

Statement of Observations

**Planning application P/19/0158 - Residential development including formation of vehicular access (Planning Permission in Principle)
Land 50M Northwest Of 3 Millburn Road, Millburn Road, Ashgill.**

1 Planning Background

- 1.1 Andrew Bennie of Andrew Bennie Planning Ltd submitted a planning application (planning reference: P/19/0158) on behalf of his client Mr Douglas Collins on 1 February 2019 to South Lanarkshire Council for residential development including formation of vehicular access (planning permission in principle) at Land 50M Northwest Of 3 Millburn Road, Millburn Road, Ashgill. After due consideration of the application in terms of the Development Plan and all other material planning considerations, planning application P/19/0158 was refused by the Council under delegated powers on 1 May 2019 for the reasons listed in the decision notice and supported by a delegated report.
- 1.2 The report of handling dated 25 April 2019 explains the decision and the reasons for refusal are listed in the decision notice. These documents are available elsewhere in the papers.

2 Assessment against the development plan and other relevant policies

- 2.1 Section 25 of the Town and Country Planning (Scotland) Act 1997, as amended requires that an application for planning permission is determined in accordance with the development plan unless material considerations indicate otherwise.
- 2.2 The development plan in this instance comprises the Adopted South Lanarkshire Local Development Plan (2015) and its associated supplementary guidance. The site is identified is located within the Green Belt in the adopted South Lanarkshire Local Development Plan and is covered by Policy 3 - Green Belt and Rural Area. This policy states that the Green Belt and the rural area function primarily for agriculture, forestry, recreation and other uses appropriate to the countryside. Development which does not require to locate in the countryside will be expected to be accommodated within the settlements identified on the proposals map, other than in the following circumstances:
 - i. Where it is demonstrated that there is a specific locational requirement and established need for a proposal.
 - ii. The proposal involves the redevelopment of derelict or redundant land and buildings where significant environmental improvement can be shown.
 - iii. The proposal is for conversion of traditional buildings and those of a local vernacular.

- iv. The proposal is for limited development within clearly identifiable infill, gap sites and existing building groups.
- v. The proposal is for extension of existing premises or uses providing it is of a suitable scale and design. Any new built form should be ancillary to the main use.

2.3 The policy goes on to say that in both the Green Belt and rural area isolated and sporadic development will not be supported. In addition to the above, Policy GBRA4: Small Scale Settlement Extensions of Supplementary Guidance 2: Green Belt and Rural Area is relevant to the assessment of the application. Proposals for new houses on sites adjoining existing settlements will be required to meet the following criteria:

- The development shall maintain a defensible settlement boundary through the retention of existing features or enhancement through additional structural planting.
- The proposals should respect the specific local character and the existing pattern of development within the settlement and be of an appropriate small scale that is proportionate to the size and scale of the existing settlement.
- Development of the site should have no adverse impact on the amenity of any existing dwellinghouses within the settlement, particularly in terms of overlooking, privacy or overshadowing.
- Proposals should incorporate substantial boundary landscaping works, to minimise the developments impact on rural amenity and ensure appropriate landscape fit.
- Proposals should be able to be readily served by all necessary infrastructure including water, sewerage and electricity and be able to comply with all required parking and access standards.
- Proposals should have no adverse impact in terms of road safety.
- Proposals should have no adverse impact on biodiversity, including Natura 2000 sites and protected species, or features which make a significant contribution to the cultural and historic landscape value of the area.
- In the case of development affecting a listed building or a property within a designated Conservation Area, proposals shall comply with the guidance and criteria contained in the SG on the Natural and Historic Environment.

2.4 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance Policies Policy 4 - Green Belt and Rural Area and Policy 17 - Travel and Transport are relevant.

- 2.5 As part of the planning application process, the Council's Roads Development Management Team were consulted on the application and recommended that a decision on the application be deferred. Whilst two car parking spaces are proposed per dwelling it should be noted that houses with four or more bedrooms require three car parking spaces. There is a lack of detail submitted with the application to provide the evidence/comfort that twelve houses, an access road and car parking spaces, complete with turning space so that vehicles could enter and leave Millburn Road in forward gear, garden space, landscaping areas and space for refuse collection could all be fitted in to this constrained site. Roads and Transportation Services consultation response in addition to the other consultation responses can be found within the Planning Local Review Body papers.

3 Observations of applicants 'Notice of review'

- 3.1 In the submitted 'Notice of Review' and supporting statement the applicant's agent provides detailed reasons why the appeal should be looked upon favourably. Those detailed reasons are summarized as follows:

- 1) Reason for Refusal 1 - the report of handling states that the proposal does not involve the redevelopment of derelict or redundant land but provides no justification or explanation of those considerations. The site, taking into account its previous use as part of a former railway line, is both derelict, and insofar as it is no longer required in connection with its previous use, redundant. The condition of the site detracts significantly from the amenity of the surrounding area. The vegetation which was previously on the site has been removed as a means of assistance to Scottish Water in relation to their proposals to run a new section of sewer pipe through the northern section of the site which will allow the development of allocated development sites within the settlement to come forward. The clearance of the vegetation from the site has however served to underline and reinforce the clear fact that the site is both derelict and redundant. Through the detailed design of the proposed development it will be possible to secure significant improvements to the condition and appearance of the site to the direct benefit of the wider area.**

Council's Response: It is considered that the proposal does not involve the redevelopment of derelict or redundant land and buildings where significant environmental improvement can be shown. The application site comprises a section of former railway embankment which is raised significantly above the level of neighbouring houses and is not considered to detract significantly from the amenity of the surrounding area. The site, which previously consisted of extensive vegetation cover including a number of

mature trees, is a former railway line which is covered by Policy 16 - Travel and Transport of the adopted Plan and which highlights the need to preserve disused railway lines to provide future public access routes. In this connection the contribution of the site as a 'wildlife corridor' must be acknowledged and should not be undervalued. I would not agree with the description that the site is derelict and redundant. The site's condition is not considered to be such that residential development is necessary to improve its appearance for the direct benefit of the wider area. In relation to the removal of the vegetation on the site it should be noted that the Planning Service contacted Scottish Water in writing requesting confirmation that the clearance of the vegetation from the site is a necessary precursor to works which Scottish Water will be carrying out. However, no response was received from Scottish Water in this regard.

- 2) Reason for Refusal 2 - it is an accepted and generally unchallenged tenet of the planning system that all applications for planning permission are dealt with on their own individual merits. There is no reasonable basis upon which it can be stated that such a decision would in itself encourage other "similar" applications and secondly, and more importantly, that the granting of planning permission would in no way limit or constrain the ability of the Council to refuse planning permission in respect of any such applications.**

Council's response: Each application is assessed individually on its own merits. However, if approved, the proposal would represent a significant and unwarranted intrusion into the Green Belt at this location and would set an undesirable precedent which could encourage further similar applications for development prejudicial to the Green Belt designation that would be harder to resist in future.

- 3) Reason for Refusal 3 - the section of the former railway line which lies to the immediate north of the site has already been redeveloped for residential purposes and there is no possibility of a northern connection being made to the remaining section of this former railway line which lies to the further north of the site. Any possibility of the section of the former railway line which lies to the east side of the settlement being utilised for walking and cycling purposes as part of any wider network has already been permanently compromised by previous development. The redevelopment of the site would not have any further adverse impact upon the potential reuse of this former railway line for walking and cycling purposes. There is no practical prospect of this railway line ever providing a continuous connection northwards from Millburn Road and would not offend against the overall aims and objectives of the Policy.**

Council's response: Policy 16 - Travel and Transport of the adopted South Lanarkshire Local Development Plan (2015) and Policy 17 - Travel and Transport of the Proposed South Lanarkshire Local Development Plan 2 (2018) require that former railway lines are safeguarded for walking and cycling. Again in this connection, the contribution of the site as a 'wildlife corridor' must be acknowledged and should not be undervalued.

- 4) Reason for Refusal 4 – The proposal represents an opportunity to provide new structure planting along the length of the eastern boundary of the site to ensure an enhanced level of amenity and an opportunity to round off the boundary of the settlement. The scale of the development is considered to be proportionate to the size and character of the existing settlement.**

Council's response: It is considered that the approval of the application and subsequent development of the site for housing would represent a significant and unwarranted intrusion into the Green Belt at this location. The site is not considered to be suitable for rounding off settlement and would not represent a logical extension to Ashgill. Whilst the existing tree cover on the site was recently removed it is considered that the site still provides a clearly defined physical settlement boundary to Ashgill. As highlighted in the report of handling, the application is for planning permission in principle and not all of the criteria listed within Policy GBRA4 is relevant to the assessment of this type of application e.g. in relation to listed buildings and conservation areas and some of the criteria listed is more relevant to the assessment of a detailed planning application. However, in terms of the sites Green Belt designation it is considered that the proposal is contrary to the criteria listed as the proposal would involve the removal of an existing physically strong and defensible Green Belt boundary with limited scope for its replacement with substantial boundary landscaping within such a narrow site. In terms of the access, parking and road safety requirements Roads Development Management raised concerns regarding the lack of detail submitted with the application to provide the evidence/comfort that twelve houses, an access road and car parking spaces, complete with turning space so that vehicles could enter and leave Millburn Road in forward gear, garden space, landscaping areas and space for refuse collection could all be fitted in to this constrained site.

Notwithstanding the above, it should be noted that the applicant has submitted a representation to the South Lanarkshire Local Development Plan 2 objecting to the current settlement boundary of Ashgill and that he is seeking the inclusion of this Green Belt land

as an opportunity to round off the settlement boundary at this location. In this regard, the site was assessed by the Council at the call for sites stage and was not found to accord with strategy. As discussed above, the site comprises a section of former railway embankment which is raised significantly above the level of neighbouring houses and until recently the site had extensive vegetation cover, including a number of mature trees. It is considered that the site provides a clearly defined physical settlement boundary to Ashgill. The Call for Sites assessment noted that road access to the site would be difficult to achieve due to its limited frontage. The site was subject to strategic environmental assessment (SEA) which found that it would have significant environmental effects, particularly in relation to biodiversity, flooding and landscape. The site was also considered at the Examination of the South Lanarkshire Local Development Plan (2015) where the Reporter did not consider that it should be released from the Green Belt concluding that 'its location and configuration as a very narrow strip of land would not represent a logical extension to the settlement'. The Council considers that this conclusion is still applicable and valid as there has been no material change in planning considerations and that the site should remain in the Green Belt.

- 5) Reason for Refusal 5 - given the stage that the emerging Local Development Plan 2 has reached in terms of its preparation its provisions cannot be relied upon to any degree of certainty in terms of the assessment of the proposals which form the basis of this review and as such, it is submitted that the provisions of Local Development Plan 2 are of strictly limited relevance to the determination of this Request to Review.**

Council's response: For the purposes of determining planning applications the proposed South Lanarkshire Local Development Plan 2 (LDP 2) is a material consideration. Having assessed the application, for the reasons discussed in detail above it is considered that the proposal is contrary to Policy 4 - Green Belt and Rural Area of the proposed plan as it would constitute new residential development in the Green Belt without appropriate justification.

- 6) Reason for Refusal 6 - as above, it is submitted that the provisions of Local Development Plan 2 are of strictly limited relevance to the determination of this Request to Review.**

Council's response: For the purposes of determining planning applications the proposed South Lanarkshire Local Development Plan 2 (LDP 2) is a material consideration. Having assessed the application, it is considered that the proposal is contrary to Policy 17 - Travel and Transport of the proposed plan which safeguards former railway lines for walking and cycling.

4 Conclusion

- 4.1 In summary, the proposal raises significant amenity, environmental and infrastructure issues and fails to comply with Policy 3 - Green Belt and Rural Area and Policy 16 - Travel and Transport of the adopted South Lanarkshire Local Development Plan (2015), Policy GBRA4: Small Scale Settlement Extensions of Supplementary Guidance 2: Green Belt and Rural Area (2015) in addition to Policy 4 - Green Belt and Rural Area and Policy 17 - Travel and Transport of the Proposed South Lanarkshire Local Development Plan 2 (2018). Given the above, it is respectfully requested that the Planning Local Review Body dismiss the applicants request to overturn the refusal of planning permission.