

Appendix 6

Further Representations

Further Representation From

Dated

- ◆ Statement of Observations from Planning Officer on Applicant's Notice of Review
- ◆ Mrs Mary McMellan, Ledaig, Haghalm Road, Cleghorn, Lanark

05/09/2010

STATEMENT OF OBSERVATIONS

Planning Application No: CL/10/0175

Erection of House (Planning Permission in Principle) Land at Silvermuir Road, Ravenstruther

1.0 Planning Background

1.1 The applicant, Mrs McRae, submitted a planning application for Planning Permission (in principle) on the 22 March 2010 to South Lanarkshire Council for the erection of a house on the site. An indicative plan showing the position of the proposed house, tree survey plan and correspondence formed part of the submission. After due consideration of the application in terms of the Development Plans, the planning application was refused by the Council under delegated powers on the 27 May 2010. The report of handling dated the 27 May 2010 explains the decision and the associated reasons for refusal are listed in the decision notice. These documents are available elsewhere in the agenda. The applicant seeks to have the refusal decision reviewed.

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 plans in this instance comprise the Glasgow and the Clyde Valley Joint Structure Plan (GCVJSP) 2006 and the South Lanarkshire Local Plan (SLLP) 2009.

2.3 The site is identified as lying within the wider Countryside in the GCVJSP. Policy STRAT 1 – Strategic Development Locations applies, stating that there is a general presumption against isolated and sporadic development in the wider countryside. The site also lies within the Accessible Rural Area in the South Lanarkshire Local Plan. Policy STRAT 4 – Accessible Rural Area applies, stating that development will be directed to within established settlement boundaries, and that outwith settlement boundaries new development should be directed to

existing building groupings and gap sites that consolidate such groupings and that isolated and sporadic development will generally not be supported. Any housing development should conform to policy CRE 1.

Following a detailed assessment I am satisfied that the proposed erection of dwelling (In principle) would be contrary to Policy STRAT 4 as the proposed site is clearly identified as being outwith any defined settlement boundary and is therefore considered to constitute development that is both isolated and sporadic. In addition, the site is not a gap site and its development would not result in the consolidation of building groups.

2.4 Policy CRE 1 – Housing in the Countryside states that in the countryside new houses will not normally be permitted. 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 against. Of the seven criteria, only three (a to c) are applicable in this case as the application seeks Planning Permission in Principle. 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 application seeks planning permission in principle for a single dwellinghouse. The proposal would not intensify an existing grouping as the house would be in an isolated position. In addition, there would be a direct adverse on the landscape as a result of the topography of the site.

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 site is physically detached from the existing properties which constitute part of the Silvermuirs Holdings located to the north and forms part of open

farmland in a regional scenic area. 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 due to the location of the site which is by its very nature isolated. In addition, the proposed house would appear isolated from the existing houses in the locality due to the relationship of the site with these properties and the difference in levels between the site and the surrounding area. Integration with this pattern of development would not be achieved to the detriment of the amenity of the area.

2.5 Policy ENV 29 – Regional Scenic Area states that within the Regional Scenic Area, development will only be permitted if it satisfies the requirements of STRAT 4 and can be accommodated without adversely affecting the overall quality of the designated landscape area. Policy ENV 34 – Development in the Countryside states that proposed developments in the rural area will be permitted where it complies with policy STRAT 4 and it can be demonstrated to the Council's satisfaction the development meets the criteria set in the policy.

2.6 The proposal is contrary to Policy ENV 29 as this policy states that the application requires to take account of the local context and can be accommodated without adversely affecting the overall quality of the designated landscape area. I have concerns that the development of this site would have an adverse visual impact on the character and amenity of the area due to its prominent and elevated location. The proposal is also contrary to Policy ENV 34 on the basis that the proposed development would not integrate successfully with its surroundings and would not be well related to any existing built development given the location of the application site.

2.7 In relation to the proposed vehicular access to the application site, the Council's Roads and Transportation Services observe that the proposed access is not of adequate standard and will have adverse implications for traffic and public safety due to the sightlines that are available at the access point shown on the submitted drawings. Following a detailed assessment of the application I have concerns that approval of the proposal without relocation of

the site access point would have adverse implications for traffic and public safety. In any event, it is not clear if the applicant has the necessary control over land to provide the visibilities required if the access point were moved.

- 2.8 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 Other Material Considerations

- 3.1 There are no other material considerations which are relevant in the assessment of this application.

4.0 Observations on applicants 'Notice of Review'

- 4.1 The applicants have submitted a Notice of Review to support their review. It is noted that the specific reasons for refusal listed in the decision notice have not been challenged by the applicant. Rather significant weight is placed on the Scottish Planning Policy document published in February 2010.

The grounds of review are summarised below.

(a) The report of handling fails to refer to relevant statements of Government planning policy or other recent planning decisions both of which are material considerations and should have been assessed in the report. Failure to recognise relevant key statements of Scottish Government planning policy was unreasonable and that a decision taken on this basis is vulnerable to challenge as being unsound.

Response: The appellant's comments are noted. The South Lanarkshire Local Plan was adopted in March 2009 following a lengthy public inquiry and was approved by the Scottish Government as a relevant and credible document. This plan had been used as a material consideration in determining planning applications since the publication of the finalised plan and after adoption has been used as the policy position for South Lanarkshire Council in determining planning applications.

Applications received have been considered against the plan and a number of appeals have upheld the position taken by the Council in its interpretation of the local plan policies. Since that time the Scottish Government has produced Scottish Planning Policy which supersedes all other Scottish Planning Policies. Whilst the SPP does contain some policy guidance that would have a bearing on some of the wording in the plan it was not anticipated that the Council would have to significantly alter its policy in light of the guidance released from the government particularly given the short time that the local plan had been adopted. It was agreed to reconsider the Council's position in the new Local Development plan which is due to commence early next year (2011). It is acknowledged that the SPP is not explicitly referred to in the report of handling. However, it was considered as part of the application process. In any event, none of the circumstances described in the SPP where new housing may be acceptable apply to this case.

- (b) The report of handling fails to make reference to SPP (Para 66) which states Scottish Government's commitment to increasing the supply of new homes and the key role of the planning system in raising the rate of new housebuilding. Development Plans should allocate land on a range of sites which is effective or capable of becoming effective to meet the housing land requirement up to year 10 from the predicted year of adoption. In addition, SPP (Para 94) further clarifies the requirement for development plans to allocate a generous supply of land to meet housing requirements in both rural and urban areas.**

Response: The Council note the appellant's comments. In terms of land supply the Council are satisfied that there is sufficient land in the rural area identified to meet any perceived shortfall and allow for some degree of choice and to meet part of the migration requirements – the Council having released sites for almost 1200 units in the rural area during the local plan process. The plan therefore has made an allowance for a generous supply of housing land in the rural area as a result of the Structure Plan rather than the SPP. In particular, there is in excess of 25 years housing land supply for Lanark.

- (c) The report of handling fails to refer to SPP which requires that Planning Authorities should take a pro-active approach to encourage**

the re-use of previously developed land, in particular rural development policies of SPP (Para 93) that emphasise that developments in the which provide employment benefits should be encouraged, particularly where they involve the imaginative and sensitive use of previously used land.

Response: The Council note the appellant's comments. The Council are satisfied that the Local Plan is flexible enough to deal with the changes proposed in The SPP and that if further changes are necessary these will be considered during the development of the Local Development Plan for South Lanarkshire due to commence in January 2011. Similarly located sites have been proposed in South Lanarkshire since adoption of the local plan and these have been subject of appeals and hearings. Of particular significance was an application for 10 houses on a brownfield site at Cornsilloch Rows Ashgill where the reporter found in favour of the Council and that the Council had correctly interpreted Government Policy.

- (d) The appellant claims that the review site which comprises former railway land has been referred to by the Council in references under an earlier application on adjoining land as being 'vacant'.**

Response: The appellant has erroneously claimed that the review site has been referred to as being vacant by the Council in references under an earlier application on adjoining land. In reality the land referred to as being vacant relates to an area of land to the north where the Glasgow – Lanark and western railway lines fork which is accessed by an unmade track between the previous application site and the Glasgow-Lanark branch line but not the review site as such. The review site is described as being open farmland in the previous application. The site is not included on the Councils Vacant and Derelict Land register.

- (e) The report of handling fails to take account of the recent planning decision in respect of planning application no: CL/08/0207 as a material consideration in the determination of the Review site as both sites have a number of similarities – both sites are situated outwith the settlement boundaries of Cleghorn and Ravenstruther, qualify as being previously developed land and self contained physically.**

Response: The Council note that the two sites are not situated within the settlement boundaries of Cleghorn and Ravenstruther respectively. I do not accept that both sites qualify as being previously developed land and self

contained. The site history of the review site clearly suggests that no development has occurred on the site prior to the 1859 Ordinance survey map. However, the only evidence of any development on a small part of what forms south-eastern fringe of the review site is contained in the 1897 map which showed the Silvermuir Junction – South Silvermuir Junction railway line link. Research findings suggest that the above link was subsequently dismantled after 1966. It is considered that the strip of land which constituted the former railway line link does not in itself constitute the site as being previously developed. In addition the application site referred to at Silvermuir Holdings comprises of a builder's yard incorporating a significant area of hardstanding and various sheds and containers and an industrial unit being used for construction and electrical contracting business. The aerial map 1 depicting the two sites clearly shows that they are different in terms of their physical appearance, siting and setting. I am of the view that the previous application site shows common features which are consistent with previously developed sites whilst the review site exhibits vegetation which typifies that which is consistent with the surrounding farmland in the area.

I am of the opinion that the review site does not qualify as previously developed land as claimed by the appellant. I am not convinced that the recent planning decision in respect of planning application no: CL/08/0207 is a material consideration in the determination of the Review site. Notwithstanding the above the Reporter to the South Lanarkshire Local Plan also noted that “the council has a serious problem with the amount of derelict, or potentially derelict land...but this cannot be resolved by the designation of every site for housing” para 3.13, page 13, Volume 3 – Clydesdale Area, SLLP Reporters Report 2008. Thus every site brought forward for development as ‘brownfield’ land could not be considered as a potential housing site simply because it has had some form of development in the past.

- (f) The appellant argues that the review site offers significantly better visibility than the speed check undertaken for Application CL/08/0207 which showed the sightlines of 2.5 metres by 35.0 metres as being acceptable to serve a development of 13 houses.**

Response : The Council note the appellant's comments in respect of the visibility of the proposed site access, however I accept the Council's Roads

and Transportation Services consultation response that the proposed access point sightlines are inadequate and the proposal would result in adverse road safety conditions. A speed check was undertaken in respect of Application CL/08/0207 which showed the sightlines of 2.5 metres by 35.0 metres as being acceptable to serve a development of 13 houses. However, this was in association with traffic calming measures on Haghalm Road including new road markings and signalling. The appellant has not provided any evidence that a reduction in sightlines is justified nor proposed any traffic calming measures.

(g) The primary reason for the refusal of the review proposal was that the development would constitute 'isolated and sporadic development in the wider countryside' (Strategic Policy 1 of the Glasgow and the Clyde Valley Joint Structure Plan but the adjoining site of application CL/08/0207 was not regarded as being isolated.

Response: The proposal is considered to represent an isolated and sporadic form of development. The development is in the wider countryside and physically detached from existing properties situated at the opposite side of the public which defines the northern edge of the review site. The adjoining site of application CL/08/0207 was not regarded as being isolated on the basis that it sits at the edge of existing buildings to its eastern and southern fringe and is self contained by two railway lines and a bridge. It is also brownfield land. Its development would help consolidate the building group at this location in contrast to the review site which would not integrate successfully with the surrounding environment.

(h) The appellant states that the proposal has attracted no objections from the statutory consultees and there are no valid objections from members of the public. The appellant argues that the representations from one Mrs Mary M McLellan referred to in the refusal report was misinterpreted by the Council and that she has clarified that she has no objections to the review proposal.

Response: The council's Roads and Transportation Services advised that the proposed access to the Review Site was regarded as being of inadequate standard in terms of the sightlines of the access point proposed as in (e) above. This response constitutes an objection to the proposed access to the site as shown in the indicative plans submitted with the application.

The Council notes the representations made in respect of the proposal by Mrs Mary M McLellan, a member of the public regarding the proposed development and Mrs McLellan's letter to the Council's seeking a clarification to the interpretation of her representations in respect of the proposal. The Council have clarified the matter with Mrs McLellan therefore the question of whether or not there were valid objections lodged by member of the public in respect of the review site is no longer sustainable.

5.0 Conclusions

- 5.1 In summary, the Council maintain that as proposed the site does not accord with the policy provisions of the Development Plan and would constitute an inappropriate form of development for the site. The proposal would have an adverse impact on the character and visual amenity of the area and on road safety. There are no other material considerations which outweigh the Development Plan. Subsequently, the Planning Authority therefore requests that the Review Body dismiss the review and refuse Planning Application CL/10/0175.

Productions No: 1

Title: Aerial photograph indicating the triangular Appeal site at the bottom and the previous approved application site above



From: mary mclellan [mailto:maryjackmclellan@yahoo.co.uk]

Sent: 05 September 2010 13:12

To: MacRae, Pauline

Subject: Planning Application No : CL/10/0175

Dear Pauline

Thank you for your recent letter advising me of the Notice of Review on the above Planning Application and giving me the opportunity to comment.

I would like to refer you to correspondence (Ref TF/C/CL/10./0175) received from Tony Finn regarding my previous comments, which I feel you should be made aware of.

How pertinent it would be I don't know, however I do feel that the development proposed could only be beneficial since it is rough ground, with scrub trees etc and I have, on a number of occasions witnessed 'fly tipping'.

The roadway in front of the ground in question is frequently wet, which turn to ice in the winter and heavy vehicles, either accessing the railway yard or coming to the low bridge and having to turn around, chew up the verge resulting in mud etc being regularly strewn across the road.

In addition to this, although the nearest dwelling on that side of the road is the farm, there are houses and factory units directly opposite the proposed development site.

I trust you find these comments useful and I would again reiterate that I have absolutely no objection to this development. I firmly believe that a dwellinghouse and the resulting landscaping of the ground and creation of drainage and a tidy entrance could only enhance this area.

Yours sincerely
Mary M McLellan
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