian access would continue up to the dwelling itself. The existing ground levels would have to be re-engineered and retaining walls would be necessary to form a level development platform to provide an access compliant with current Building Regulations and also the requisite private amenity space. It is noted that in the vicinity of the proposed access, excavated soil spoil from another development site has been deposited parallel with the common boundary with number 16, Limewood.

2 Representation(s)

- 2.1 Following statutory neighbour notification and advertisement of the proposal for non-notification of neighbours, 3 letters of representation have been received, and are summarised as follows:
- 2.2 **a) St Patricks Road is narrow and without a pavement. It is well used by walkers as it forms part of the Clyde Walkway, so additional traffic would increase the risks to users as there is barely enough space for cars to pass pedestrians.**
Response: Roads and Transportation Services have not objected to the proposal.
- b) The historic St Patricks Well is a spring which collects water over a wide area particularly the field in which the application site lies, and is at the front of the application site. As part of the processing of a planning application further along St Patricks Road, West of Scotland Archaeology Service advised that ground disturbance in the vicinity of St Patricks Well should be avoided. If this application were to be approved there would undoubtedly be ground engineering works close to the Well and affecting the flow of water. The location of Scottish Water’s infrastructure as shown on the application plans is at variance from the details shown on Scottish Waters consultation response. Using the latter’s data, they are at the same location as the proposed house.**

Response: West of Scotland Archaeology Service (WoSAS) advised that the development area avoids the site of the well and that the spring is shown as being maintained as part of the garden ground. As the application is for planning permission in principle, the positioning, size and style of house shown on the plans is only illustrative. Such matters would be addressed as part of detailed planning applications if applicable.

c) There is no justification for placing the house at the same height as the new house which was granted planning consent the other side of number 16, Limewood (planning ref CL/17/0044). St Patricks Road has a natural gradient falling as it progresses northwards towards the Clyde, and placing the house in the proposed position would make it too high for its environs. It would dominate and disrupt the landscape. Council policy is that any development should seek to enhance the environmental quality of the area and protect the New Lanark World Heritage Site Buffer Zone. Erecting another house here would have the opposite effect.

Response: Noted. The siting of the house as shown in the submitted plans is for illustrative purposes only as planning consent is sought for the formation of a house plot.

3 Assessment and Conclusions

- 3.1 The applicant seeks planning permission for the formation of a single residential plot fronting onto St Patricks Road just to the north-west of number 16, Limewood. Access would be taken at the point where there is currently a field access, and the ground across the majority of the application site re-engineered to provide a driveway with suitable gradient and a level platform upon which a house could be constructed. The determining issues in the assessment of this proposal are compliance with government advice and adopted local plan policies, and in particular the ability of the site to be safely accessed together with impact upon both amenity and the character of the area, including the New Lanark World Heritage Site.
- 3.2 The adopted South Lanarkshire Local Development Plan identifies the application site as being within the rural area, outwith the Lanark settlement boundary. Policy 3 – Green Belt and Rural Area applies and this advises that development which does not require to be located in the countryside will be expected to be accommodated within settlements. However, where the proposal is for limited development within clearly identifiable infill or gap sites it will be considered and assessed against other relevant policies in the development plan. Specific guidance on development within gap sites is contained within Policy GBRA5, with a number of criteria listed that should all be satisfied for development proposals to be favourably considered. As the Council expects the design and layout of new developments to create buildings and spaces which respect their surroundings and contribute positively towards the existing character of the area, Policy 4 – Development Management and Place Making is also applicable, as is Policy 15 – Natural and Historic Environment due to the site's location within the setting of the World Heritage Site and the Special Landscape Area. This advises that those developments which would affect the natural or historic environment will only be permitted where there is no significant or adverse impact on the protected resource.
- 3.3 With respect to Policy 3 – Green Belt and Rural Area the application site meets the basic definition of a gap site in that it is bounded on both sides (Limewood to the south-east and Clydesholm Braes to the north-west) by properties, fronted by a road and could accommodate a dwelling of a similar footprint to those in the vicinity. However it is noted that due to build zone constraints posed by Scottish Water infrastructure and St Patricks Well, the curtilage of the proposed plot is larger and extends further up the hill than the garden ground associated with properties to the south-east, numbers 14 and 16 St Patricks Road. As Policy 3 further advises, development proposals must also accord with

other relevant policies, specifically for this proposal Policy GBRA 5 – Development of Gap Sites - which list the following criteria to be met:-

- The building group should form a clearly identifiable nucleus with strong visual cohesion – *as described above, this part of St Patricks Road lies outwith the settlement boundary and is characterised by detached properties set within mature gardens, each separated by fields which contain many small trees or saplings. These provide screening and emphasise the rural character of the area and the individuality and setting of the existing properties. It is considered that there is not a building group but rather a number of individual properties.*
- The distance between the buildings should be no more than needed to allow the formation of a maximum of two plots of a size in keeping with the curtilage and frontage of the existing group – *as noted above the proposed plot would extend further than the rear garden boundaries of existing properties to the south-east.*
- An extension to a building group will not normally be acceptable where it could result in ribbon development – development of the application site would not contribute to ribbon development along the northern side of St Patricks Road.
- New housing should be well related in scale and siting to the existing adjoining development, reflect local distinctiveness and respect the existing built form, the landform and the local landscape character - *the existing dwellinghouses immediately adjacent to the application site, Clydesholm Braes and Limewood are traditional designed cottages set approximately 10 metres back from the road. Their front boundaries are defined by hedging and the steep front gardens visually emphasise the houses elevated positions close to the road. Due to site constraints the applicant has advised that any house to be constructed on the application site would have to be well back into the site, and higher up the slope. It would not be possible to replicate the siting of the existing dwellings.*
- The location, siting and design of new houses should meet existing rural design guidance. The design, appearance and the materials of the proposed house should be complementary to the character of the existing built frontage – *the application is for the formation of a house plot, and as such design and materials do not form part of this application assessment.*
- Provision must be made for a private amenity space comparable to adjacent properties in the built up frontage - *the application is for the formation of a house plot only, and it is unclear what amount of usable, and private amenity space would be available after the re-configuration of the gradients. It would appear however that the majority of it will be positioned in front of any new dwellinghouse.*
- The house size to plot ration should be comparable to adjoining properties – *the rear boundary of the application site extends beyond the garden ground of properties to the south-east, and this may result in a house to plot ratio different to the adjoining properties.*
- The landscape character of the area must not be compromised by the development and proposals should have regard to the landscape backdrop, topographical features and levels. Trees, woodland and boundary features such as hedgerows should be retained - *some trees would be lost as a result of the ground engineering works, and the hedgerow onto St Patricks Road would have to be removed or cut back to achieve the necessary visibility splays. The landscape character is formed by the steeply sloping ground which rises to the east, and the mature hedgerows and trees growing up the hillside. These give the backdrop against which the existing dwellings are viewed, especially from across the other side of the valley in the Kirkfieldbank area. Positioning a house on the upper portions of the application site would result in a siting that visually dominates the neighbouring dwellings, and this visual impact on the wider landscape would be exacerbated by its failure to follow the historic development pattern which mirrors the undulations of St Patricks Road. The front edge of the application site sits in a dip in the road. This is illustrated in the streetscape (drawing number P-004) submitted as part of the application.*

- Proposals should have no adverse impact in terms of road safety – *amended plans were submitted in relation to the site access, which demonstrate that the appropriate visibility splays can be achieved. Roads and Transportation Services have no objection to the proposal subject to the inclusion of conditions to any consent granted.*
- Proposals should have no adverse impact on biodiversity and protected species or features which make a significant contribution to the cultural or historic landscape value of the area - *WoSAS are satisfied that the proposal will not impinge on the historic St Patricks Well, and the integrity of the New Lanark World Heritage Site will not be affected.*

- 3.4 It is considered that the proposal does not meet all the criteria of Policy GBRA 5 – Development of Gap Sites, and the site is therefore not suitable for the formation of a house plot. Within the emerging South Lanarkshire Local Development Plan 2, there are no significant amendments to the advice on gap sites, and as such the proposal is also contrary to Policy GBRA8.
- 3.5 In relation to the development's impact on the local context, Policy 4 states that development proposals should not have significant adverse impacts on, and should include measures to enhance the environment. As noted in paragraph 3.4 above the siting of a dwelling on the higher parts of the application site would certainly impact on the local streetscape and landscape character. While landscape planting could provide a degree of mitigation, the topography and other site constraints would mean that the ground engineering works to form a development platform for any future house would have a notable impact on the locality of St Patricks Road, contrary to Policy 4.
- 3.6 Views into the application site are primarily from the Kirkfieldbank area to the west and north-west, while bends in the valley of the Clyde and distance mean that there would be no effect on the New Lanark World Heritage Site's outstanding universal value. The formation of a plot would therefore be acceptable in the context of Policy 15 - Natural and Historic Environment.
- 3.7 Policy NHE16 – Landscape states that proposals within Special Landscape Areas will only be permitted if they satisfy the requirements of Policy 3, and can be accommodated without significantly and adversely affecting the pattern, scale and design of development within the landscape. Due cognisance must be taken of the tree and hedge patterns and other features particularly where they define/create a positive settlement/urban edge, as well as the historical properties of the area and its sensitivity to change. Skyline and hill features including key views are important elements in a landscape's character. Having assessed the landscape and the local views into the application site, the formation of a house plot would adversely affect the local landscape context and the rural character of St Patricks Road, contrary to Policy NHE16.
- 3.8 On 29 May 2018 the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan. The relevant Policies are 4, NHE16, GBRA1, and GBRA8.
- 3.9 Objections have been received from a number of local residents who are concerned about the principle of the development on the site, the impact on the character and landscape of the area, and on heritage and cultural assets of the area as well as road safety. There are no objections from statutory consultees.

- 3.10 All matters have been assessed and it is considered that the proposal is contrary to policies within the adopted local development plan. It is therefore recommended that planning consent be refused.

4 Reason for decision

- 4.1 The proposed house plot would not be comparable with those nearby in terms of size and road frontage, and it would be unable to be developed with a dwelling position which reflected adjoining properties, contrary to Policies 3 and GBRA5 of the adopted South Lanarkshire Local Development Plan and its associated supplementary guidance. The proposal is also considered not to comply with Policies 4 and NHE16 in that it would adversely affect the landscape character and rural nature of the area.

Delegating officer: Lynda Dickson

Date: 26/10/18

Previous references

- ◆ None

List of background papers

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

- ▶ Consultations
 - Roads Development Management Team 10.08.2018
 - Roads and Transportation Flooding 16.10.2018

 - WOSAS 24.05.2018
 - Scottish Water 18.05.2018
 - Roads Flood Risk Management

- ▶ Representations
 - Steven And Valerie Laing, Clydesholm Braes, 18 St Patricks Road, Lanark, South Lanarkshire, ML11 9EH Dated: 07.06.2018

 - Chris Whitehead, Limewood, 16 St Patricks Road, Lanark, South Lanarkshire, ML11 9EH Dated: 06.06.2018

 - Jean Sanders, Via E-mail, Dated: 06.06.2018

Contact for further information

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

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Reasons for refusal

01. The proposed development on the site would be contrary to Policy 3: Green Belt and Rural Area of the South Lanarkshire Local Development Plan and the associated Green Belt and Rural Area Supplementary Guidance, as it would constitute an unacceptable form of development in the countryside in that it does not involve an identifiable infill or gap site, and would not involve the consolidation of an existing building group.
02. The proposal is contrary to Policies GBRA5 of the South Lanarkshire Local Development Plan in that the application site does not constitute a gap site that would be in keeping with the siting, frontage and curtilage of dwellinghouses in the immediate vicinity. In addition the site's topography and other characteristics would result in a development which would adversely impact on the rural character of the area.
03. The proposal is contrary to Policies 4 and NHE16 of the South Lanarkshire Local Development Plan in that the proposal, if approved, would adversely impact on the landscape character of the area.

Reason(s) for decision

Informatives

01. This decision relates to drawing numbers:

Reference	Version No:	Plan Status
E-002		Refused
E-001		Refused
P-004		Refused
P-003	rev B	Refused
P-002	rev B	Refused