

# Appendix 2(a)

## Report of Handling

Report dated 1 October 2009 by the Council's Authorised Officer under the Scheme of Delegation



# Delegated Report

Report to: **Delegated Decision**  
Date of Report: **1 October 2009**  
Report by: **Area Manager (Planning & Building Standards)**

Application No CL/09/0238  
Planning Proposal: Erection of dwellinghouse (planning permission in principle)

## 1 Summary Application Information

- Application Type : Planning Permission in Principle
- Applicant : Mr & Mrs R Thomson
- Location : Plot at Dunalastair Road  
Crawford  
ML12 6TS

## 2 Decision

2.1 Refuse planning permission in principle (for reasons stated)

## 2.2 Other Actions/Notes

None relevant

## 3 Other Information

- ◆ Applicant's Agent: Plan D
- ◆ Council Area/Ward: 03 Clydesdale East
- ◆ Policy Reference(s): South Lanarkshire Local Plan (adopted)  
Policy STRAT5: Rural Investment Area  
Policy CRE1: Housing in the Countryside  
Policy ENV29: Regional Scenic Area  
Policy ENV4: Protection of the Natural and Built Environment

- ◆ Representation(s):
  - ▶ 8 Objection Letters
  - ▶ 0 Support Letters
  - ▶ 0 Comments Letters

◆ Consultation(s):

Environmental Services

Roads and Transportation Services (South Division)

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

## Planning Application Delegated Report

### 1 Material Considerations

- 1.1 The applicant seeks planning permission in principle for a dwellinghouse on land adjacent to Crawford Bowling Club off Dunalastair Road in Crawford. The application site sits on raised ground and extends to approximately 2155 square metres in size. The land is owned by the Bowling Club and sits immediately to the north of the Clubhouse. Open countryside bounds the site to the west and north and dwellinghouses bound the site to the east. Dunalastair Road itself is partly in private ownership.
- 1.2 The determining issues in consideration of this application are its compliance with local plan policy. Within the adopted South Lanarkshire Local Plan the application site lies just outwith the settlement boundary of Crawford in the Rural Investment Area where policies STRAT5 and CRE1: Housing in the Countryside apply. The site is also located within the Regional Scenic Area where policies ENV4: Protection of the Natural and Built Environment and ENV29: Regional Scenic Area are relevant.

### 2 Consultation(s)

- 2.1 **Environmental Services** – have no objections to the proposal, but advise that conditions should be attached to any consent granted regarding refuse storage and uplift, dust mitigation/control and contaminated land investigations. They also recommend advisory notes which should be attached in relation to construction noise.  
**Response:** Noted.
- 2.2 **Roads & Transportation Services** – offer no objections subject to conditions attached to any consent granted in relation to suitable access, driveways, drainage, parking and turning facilities.  
**Response:** Noted.
- 2.3 **SEPA** – note that the proposal has the potential to connect to the public sewerage system. In view of this they offer no objection in principle to the proposal.  
**Response:** Noted.

### 3 Representation(s)

- 3.1 Following the statutory neighbour notification procedure and the advertisement of the proposal in the local press as development potentially contrary to the development plan, 8 letters of objection were received. A summary of the points of objection and responding comments are listed below:

- (a) **The proposed site is in an elevated position above the surrounding properties and will significantly overlook the objectors property resulting in a loss of privacy and potentially a loss of sunlight.**

**Response:** The application is only in principle at this stage so it is not clear what the finished ground and floor levels of the site would be should consent be granted. I am concerned that in order to ensure a house on the site would not cause overlooking or overshadowing issues, substantial ground level alterations would have to take place possibly resulting in high retaining walls which would have an adverse impact on amenity. Notwithstanding this the principle of development of this site is not acceptable given that it constitutes an unjustified house located outwith the settlement boundary of Crawford.

- (b) **Vehicular access to the site is already limited with 3 driveways at the point of the proposed access. There is often congestion due to its use for parking by the bowling club members 2 or 3 times a week during the bowling season and it is noted that Dunalastair Road is partly private, maintained by the objectors. Increased usage of the road would increase their maintenance costs.**

**Response:** Noted, however the Roads Service were consulted on this application and they offer no objections subject to conditions relating to access, parking, turning and drainage. The application is only in principle, however it would appear that the standards which the Roads Service require could be met. Notwithstanding this the principle of development of this site is not acceptable given that it constitutes an unjustified house located outwith the settlement boundary of Crawford.

- (c) **It is the objectors understanding that there is a public right of way across the proposed plot**

**Response:** There is no public right of way delineated across the plot.

- (d) **The water main, fire hydrant and main electricity supply are situated at the point of vehicular access to the plot and would cause disruption if they had to be relocated.**

**Response:** If consent was granted it would be the responsibility of the developer to make any necessary alterations to the statutory undertaker's apparatus. Any potential disruption caused is not a material planning consideration.

- (e) **As the plot is a fairly large piece of ground the objector is concerned that if permission was granted for one house it would lead to more development and more usage of the private road.**

**Response:** Noted. The principle of development however of this site is not acceptable even for one dwellinghouse.

- (f) **The objector states that they will not allow access through their property for the applicant to gain access to the site.**  
**Response:** Noted, however this is a legal matter and not a material planning consideration.
- (g) **Concerns about security and it should be noted that the potential resident of the house would overlook Westons Recovery secure compound. In addition this business operates a 24hr call-out recovery business and this could lead to noise complaints.**  
**Response:** Noted.
- (h) **The applicant cut down trees on the site without the objectors permission.**  
**Response:** This is a legal matter and not a material planning consideration.
- (i) **Half of the site is owned by John Wright & Sons, Crawford Mains Farm and applicant advises that no approach has been made to them to buy any land.**  
**Response:** The applicants originally submitted a plan which showed a larger application site, which may have extended into land owned by John Wright & Sons. This was queried with the applicants who have now submitted an amended plan showing a smaller site and they advise that the land is owned by the Bowling Club.
- (j) **If a soakaway is installed on the thin soil and impermeable bedrock this will cause problems for the houses downhill.**  
**Response:** SEPA were consulted on this application and a septic tank and soakaway arrangement would not be required for this site as the site can be discharged to the public sewerage system. Notwithstanding this the principle of development of this site is not acceptable given that it constitutes an unjustified house located outwith the settlement boundary of Crawford.
- (k) **The application is contrary to the local plan and it will provide a domestic development barrier to the undeveloped agricultural land on which the public now has right to reasonable access. Some way should be included to allow this access to be maintained from the main part of the village via Dunalastair Road.**  
**Response:** Noted, however the principle of development of this site is not acceptable given that it constitutes an unjustified house located outwith the settlement boundary of Crawford.
- (l) **Objectors query why the access road has been included in the red line of the application site as the land is partly owned by the objectors.**  
**Response:** The access road requires to be included in the red line of the application site as part of the road is in private ownership. It is necessary to establish how the site would be accessed and ensure that the relevant

parties who have an interest in the access route are notified of the application.

The applicants submitted a justification statement through their agent in support of the application and the points raised are listed below:

- (m) **The area of ground subject of the application was bought many years ago by the Bowling Club to allow an extension to the Club and to provide a putting green for village use. However over the years finances did not allow for this development. The Club is in need of funds and the sale of the ground would preserve the Club and preserve this facility within the village.**  
**Response:** Noted. Whilst I acknowledge the sale of the ground could provide additional funding for the Club, this would not in itself justify the approval of a dwellinghouse outwith the settlement boundary. No approach has been made to the Council from the Club directly and no evidence has been submitted to demonstrate that if this application was not granted that the Club would shut down.
- (n) **The applicant understands that development is preferred within the settlement boundary but the areas in Crawford available for housing are owned by builders or developers and generally not for sale. The houses proposed on these sites are two or one and a half storey and do not provide a range of house types which are suitable for the older generation. The applicants wish to build a single storey house.**  
**Response:** There are a number of sites identified in the Local Plan as housing sites and the Council has no control over who owns or develops these sites. When assessing proposals the Council encourages a mix of housing types and this is emphasised by Policy RES5 of the newly adopted Local Plan which states that within all new housing development of 20 units or more, developers must provide a range of house size and types to give greater choice in meeting the needs of the local community whilst recognising the demands of the wider housing market area.
- (o) **The applicant considers that the spirit of Policy STRAT4 is that the policy wishes to build on the economic potential of the area and to develop the settlements to provide more sustainable communities. The policy allows for minimal expansion such as this.**  
**Response:** The site is actually not covered by Policy STRAT4 Accessible Rural Area, but falls within the area defined by Policy STRAT5: Rural Investment Area. This Policy states that the strategy will be to support sustainable communities within the area. The policy does not allow for settlement expansion. It directs development within settlements. It further explains that settlement boundaries are identified in the Local Plan and these boundaries already have areas identified for settlement expansion, which fall within the adopted settlement boundary. The Policy does state



that 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. The applicant advises that this proposal would allow funds to be put back into the Bowling Club to secure its future, however a suitable case in respect of this has not been presented to the Council. In addition the proposal does not involve the restoration of derelict land. In view of this I do not consider the proposal in its current form meets the economic and social aspect of this Policy. Notwithstanding this I am also concerned that due to the raised levels of this site this development could have a detrimental impact on the visual amenity of the area as a whole and on the residential amenity of potential occupiers of the house.

- (p) **The applicants have lived and worked all their lives in Crawford and are active in the community and contribute greatly to its sustainability and they express their intention to build a house in keeping with the countryside.**

**Response:** I sympathise with the applicants and their desire to develop a dwelling to suit their needs whilst remaining in the community where they have lived and worked all their lives, however this particular site is located in the rural area and is contrary to the policies contained in the Local Plan.

- (q) **Individuals know little about the consultation process involved with the preparation of the Local Plan and only developers and builders benefit. The settlement boundary would need little adjustment to facilitate this proposal.**

**Response:** The preparation of the local plan was advertised in the press and exhibitions and community meetings did take place. I accept that this particular site is not significant in size however it could set an undesirable precedent which could result in the further erosion of the settlement boundary of Crawford.

- (r) **Comments from neighbours are very satisfactory and all would welcome the development if only to 'screen off' the depot from the houses in Dunalister Drive/Carlisle Road.**

**Response:** No letters of support have been received for this proposal from neighbours. However 8 letters of objection has been received. It is unlikely that a proposed dwelling would screen the depot given that it sits off-set from the site and in a higher position.

#### **4 Assessment and Conclusions**

- 4.1 The applicants seek planning permission in principle for the erection of a dwellinghouse on land outwith the settlement boundary of Crawford. The main

issue in determining the application is whether the proposal complies with local plan policy.

- 4.2 The adopted South Lanarkshire Local Plan identifies the site as lying outwith the settlement boundary of Crawford where Policy STRAT5: Rural Investment Area applies. This policy specifically states that development will be directed within settlements. It advises that outwith settlement boundaries new build 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. The Policy does state that 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. The Policy further advises that any housing development should conform to Policy CRE1: Housing in the Countryside. This policy states that new houses will only be permitted in the circumstances outlined in Policy STRAT5. It also lists criteria against which housing proposals in the countryside will be assessed. I consider that the proposal does not comply with Policy STRAT5 or Policy CRE1. The proposal is located outwith a settlement boundary and does not constitute a gap site. Notwithstanding this, I also consider that the proposal does not meet all of the criteria listed in Policy CRE1. In particular the proposal would extend the grouping of dwellings at this location to the detriment of the character and amenity of the surroundings, particularly landscape and countryside amenity. The applicant has indicated that the development would ensure the viability of the Bowling Club by allowing the funds from the sale of the plot to be put back into the Club. It is this type of scenario which the Policy allows for in that it states that consideration may be given to limited settlement expansion which supports the economic and social development of the area and which focuses on design and environmental quality, including the restoration of derelict land. However I do not consider that an adequate justification has been put forward in respect of this and I would have concerns about the principle of development of this site given that it does not result in the restoration of derelict land and the raised levels of the site would not allow for a sensitive development resulting in an adverse impact on countryside amenity.
- 4.3 Given that the site is located within the Regional Scenic Area, Policies ENV4: Protection of the Natural and Built Environment and ENV29: Regional Scenic Area are relevant. These policies seek to protect the integrity of the Regional Scenic Area and Policy ENV29 specifically states that within the Regional Scenic Area, development will only be permitted if it satisfies the requirements of policy STRAT5 and can be accommodated without adversely affecting the overall quality of the designed landscape area. In addition it states that particular care should be taken to conserve those features which contribute to local distinctiveness including the setting of settlements within the landscape. The position of the application site on raised ground would have an adverse impact on the existing dwellings in the immediate vicinity and on the settlement boundary of Crawford. The settlement boundary of Crawford is irregular in shape and in this particular location there is a

significant expanse of ground between the settlement boundary edge and the main road which by-passes the village to the south. I am therefore concerned that if consent was granted for this proposal it would set an undesirable precedent for other applications which could erode this green wedge between the settlement and the main road.

- 4.4 Notwithstanding the principle of development being unacceptable, I also have concerns about the visual impact of the development of this site given that it sits in a raised position. In order to develop the site without causing overlooking or overshadowing issues a substantial amount of cut into the slope would be required which would be likely to create a significant change to ground levels and potentially the requirement for substantial retaining walls. This could have a detrimental impact on the visual amenity of the area as a whole and on the residential amenity of potential occupiers of the house. In addition to this the site itself is larger than the majority of house plots in the immediate area and if the principle of residential use of the site was allowed it may be difficult to defend any future proposals for more than one unit on this site.
- 4.5 I am of the opinion that the proposal does not comply with Policy STRAT5, and consequently does not comply with Policies CRE1, ENV29 and ENV4 of the adopted South Lanarkshire Local Plan. I consider the proposal would adversely affect the character of the surrounding area to an extent which would be unacceptable in this sensitive part of Crawford.

## 5 Reason for Decision

- 5.1 The proposal due to its location outwith the settlement boundary of Crawford does not comply with Policies STRAT5, CRE1, ENV29 and ENV4 of the adopted South Lanarkshire Local Plan and would have an adverse visual impact on the area and detract from its rural character.

**Signed:** .....  
**(Council's authorised officer)**

**Date:** .....

## Previous References

- ◆ None relevant

## List of Background Papers

- ▶ Application Form
- ▶ Application Plans
  
- ▶ Consultations
  - Roads and Transportation Services (South Division) 29/06/2009
  
  - Environmental Services 15/07/2009
  
  - S.E.P.A. (West Region) 21/07/2009
  
- ▶ Representations
  - Representation from : Mr and Mrs W C Weston, Westons Recovery (Abington) Ltd  
A74 Southbound  
Crawford  
Lanarkshire  
ML12 6TW, DATED 14/08/2009 & 22/06/2009
  
  - Representation from : Mr & Mrs A Valentine, Dunalastair House  
2 Dunalastiar Road  
Crawford  
ML12 6TT, DATED 16/06/2009 & 10/08/2009
  
  - Representation from : Mr & Mrs P Weston , Dunalastair Cottage  
Crawford  
ML12 6TT , DATED 23/06/2009 & 12/08/2009
  
  - Representation from : John J Wright, Midlock Farm  
Crawford  
ML12 6UA, DATED 25/06/2009
  
  - Representation from : Ralph Barker, 90 Carlisle Road  
Crawford  
ML12 6TW, DATED 17/08/2009

### Contact for Further Information

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

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## Outline Planning Application

PAPER APART – APPLICATION NUMBER : CL/09/0238

### **REASONS FOR REFUSAL**

- 1 This decision relates to drawing numbers:  
Drg No 1 Block Plan Scale 1:500  
Drg No 2 Location Plan Scale 1:1250
- 2 The proposed development of the site would be contrary to Policy STRAT5: Rural Investment Area of the adopted South Lanarkshire Local Plan as it does not lie within a settlement boundary, constitutes sporadic development and does not constitute a gap site.
- 3 The proposal is contrary to Policy CRE1: Housing in the Countryside of the adopted South Lanarkshire Local Plan in that the development does not comply with Policy STRAT5: Rural Investment Area in that it has not been shown that the proposal is necessary for the furtherance of agriculture, forestry or other use appropriate to the Rural Area, it would extend the settlement boundary to the detriment of the local amenity, and its location would adversely affect the landscape character of the area.
- 4 The proposed dwellinghouse is contrary to Policy ENV4 of the adopted South Lanarkshire Local Plan by virtue of its location as it would affect the visual amenity of the Regional Scenic Area.
- 5 The proposed dwellinghouse is contrary to Policy ENV29 of the adopted South Lanarkshire Local Plan by virtue of its location as it does not comply with Policy STRAT5, and would adversely affect the overall quality of the Regional Scenic Area in which the site is located.
- 6 If approved, the proposal would set an undesirable precedent which could encourage further similar applications for proposals which would be to the detriment of the appearance and amenity of the area in general.