Appendix 6

Further Representations

Further Representation From	Dated
♦ Statement of Observations from Planning Officer on Applicant's Notice of Review	
♦ Mr and Mrs R Jack, St Annes, Lawhill Road, Law ML8 5EZ	11/08/2011

STATEMENT OF OBSERVATIONS

Planning Application No: CL/11/0077
Erection of 5 detached dwellinghouses
Land to north of Lawhill Road and east of Hillview

1.0 Planning Background

1.1 Mr Rooney submitted a planning application for detailed planning permission (CL/11/0077) on 4 February 2011 to South Lanarkshire Council for the erection of 5 detached dwellinghouses on vacant land in the Green Belt. The application was subsequently registered on 2 March 2011. After due consideration of the application in terms of the Development Plan and all other material planning considerations, the planning application was refused by the Council under delegated powers on 28 April 2011. The report of handling dated 28 April 2011 explains the decision and the reasons for refusal are listed in the decision notice. These documents are available elsewhere in the papers.

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 The development plan in this instance comprises the adopted South Lanarkshire Local Plan. The site is identified as being covered by Policy STRAT 3 'The Green Belt and Urban Settlements in the Greenbelt' which aims to facilitate development within settlement boundaries whilst maintaining the Green Belt as an area for agricultural, forestry, recreation and other appropriate uses. Urban expansion into the Green Belt is identified in the Local Plan where it meets Structure Plan policy, however isolated and sporadic development will be resisted. New housing will only be justified where the development forms part of a larger proposal for the rehabilitation or change of use of disused or redundant traditional buildings where this consolidates such groups.

Following a detailed assessment I am satisfied that the erection of 5 dwellings would be contrary to Policy STRAT 3 as the application site falls outwith any defined settlement and therefore constitutes development which is isolated and sporadic. In addition, the proposal does not form part of a larger proposal for

the change of use of traditional buildings where this consolidates such groups as specifically stipulated in the terms of the policy.

2.3 Policy CRE 1 – Housing in the Countryside states that in the countryside new houses will not normally be permitted and only in circumstances outlined in policies STRAT 3, STRAT 4, STRAT 5 and STRAT 6. It has been demonstrated that the proposal contravenes STRAT 3. The Council will, however, allow new individual houses in the countryside in exceptional circumstances such as :

Agricultural dwellings;

Proposed dwelling with proposed associated business or enterprise;

Existing business or enterprise with proposed dwelling;

Reuse or conversion of an existing building for housing and

Replacement housing.

The applicant has not demonstrated that any of these exceptional circumstances apply in this instance.

However, where development is justified, Part 1 of policy CRE 1 goes on to list the criteria against which all new housing proposals in the countryside will be assessed . These are:

a) The development of the proposed site will not extend, expand or intensify the grouping to the detriment of the local amenity or traffic safety.

The proposed development is only partially bounded on two sides by two existing dwellings and the site is too large and insufficiently bounded by physical development to be deemed to be a gap/infill site. The development will clearly expand and intensify the existing grouping. This would adversely affect the landscape character of the area and Roads & Transportation Services have objected on grounds that visibility at the access would be substandard.

b) The design and location of the proposed development does not adversely affect the character and amenity of its surroundings, particularly countryside amenity and nature conservation and built heritage interests.

The resulting development would be out of keeping with the character of the surrounding area and likely to be visually prominent to the detriment of the visual amenity of the surrounding area.

c) The proposal for development of any particular site shows a satisfactory standard of integration with the adjoining development.

It is considered that it would be difficult to achieve a satisfactory level of integration with adjoining development as the proposal is out of keeping with the character and tradition of the built environment in the countryside outwith settlements which comprises predominantly of isolated cottages and farm steadings. Integration with this pattern of development would not be achieved and this would be to the detriment of the amenity of the area.

d) The proposed development complements the scale and character of the existing adjoining properties.

A development of five dwellings around a cul-de-sac would appear sub-urban and be at odds with traditional built environment in the countryside.

e) The proposed development meets access and parking standards and can be readily provided with services such as water, drainage and sewerage.

Roads & Transportation Services in their consultation response have advised that the access would be sub-standard and therefore recommended refusal.

f) The proposal complies with the Council's policy on siting and design as contained in ENV 34 'Development in the Countryside.'

I have concluded that the proposal contravenes Policy ENV 34 – see para 2.4 below.

g) The Council will require all new houses to incorporate on-site renewable energy equipment to reduce predicted carbon dioxide emissions by at least 10%.

To date no information has been submitted demonstrating that this objective can be achieved.

2.4.1 Policy ENV 34 'Development in the Countryside' highlights the need to respect existing landscape forms. The design must be sensitive to and respect its immediate setting and wider surroundings, maintain a sense of place and support local identity. It also highlights the need to avoid the use of inappropriate urban form, features and construction materials. Policy DM 1 'Development Management' indicates that all development will require to take account of the local context and have no significant adverse impact on visual amenity, landscape character or wider environmental amenity.

The surrounding countryside is characterized by isolated farm steadings and cottages situated within a setting of expansive agricultural fields, woodland and tree belts. Five dwellings located around a cul-de-sac would contrast with the landscape character, appear out of context and introduce a suburban development into a rural setting. Consequently the proposal contravenes Policies ENV 34 and DM 1.

2.4.1 The site is also covered by Policy STRAT7: Strategic Green Network which identifies a Strategic Green Network as indicated on the Proposal Map, where the creation of a framework of accessible green spaces and corridors will be supported.

The area of the site compared to the total green network is proportionally not large. The proposed development will not inhibit easy access to the countryside and there would be no adverse impact on wildlife corridors in the area.

2.5 In view of all of the above I remain convinced that the proposal is contrary to the policies contained in the Development Plan and the concerns raised over lack of successful integration of development site with its surroundings, its impact on the character and appearance of the environment and the potential road safety implications in this location are valid.

3.0 Observations on applicants 'Notice of Review'

3.1 The applicants have submitted a statement to support their review. The grounds are summarised below.

(a) **The Local Authority has taken a very limited and restrictive interpretation of the local plan and national planning policies which apply in this case. Policy STRAT3 seeks to resist isolated and sporadic development in the greenbelt but this application is neither isolated (it lies only metres from the settlement boundary boundary of Law) nor sporadic as there is pre-existing development on either side of the site.**

Response: The applicant submitted a location plan stating the scale to be 1: 1250 when in fact it should have read 1: 2500. The distance from the settlement edge of Law to the application site is 140 metres. The applicant seems to imply that this distance out from the settlement edge should be deemed an area acceptable for development when in fact in the context of the greenbelt, because of the proximity of the settlement, this is the very area where the preservation of the greenbelt is considered to be particularly important. The site is only partially bounded by isolated cottages

which reflect the existing character of the countryside. Being located 140 metres out from the settlement edge means the development could not integrate with the existing urban environment and therefore is judged to be isolated and sporadic.

(b) **The site does not currently and will not in the future function as an area for agriculture/ forestry, recreation or any other appropriate use and is thus making no active contribution to the green belt.**

Response: There is no evidence that the site could not be used for an appropriate green belt use. If the landowner chooses not to pursue such options in an attempt to achieve permission for a speculative housing development that in itself is insufficient reason to justify departure from the local plan.

(c) **STRAT 3 states the Council will strongly resist encroachment or introduction of urban uses within the greenbelt. This clearly does not apply to the proposed development as urban uses already exist around the site and the development will be on the 'settlement side' of existing development and will not extend the existing extent of urban uses at this location.**

Response: The two cottages adjoining either side of the application site are reflective of the built environment of the rural area and can not be considered as urban development which is typically associated with towns and villages. These two cottages are isolated and separated from each other by a distance of 50 metres. If the development was approved the number of dwellings along this stretch of Lawhill Road would increase from 2 to 7. For the reasons outlined in para 2.3 (a) I believe the development significantly expands the existing group of buildings.

(d) Policy CRE 1 accepts the possibility of new residential development in the countryside and sets out various criteria which the proposed development must satisfy to be acceptable. In the supporting statement submitted with the application the proposed development is assessed against all of these criteria and it is shown that all of the criteria can be met and thus the development can be considered acceptable.

Response: This criteria is only relevant if the principle of a residential development is acceptable in terms of adherence to Policy STRAT 3 or is required for an appropriate greenbelt use. This proposal contravenes STRAT 3 and is not linked to an appropriate green belt use. Notwithstanding this fact an assessment of criteria outlined in Policy CRE 1 was carried out in para 2.3 which concluded that development would not accord with the terms of the criteria.

(e) **The Scottish Planning Policy sets out the current government policy towards the green belt and provides clear guidance that the use of the green belt policies should not be unnecessarily restrictive and should not be used as the reason to stop development for their own sake. Where the affected site is making no contribution to the aims of the green belt the local authority should not have blanket policy of stopping development for this reason alone.**

Response: In SPP the objectives of green belt policy are outlined as follows:

- To direct planned growth to the most appropriate locations and support regeneration;
- To protect and enhance the character of the landscape setting and identity of towns and cities and;
- To protect and give access to open space within and around towns and cities as part of the wider structure of green space.

The aim of the Green Belt is to direct development to the most appropriate locations and that primarily relates to sites within settlement boundaries. The proposed development does not offer any significant environmental enhancement, traffic safety improvements or regeneration/ economic benefits which could justify departure from Local Plan policies. Sufficient housing land has already been identified through the Local Plan process to meet long term demand and therefore this particular development is not required to meet any perceived shortfall in demand. The close proximity of Law causes concerns about a precedent being set resulting in coalescence which could blur the defined edge between the settlement and Green Belt. This would contradict the objective of protecting the setting of the landscape character and identity of towns within the Green Belt.

(f) **In reason 2 attached to the planning refusal it is stated that the proposal is contrary to Policy STRAT3 as it would constitute an**

isolated and sporadic form of development in the green belt. This is clearly not the case as the proposal is not isolated – it lies on the edge of the settlement of Law only a matter of metres from the settlement boundary. It is also closely related to existing residential properties and thus can not be considered to be isolated or sporadic. The application site can in fact be considered to be an infill site with the neighbouring farm access road to the east forming a more appropriate green belt boundary at this location.

Response: Most of the points regarding the nature of the development and proximity to adjacent dwellings have already been dealt with above. In terms of the farm access road this feature does not have a physical vertical presence and as such does not constitute a defensible boundary. The land beyond is agricultural fields which is the most predominant feature in the immediate area. In the glossary of terms attached to the Local Plan, a gap site in the countryside is defined as a site bounded on at least two sides by built development and fronted by a road which should generally be capable of accommodating one house but a maximum of two subject to the design being appropriate to the scale and nature of the adjacent development. Five houses noticeably exceed the maximum number deemed acceptable in a gap site. Therefore the development can not be considered an infill site.

(g) **In reason 4 attached to the planning refusal it is stated the proposed development would be contrary to Policies ENV 34 and DM 1 in that the proposal will introduce a suburban style of development into the rural environment. In the first instance, given the location of the application site, it is considered that the site is in fact more suburban than rural in nature as it is considered on the urban edge and located within existing residential development. Notwithstanding this however the design of the proposed dwellings, one and a half storey bungalows, mirror the existing development and would be appropriate in a rural setting. In addition the proposed layout utilises the 'lie of the land' and existing developments to substantially screen the development with minimal impact on the local landscape.**

Response: The site is located within the countryside some distance from the settlement. I would dispute the description of countryside close to the urban edge as being suburban. Obviously there is a boundary where the urban edge ends – there is no intermediate area consisting of a mixture of the suburban and countryside. Even taking account of the proximity of the urban edge, the countryside surrounding settlements is considered the most important for amenity and in helping to protect the setting of towns and villages. This zone should be afforded the maximum protection to prevent the distinction between settlements and the rural area becoming blurred. To describe two isolated, countryside cottages which are distinct and separate from each other as an existing residential development lacks credibility.

(h) **In reason 5 attached to the planning consent it states in the interests of road safety as the required visibility can not be achieved. Assuming that Lawhill Road is a local distributor road requiring this size of visibility splay it may be possible to re-arrange the location of the access road to meet requirements. Even if this is shown not to be possible the Council's 'Guidelines for Development Roads' states that consideration may be given to the introduction of traffic calming on the major road to reduce speed and thus the required 'Y' value of the visibility splay. The applicant has indicated that he would be willing to undertake such work at his expense. It is disappointing to note that the applicant was given no advance indication that this would be a problem and the opportunity to resolve the matter prior to the decision being taken. It is also noted that the applicant fully satisfied the safety requirements of the Roads department of the former Strathclyde Council in the consideration of the earlier application which was granted consent.**

Response: I am of the opinion that due to the constraints of the site and lack of control over neighbouring land that the required visibility splays could not be achieved. Outwith residential areas traffic calming measures along a rural road in the form of speed tables or chicanes are generally considered to be unacceptable. Roads & Transportation Services are of the view that traffic calming measures should not be

utilised as a means of achieving required visibility at access points in such locations.

(i) **Condition 6 attached to the planning refusal states if approved the proposal would set an undesirable precedent which could encourage further similar applications prejudicial to the green belt designation. In this instance it is considered that the precedent of an infill development on an unused piece of land which makes no positive contribution to the aims of the green belt or strategic green network would be welcomed by the Council, especially given the site's relationship to the nearby settlement and the existing properties either side of the site. It is also the case that precedent for this type of development has already been given by the Council in this area – details of which can be provided if required**

Response: I maintain that approval of this development would create an undesirable precedence. It could lead to pressure to develop the field between Hillview cottage, adjoining the appeal site, and the edge of Law. The letter of representation to the application received from the owners of St Annes cottage to the east of the appeal site, indicated that if consent is granted then their property should be included within the settlement boundary. The suggestion is they also wish to pursue development on their property. The resulting implications of the aforesaid precedence would be ribbon development and urban sprawl eroding the character of the countryside in the very area where the protection of the identity and setting of the settlement is judged to be important. The appellant claims that precedence has already been given by the Council in this area but fails to quote any examples which would have been appropriate at this stage to enable effective comment.

(i) **The site is only bounded by an agricultural field on one side (the north) and not three as stated in the officer's report.**

Response: On the western boundary the site is adjoined by Hillview cottage which has an extensive rear curtilage which amounts to 118 metres in depth, significantly in excess of the average rear garden. In studying aerial photographs and OS maps it appears that former agricultural land has been incorporated into the curtilage. This area of ground would be defined as open green space and can not be regarded

as built development. On the eastern boundary the site immediately adjoins a farm track but due to its limited visual and physical presence the fields on the other side of the relatively narrow track are the predominant neighbouring land use.

4.0 Conclusions

4.1 In summary, the proposed development does not accord with the provisions of the adopted local plan or the Councils Residential Development Guidelines. In addition, there are no material considerations which outweigh the development plan. Subsequently, the Planning Authority therefore requests that the Review Body refuse Planning Permission in Principle.

5.0 List of Productions

Production 1 - Submitted plans CL/11/0077
Production 2 – Various photographs taken from within and outwith the appeal site
Production 3 – Report of handling CL/11/0077
Production 4 – Decision notice CL/11/0077
Production 5 – Aerial photograph of appeal site.

Sent: 11 August 2011 16:54
To: Planning LRB
Subject: Planning Application NO: CL/11/0077

All our concerns remain as previously submitted. We would like to highlight point 5 on our previous email. We cannot **emphasise strongly** enough about how concerned we are with our currently flooded drive and flooded road outside our driveway. This is a major issue for us and the council and we hope this will be the same for the PLRB when considering the surface water runoff pond or SUDS. Please ensure that this will not be an issue for us entering and exiting our driveway and a hazard to other drivers on this chicane. We thank you for your attention to this matter.

Mr & Mrs R Jack