

# Appendix 6

## Further Representations

### Further Representation From

- ◆ Statement of Observations from Planning Officer on Applicant's Notice of Review
- ◆ Mr J Allan, 94 Franklin Place, Westwood, East Kilbride G74 8LS 25/11/17



## **STATEMENT OF OBSERVATIONS**

### **Planning Application No EK/17/0262**

#### **Erection of two dwellinghouses with detached garages and formation of access road**

#### **Newton Road, Strathaven, ML10 6PA**

### **1.0 Planning Background**

1.1 A planning application was submitted by Mr Hugh Nelson to South Lanarkshire Council on 13 July 2017 seeking permission in principle for two house plots and an access road at Newton Road, Strathaven. Following discussions with this Service, the applicant amended that initial proposal and applied for detailed planning permission for the erection of two dwellinghouses with detached garages and the formation of an access road at the site. This application was validated on 26 July 2017. 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 17 October 2017. The report of handling dated 16 October 2017 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 South Lanarkshire Local Development Plan (adopted 2015) and its associated Supplementary Guidance documents. The site is identified as being located within the designated Green Belt where Policy 3 – Green Belt and rural area applies. This policy states that the Green Belt and the rural area functions 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 designated settlements, except in specific circumstances.

- 2.3 The policies contained within the Green Belt and Rural Area Supplementary Guidance (2015) build upon the content of Policy 3 and provide further detail on the Council's policies on rural development, and the erection of new dwellings within the Green Belt. Policies GBRA5 – Development of gap sites and GBRA6 – Consolidation of existing building groups detail two specific circumstances in which rural housing may be considered to be acceptable. These are the two circumstances that were potentially relevant in the consideration of this application, given the location of the site and the surrounding land uses. Policy GBRA5 provides a definition of a 'gap site' and lists the criteria that any proposal for residential development of such a site would be considered against. This includes a requirement that the distance between the buildings should be no more than that needed to allow the formation of a maximum of two plots (partly to avoid creating further 'gap sites') and states that proposals that would result in 'ribbon development' will not normally be acceptable. Similarly Policy GBRA6 lists the criteria that any proposal for new houses within existing building groups would be considered against. This also states that proposal should not result in ribbon development and that development should not extend into a previously undeveloped field.
- 2.4 Policy 4 - Development Management and Placemaking is relevant to the assessment of this proposal, as it is to all planning applications. This states that all proposals will require to take account of and be integrated with the local context and built form and that development proposals should have no significant adverse impact on the local community. Policy DM1 – Design is also relevant to this policy as is the Council's Residential Design Guide (2011) which provides detailed information on the types of housing that may be supported by the Council.
- 2.5 The proposal fails to comply with Policies 3, 4, DM1, GBRA5 and GBRA6 for the reasons set out in the report of handling associated with the application. In summary, the site cannot be considered as a clearly identifiable gap site due to its size and scale and it would not consolidate an existing building group. Development of the site would extend the area of ribbon development further along Newton Road into a previously undeveloped field and would likely lead to further pressure on development due to the lack of defensible boundaries and the location

of the proposed access to the south of the site. The proposed houses are also significantly larger in scale and plot size than those existing houses located along Newton Road. As such, the proposed development does not comply with the Local Development Plan and it represents inappropriate development of a Green Belt site.

### **3.0 Observations on applicants Notice of Review**

3.1 Through their agent, the applicants have submitted a statement to support their review. This was submitted partly to respond to the matters raised in the Officer Report. The grounds are summarised below:

- (a) **The agent engaged in pre-application discussions with the Council over the proposed development. This involved an initial enquiry and response, several follow up emails and meetings with both the Team Leader and Area Manager. The agent put forward the view that the site complied with the GBRA5 policy and provided a number of examples of other rural housing developments. The advice given was that the site did not comply with this policy and the agent has asked which part of the GBRA5 policy did not apply. At no point were concerns raised regarding the proposed access.**

**Response:** The Planning Service responded to an initial enquiry submitted by the agent advising that the site would not be considered as a 'gap site' for a number of reasons, including its size and the surrounding land uses. In addition to raising concerns regarding the principle of the development of the site, concerns were also raised early on regarding some of the details of the proposal, including the location of the proposed site access.

Meetings were arranged with the Team Leader and Area Manager when the agent did not agree with the advice given and he wanted the opportunity to further express his views on the matter. Examples of other rural developments were given, however none were comparable to this proposal and each application is assessed individually on its own merits. The application was submitted to seek the Councils formal views on this proposal and following detailed consideration it was considered that it did not comply with the Local Development Plan and it was therefore refused.

- (b) **The agent believes that site has become a ‘gap site’ due to a recently constructed development opposite the site at Highside of Newton. Its design was changed from a ‘courtyard development’ to two detached dwellings. It has resulted in the loss of a large area of Green Belt land and the site is far larger than is required for garden ground. The site extends to the roadway forming the western edge of the application site, whilst an existing property borders the site to the north. The southern boundary is defined by the curvature of Newton Road.**

**Response:** The site is only immediately bound on one side (to the north) by existing residential development. There are dwellings to the west of the site at Highside of Newton, however these are located some 28m away from the site boundary across Newton Road and do not clearly bound the site. In addition, there is a gap of approximately 67 metres between these houses and the existing property that bounds the application site to the north on Newton Road. As such, the majority of the site is not bound on two sides by any existing development and the development to the west of the site is too far removed to be considered as part of the same building group as those houses constructed along Newton Road. The dwellings at Highside of Newton (EK/13/0355) were built as part of a development at an existing farm, rather than an undeveloped Green Belt site and as such are not comparable to this proposal. In addition, whilst these properties benefit from a large curtilage, and therefore the land ownership extends to the road adjacent to the application site, the houses themselves are set well back from Newton Road. It should also be noted that a condition was imposed on this consent requiring a scheme of landscaping to be submitted for approval, and thereafter completed on site. This landscaping would help to integrate the houses within the rural area and ensure that the new houses within the site did not harm the character of the area. Whilst this condition has not yet been complied with, it is being pursued by the Planning Service with the relevant homeowners.

- (c) **The agent believes that the design of the houses would be in-keeping with the area. There are different types of housing along Newton Road and this site was designed to be similar to the development opposite in**

**terms of the footprint, plot size and separation distances between the houses. The design of the houses is also similar. The development at Highside of Newton has set a precedent relating to character and visual amenity in the area.**

**Response:** As stated in the response to point b, above, the houses built at Highside of Newton were part of the development of the existing farm. This proposal would seek to extend the area of linear development further along Newton Road and the proposed plot sizes, separation distances and house designs are not in-keeping with the existing houses along Newton Road. The site is also significantly larger (0.52 hectares) than would generally be required to build two detached dwellings. It is considered that this development would therefore appear out of character and have an adverse impact upon the streetscape.

- (d) The agent states that further ribbon development could not be achieved as a result of this development as there is an existing building neighbouring the site to the north and a public road to the south and west of the site. The Highside of Newton development is also located to the west of the site, on the opposite side of Newton Road. These act as defensible boundaries.**

**Response:** The site is bound by Newton Road to the south and west; however there is no clear boundary, defensible or otherwise, to the east of the site which is open to the remainder of the agricultural field. In addition, given the location of the proposed vehicular access to the south of the site, there is a clear potential that this development could lead to pressure to further extend the area of ribbon development beyond the curve of Newton Road which forms the boundary of the site to the south and west.

- (e) The agent states that the layout of the site has been influenced by the development opposite. Land at the south/west corner of the site is required to be left clear for visibility reasons and SuDS drainage, but the agent also did not want to break the build line of the existing houses at Highside of Newton.**

**Response:** The site is far larger than would generally be required for the erection of two detached houses, and there would appear to be scope to

increase the number of dwellings on the site. Policy GBRA5 states that 'gap sites' should only be large enough to allow the formation of a maximum of two plots of a size in keeping with the curtilage and frontage of the existing group. Exceptionally, the layout of an existing group of houses may allow the infill of a small area up to a natural boundary; however the site extends over 110 metres in length and could not be considered as a 'small area'. Whilst the sightlines required for the access may account for part of the site being left 'undeveloped', such a large SuDS area would also not normally be required for a development of two houses. In addition, the layout of the site with the access to the south and the access road running along the 'back' of the site may lead to further pressure on development to the east, along Newton Road, further into the agricultural field.

#### **4.0 Conclusions**

- 4.1 In summary, the proposed development does not accord with the provisions of the adopted Local Development Plan or the associated supplementary guidance relating to residential developments. In addition, there are no material considerations which outweigh the provisions of the development plan. It is respectfully requested that the Review Body refuse planning permission for the proposed development.



RECEIVED

25 NOV 2017

THE DIRECTOR FOR PLANNING  
& ENVIRONMENTAL APPEALS  
4 THE COURTYARD COLLENDRA  
BUSINESS PARK, COLLENDRA  
FRANKLIN FX1 1XR

RECEIVED

25 NOV 2017

Dear Sir

REFERENCE: EV/17/0262 APPELLANT  
MR HUGH NELSON ERECTION OF TWO  
DWELLING HOUSES WITH DETACHED  
GARAGE AND FORMATION OF ACCESS ROAD  
NEWTON ROAD STRATHAVON ML10 6PA

SOUTH LANARKSHIRE COUNCIL HQ.  
ADVISED ME OF THE APPEAL BY  
MR NELSON

MY POSITION IS UNCHANGED  
PLEASE UPHOLD THE DECISION  
OF THE COUNCIL

Yours faithfully

94 FRANKLIN PLACE  
WESTWOOD, EAST KILBRIDE  
G75 8LS



Telephone: 01324 696483 Fax: 01324 696444  
E-mail: Kelly.Ross@gov.scot

Owner/Occupier  
94 Franklin Place  
Westwood  
East Kilbride  
G75 8LS

27 November 2017

Dear Sir/Madam

**PLANNING APPLICATION EK/17/0262**

Thank you for your letter, which was received in our office on 25 November 2017, regarding the appeal of planning application EK/17/0262.

I understand from your letter that South Lanarkshire Council have advised you that the application EK/17/0262, which was for the erection of two dwellinghouses with detached garages and formation of an access road at Newton Road, Strathaven, ML10 6PA, has been appealed and you wish for your position to be noted. I can confirm that the application has been appealed but not to the Planning and Environmental Appeals Division (DPEA) due to the scheme of delegation the right of appeal in relation to this application lies with the South Lanarkshire Council Local Review Body.

To ensure that your position in relation to the appeal is noted any comments should be submitted to South Lanarkshire Council either by e-mail to [planning@southlanarkshire.gov.uk](mailto:planning@southlanarkshire.gov.uk) or in writing to Planning and Building Standards Services, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB. The DPEA have no jurisdiction with regard to this appeal and therefore cannot take any action on your letter which I have enclosed and returned to you.

I have forwarded a copy of your original letter and this response to South Lanarkshire Council via [planning@southlanarkshire.gov.uk](mailto:planning@southlanarkshire.gov.uk) for their information and have asked that they confirm receipt of your comments.

I trust this clarifies the position.

Yours sincerely

*Kelly Ross*

**KELLY ROSS**  
**Casework Team Leader**

