

Report

Report to:	Clydesdale Area Committee
Date of Meeting:	15 April 2008
Report by:	Executive Director (Enterprise Resources)

Application No	CL/07/0827
Planning Proposal:	Erection of House (Outline)

1 Summary Application Information

- Application Type : Outline Planning Application
- Applicant : Mr P Jones
- Location : Blairhill Cottage
Crawfordjohn ML12 6SZ

2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Grant Outline Planning Permission – (Subject to Conditions – Based on Conditions Listed)

2.2 Other Actions/Notes

- (1) The Area Committee has delegated powers to determine this application

3 Other Information

- ◆ Applicant's Agent: Architectural Technology (UK) Ltd
- ◆ Council Area/Ward: 03 Clydesdale East
- ◆ Policy Reference(s): **Upper Clydesdale Local Plan (Adopted)**
 - Policy 73: Remoter Rural Area
 - Policy 76: Scenic Area

Finalised South Lanarkshire Local Plan - As Modified

- STRAT5: Rural Investment Area
- CRE1: Housing in the Countryside
- Policy ENV4: Protection of the Natural and Built Environment
- Policy ENV28: Regional Scenic Area and Areas of Great Landscape Value

- ◆ Representation(s):

▶ 2

Objection Letters and 1 petition received with 42 signatures

- ▶ 0 Support Letters
- ▶ 0 Comments Letters

◆ Consultation(s):

Environmental Services

Roads and Transportation Services (South Division)

S.E.P.A. (West Region)

Scottish Water

Land and Fleet Services (Arboriculture)

Planning Application Report

1 Application Site

- 1.1 The application site is located at Blairhill, a small group of three existing dwellings which lie in an elevated position within the remoter rural area to the north west of Crawfordjohn. The application site extends to 0.087 ha and consists of generally level ground with a line of mature beech trees along the frontage. An existing 460 metre long private roadway serves the existing dwellings at Blairhill. The site is bounded to the north by Chad's Cottage, a detached single storey traditional dwellinghouse that is set at a lower level than the application site due to existing ground conditions and by the applicants existing dwelling, a traditional one and a half storey property to the south. The site is then bounded to the north and south by open agricultural land.

2 Proposal(s)

- 2.1 The applicant seeks outline consent for the erection of a single dwellinghouse on the site. The submitted plans indicate that vehicular access to the plot would utilise the existing 460 metre long private roadway that serves the existing dwellings at Blairhill. Three of the mature Beech trees at the site are proposed to be removed in order to form the new access point into the plot. A detailed tree survey report has been submitted with the application.

3 Background

3.1 Local Plan Status

- 3.1.1 The site is identified as lying within the Rural Area where Policy 73: Remoter Rural Area of the adopted Upper Clydesdale Local Plan applies. This states that development shall be encouraged within settlement boundaries or suitable infill sites. Proposals for new housing should not dominate or overwhelm existing development or lead to excessive growth or ribbon development. There shall be a presumption in favour of new small scale housing development subject to a maximum of three dwellings and providing the proposal complies with a range of criteria. These include the provision of public water and sewerage facilities; the new development should be well related to existing groups of buildings; that there will be no adverse impact on the amenity of the countryside or on natural or heritage resources; that the proposal does not result in traffic hazards; and development will not be allowed where the cumulative effect would detract from the rural character of the area. The site is also located within the Scenic Area where Policy 76 applies. This policy states that within the Scenic Area the Council shall exercise strict control over development to ensure the special quality of the countryside is maintained.
- 3.1.2 The Finalised South Lanarkshire Local Plan - As Modified identifies the area as being within the Rural Investment Area where Policy STRAT 5 applies. This Policy states that the Local Plan strategy will be to support sustainable communities within this area through measures that tackle exclusion and isolation and redress imbalances of economy and housing type provision, particularly where this involves renewal proposals. The priority will be to encourage developments within established settlement boundaries. Thereafter consideration may be given to limited settlement expansion, proportional to the settlement size and which supports the economic and social development of these areas and focuses on design and environmental quality, including the restoration of derelict land. Outwith settlement boundaries new build development is directed to existing building groupings and gap sites that consolidate such groupings. Isolated and sporadic development will generally not be supported. Any housing development within the Rural Investment Area should conform to policies CRE 1: Housing in the Countryside. Policy CRE 1: Housing in the

Countryside states that in the countryside, new houses will not normally be permitted. For new individual houses in the countryside there are a number of specific circumstances where a house may be acceptable. These include houses for agricultural workers and those required in association with an appropriate rural business or enterprise.

- 3.1.3 The site is also located within a Regional Scenic Area where Policy ENV4: Protection of the Natural and Built Environment and Policy ENV28: Regional Scenic Area and Areas of Great Landscape Value apply. These policies advise that in areas of local/regional importance, development which would affect these areas will only be permitted where the integrity of the protected resource will not be undermined. In this instance the protected resource is the Regional Scenic Area that the site is located within. In particular Policy ENV28 states that development will only be permitted if it satisfies the requirements of policies STRAT3-6 (as appropriate) and can be accommodated without adversely affecting the overall quality of the designated landscape area.

3.2 **Relevant Government Advice/Policy**

- 3.2.1 SPP3 – Land for Housing states that where possible, most housing requirements should be met within or adjacent to existing settlements. Notwithstanding this, in some rural areas new housing outwith existing settlements may have a part to play in economic regeneration and environmental renewal. SPP3 also states that development plans should show where new housing will be encouraged and set out criteria against which any new proposals will be judged.

3.3 **Planning History**

- 3.3.1 A previous application for the same site was withdrawn on the 20th October 2004 due to the lack of a report regarding the provision of a water supply to the site (ref: CL/04/0113).

4 **Consultation(s)**

- 4.1 **SEPA** – have no objections provided the drainage arrangements are to their satisfaction. They also recommend that a septic tank and soakaway arrangement is investigated.

Response: Noted. Relevant conditions could be attached to any consent granted for the site.

- 4.2 **Roads and Transportation Services** – have no objections or observations on the proposal.

Response: Noted. Suitable conditions could be attached to any consent granted to ensure adequate provision is made for access, parking and turning facility requirements.

- 4.3 **Scottish Water** – have no objections to the proposal. They advise that there are no known public sewers in the vicinity of the proposed development. They further advise that there are no known issues within their Water Network that serves the proposed development. In addition they state that if the connection to the public water main requires to be laid through land outwith the applicant's ownership then the developer must provide evidence of formal approval from the affected landowner.
- Response:** Noted. The applicant has provided details from Scottish Water in respect of a request to connect to the Public Water Supply. This states that the required connection will be made if the necessary fee is paid by the applicant.

- 4.4 **Environmental Services** - have no objections to the proposal and advise of conditions which should be attached to any consent granted in relation to contaminated land.

Response: Noted.

- 4.5 **Land Services (Arboriculturalist)** – states that the contents of the applicant's tree survey are an accurate account of the condition of the trees on the site. He further states that the existing trees have a relatively short useful life expectancy of no more than 10 years, whether consent is granted or not. He is recommending that all the trees are removed in favour of a new planting scheme of an appropriate species.

Response: Noted. Relevant conditions may be attached to any consent Committee is minded to grant.

5 Representation(s)

- 5.1 The application was advertised in the press as development potentially contrary to the development plan. Following this publicity and statutory neighbour notification, 2 letters of objection and a petition containing 42 signatures objecting to the application were received. The grounds of objection are as follows:

- (a) **The removal of the established mature trees is both unnecessary and undesirable.**

Response: The applicant has submitted a detailed tree condition report for the site. The Council's Arboriculturalist has also visited the site and assessed the content of the report. He has confirmed that the contents of the applicant's tree survey are an accurate account of the poor condition of some of the trees and has also stated that in his opinion the existing trees have a relatively short useful life expectancy of no more than 10 years, whether consent for the current application is granted or not. He recommends that the opportunity is taken to remove the existing trees and secure their replacement with an appropriate scheme of similar stature trees. I consider that in the longer term this would be the most appropriate solution to ensure adequate tree cover along the frontage of the site.

- (b) **The existing properties presently experience water supply problems.**

Response: Noted, however the applicant has provided evidence that he is seeking to install a new connection to the Public Water Supply. I am satisfied that relevant conditions may be attached to any consent if Committee is minded to grant consent.

- (c) **The dwellinghouse is proposed to be sited in the same position as the previous application, a proposal which was withdrawn due to the difficulties of building a house in that position.**

Response: Disagree. The previous application for the site was withdrawn on the grounds that details in respect of providing a water supply had not been provided. Clarification of this point has been provided by the current applicant.

- (d) **The position of the house as indicated on the submitted plans would result in overlooking and privacy issues for the objectors property.**

Response: Disagree. The applicant only seeks consent in principle for the site and as a result no approval would be given for the indicative position shown on the submitted plans. Notwithstanding the above, these are issues to be fully considered at any subsequent detailed application stage. I do however consider that the site is of an adequate size to accommodate a single dwelling

of an appropriate scale that will not have an unduly adverse impact on the objectors amenity.

- (e) **The position of the proposed dwelling will require the banking on the objector's property to be strengthened.**

Response: As noted in (d) above consent is only sought in outline for the erection of a single dwelling on the site. No approval would be given for the actual position of the dwelling at this stage, therefore the potential need for strengthening of the banking is a matter to be considered at any subsequent detailed stage.

- (f) **The approval of a dwelling on the site will reduce the value of the objector's property.**

Response: This issue of a reduction in property value is not a material planning consideration.

- (g) **Approval of the proposal will result in access to the area of land to the rear of the site being taken via a gap between the objector's dwelling and the applicant's existing dwelling. There is a notable change in ground level and the objector wishes to know if the Council will accept any responsibility for any future accidents in relation to this access**

Response: The Council is only considering an application for a single dwellinghouse on the application site. The issue of access to adjoining land is a private matter and is not a material consideration in the assessment of this application.

- (h) **The proposed use of mono-bloc paving would be out of character with the area.**

Response: The details of the external materials to be utilised on the site are matters to be considered at any subsequent detailed application stage as no approval is given for materials or finishes at outline stage.

- (i) **The owner of the current water supply system to the properties at Blairhill will not allow it to be used for any further dwellings.**

Response: Noted, however the applicant has confirmed that he will provide his own connection to the public supply system in the area. Relevant conditions may be attached to any consent Committee is minded to grant.

These letters have been copied and are available for inspection in the usual manner.

6 Assessment and Conclusions

- 6.1 The applicant seeks outline consent for the erection of a single dwellinghouse on land situated at Blairhill, by Crawfordjohn. The main issues in determining the application are whether the proposal complies with local plan policy and its impact on the residential and visual amenity of the surrounding area.
- 6.2 The site lies within the Remoter Rural Area where Policy 73 - Remoter Rural Area of the adopted Upper Clydesdale Local Plan applies. This policy provides for new small scale residential development of up to 3 houses subject to the proposal satisfying a range of criteria. In particular the criteria states that development shall be encouraged on sites identified within settlement boundaries and suitable infill/gap sites. In addition, proposals for new housing should ensure that new development is well related to existing groups of buildings. In the Blairhill area there have been no

modern dwellings constructed and I note that the existing properties are historic, traditional dwellings. I consider that whilst the proposed dwelling would be seen from the public road through Crawfordjohn a suitably designed dwelling of an appropriate scale would be no more visible than the existing properties and would therefore have no notable adverse impact on the established rural character of the area. I also consider the application site constitutes a suitable gap site between two existing dwellinghouses and therefore the proposal accords with the criteria of Policy 73 of the adopted Upper Clydesdale Local Plan.

- 6.3 Policy STRAT 5 – Rural Investment Area of the Finalised South Lanarkshire Local Plan - As Modified aims to direct development within settlement boundaries. Outwith settlement boundaries new build development is directed to existing building groupings and gap sites that consolidate such groupings. Any housing development within the Rural Investment Area also requires to conform with Policy CRE1 – Housing in the Countryside. Following a detailed assessment I consider that the erection of a house at this location does comply with criteria as stated in Policies STRAT 5 and CRE 1 as the proposed single dwelling would be situated in a gap site and would consolidate an existing building group.
- 6.4 The application site is also located in the Scenic Area where Policy 76: Scenic Area of the adopted Upper Clydesdale Local Plan and Policies ENV4: Protection of the Natural and Built Environment and ENV28: Regional Scenic Area and Areas of Great Landscape Value of the Finalised South Lanarkshire Local Plan - As Modified apply. These policies require the Council to exercise strict control over development to ensure the special quality of the countryside is maintained. I consider the construction of a single house of an appropriate scale and design at this location would not erode the rural character of the area and the amenity it affords. The proposal therefore complies with Policies 76, ENV4 and ENV28.s
- 6.5 A petition protesting against the felling of any trees atop Blairhill was received as the applicant indicates that he wishes to remove 3 no. trees in order to provide a vehicular access to the site. 4 trees would remain at the site. The trees it is proposed to remove are considered by the applicant's tree consultant to be closely spaced, overcrowded, displaying signs of bracket fungus and are dying back in the crown. Most of the trees are in fact positioned atop the remains of an old wall. The Council's Arboricultural Officer has also inspected the trees and concurs with the findings of the tree report. In addition he considers that the existing trees are nearing the end of their useful life and the current application can be seen as an opportunity to provide a scheme of replacement planting of an appropriate species along the entrance to the site. Relevant conditions may be attached to any consent granted to ensure the provision of an appropriate scheme.
- 6.6 In view of the above I consider that the proposal complies with local plan policy and is an appropriate form of development for the site. I therefore consider that planning permission should be granted.

7 Reasons for Decision

- 7.1 The proposal complies with Policy 73 and 76 of the adopted Upper Clydesdale Local Plan and policies STRAT 5, CRE 1, ENV4 and ENV28 of the Finalised South Lanarkshire Local Plan - As Modified. I conclude that the erection of a suitably designed dwelling of an appropriate scale would have no adverse impact on the visual and rural amenity of the surrounding area.

Iain Urquhart
Executive Director (Enterprise Resources)

1 April 2008

Previous References

- ◆ CL/04/0113

List of Background Papers

- ▶ Application Form
- ▶ Application Plans

- ▶ Consultations
 - Environmental Services 20/12/2007
 - S.E.P.A. (West Region) 18/12/2007
 - Scottish Water 12/12/2007
 - Roads and Transportation Services (South Division) 05/03/2008
- ▶ Representations
 - Representation from : M Wingfield, Townhead Cottage, Blairhill, Crawfordjohn, ML12 6SZ, DATED 30/10/2007
 - Representation from : Alan Willumsen, Dail Bhreagha, Blairhill, Crawfordjohn, ML12 6SZ, DATED 09/12/2007
 - Representation from : Alan Willumsen, Dail Bhreagha, Blairhill, Crawfordjohn, ML12 6SZ, DATED 28/12/2007 enclosing a petition incorporating 42 signatures

Contact for Further Information

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

Stuart Ramsay, Planning Officer, South Vennel, Lanark ML11 7JT
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E-mail: Enterprise.lanark@southlanarkshire.gov.uk

CONDITIONS

- 1 That the development hereby permitted shall be started either within five years of the date of this permission or within two years of the date on which the last of the reserved matters are approved, whichever is the later;
- 2 That before the expiration of three years from the date of this outline permission and before any development starts, a written application and plans in respect of the following Reserved Matters shall be submitted to the Council as Planning Authority:
 - (a) siting, design and external appearance of all buildings and other structures;
 - (b) means of access to the site;
 - (c) a landscaping plan for the area indicated in green on the approved plans at a scale of 1:200 showing the location, species and ground spread of existing and proposed trees, shrubs and hedges;
 - (d) layout of the site, including parking areas and garden ground;
 - (e) detailed cross-sections of existing and finished ground levels and finished floor levels, in relation to a fixed datum, preferably ordnance datum;
 - (f) provision of drainage works and means of sewage disposal;
 - (g) a detailed scheme of replacement tree planting for the existing line of beech trees within the site as indicated in brown on the approved plans, consisting of a high specification planting of similar stature trees, (Oak, Ash or Beech), the size at planting being no less than 18-20 cm diameter, at a ratio of 1:1.
- 3 That notwithstanding the terms of Condition 2 above, the design and siting of any dwellinghouse on the site shall take due cognisance of the rural location, with particular regard being paid to scale, massing, roof pitch, fenestration and materials; and shall be in accordance with the Council's approved policy on new dwellings in the Countryside.
- 4 That the total number of dwellinghouses within the site shall be no more than one.
- 5 That no building to be erected on the site shall exceed one and a half storey in height.
- 6 That no trees within the application site shall be lopped, topped, pollarded or felled, or otherwise affected, without the prior written consent of the Council as Planning Authority.
- 7 That the further application required under Condition 1 above shall include provision for (a) a 2 metre wide grass verge along the entire site frontage; (b) a 3 metre wide dropped kerb verge crossing; (c) a turning facility within the confines of the site; (d) parking to be provided as per Guidelines for Development Roads.
- 8 That the further application required under the terms of Condition 2 above, shall include a detailed scheme for surface water drainage. Surface water from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland and with the Council's Sustainable Drainage Design Criteria and requirements and shall be agreed in writing with the Council as Planning Authority in consultation with SEPA.

- 9 That the dwellinghouse shall not be occupied until the site is served by a sewerage scheme and a water supply constructed in accordance with Scottish Water and SEPA standards and as approved by the Council as Planning Authority in consultation with Scottish Water and SEPA.
- 10 That before development starts, the results of soil porosity testing on the site to assess the suitability of the sub-soil for effluent disposal shall be submitted to and approved by the Council as Planning Authority.
- 11 (a) Prior to commencement of any works on site, a comprehensive site investigation carried out to the appropriate Phase level, shall be submitted to and approved in writing by the Council as Planning Authority. The investigation shall be completed in accordance with the advice given in the following:
- (i) Planning Advice Note 33 (2000) and Part IIA of the Environmental Protection Act 1990 (as inserted by section 57 of the Environment Act 1995);
 - (ii) Contaminated Land Report 11 - 'Model Procedures for the Management of Land Contamination (CLR 11) - issued by DEFRA and the Environment Agency;
 - (iii) BS 10175:2001 - British Standards institution 'The Investigation of Potentially Contaminated Sites - Code of Practice'.
- (b) If the Phase 1 investigation indicates any potential pollution linkages, a Conceptual Site Model must be formulated and these linkages must be subjected to risk assessment. If a Phase 2 investigation is required, then a risk assessment of all relevant pollution linkages using site specific assessment criteria will require to be submitted.
- (c) If the risk assessment identifies any unacceptable risks as defined under Part IIA of the Environmental Protection Act, a detailed remediation strategy will be submitted to and approved in writing by the Council as Planning Authority. No works other than investigative works shall be carried out on site prior to receipt of the Council's written approval of the remediation plan.

REASONS

- 1 To accord with the provisions of the Town and Country Planning (Scotland) Act 1997.
- 2 Consent is granted in outline only.
- 3 In the interests of amenity and to ensure satisfactory integration of the new dwellinghouse with the designated countryside
- 4 In the interests of amenity and in order to retain effective planning control.
- 5 In the interests of amenity.
- 6 To ensure the protection and maintenance of the existing mature trees within the site
- 7 In the interest of public safety
- 8 To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.
- 9 To ensure that the development is served by an appropriate effluent disposal and water supply system.
- 10 To ensure that ground conditions are suitable for a soakaway to dispose of effluent.
- 11 To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.

For information only

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