

Appendix 6

Comments from the Applicant's Agent on Submission/Representations received from Interested Parties in the Course of the Notice of Review Consultation

Response to Statement of Observations

1.0 Introduction

- 1.1 The purpose of this document is to provide a response to the Statement of Observations produced by South Lanarkshire Council's Planning department following submission, to the Local Review Body, of an appeal against non-determination of planning application P/18/0099.
- 1.2 In their Statement of Observations (hereafter referred to as the Statement), the planning officer has provided an assessment against the Development Plan and other relevant policies, other material considerations and identified two reasons for refusal.
- 1.3 This document seeks to respond to the conclusions drawn by the planning officer in their assessment and to counter the proposed reasons for refusal, in order that planning permission may be granted for the proposed development.

2.0 Assessment against the Development Plan and other relevant policies

- 2.1 The application site is located within the Green Belt and the Statement correctly states that Policy 3 of the adopted South Lanarkshire Local Development Plan (SLLDP) applies. The policy is set out in the Statement and provides a series of circumstances where development in the Green Belt would be acceptable. Importantly the proposals need only to satisfy one of these criteria to be deemed acceptable and whilst we accept the planning officer's position that Criteria (i), (iii) & (v) are not relevant, we disagree with the assessment of the proposals against Criteria (ii) and (iv).
- 2.2 Criteria (ii) confirms support for proposals that "*involve the redevelopment of derelict or redundant land and buildings where significant environmental improvement can be shown*". There are two issues to consider here therefore; whether the land is derelict or redundant (more commonly referred to as brownfield land) and whether the proposals would deliver significant environmental improvement. The Statement argues that the site consists of "unmaintained grass" and that it is not a "derelict site which is environmentally damaging to the locality". However, the test of this policy is not whether the site is derelict and environmentally damaging, but rather whether it is derelict or redundant and separately whether significant environmental improvement can be delivered through its redevelopment.

- 2.3 It is the appellant's contention that the site is redundant, brownfield land, having formed part of the former agricultural use of the site. The site has been treated as such by the Council for a significant period of time as demonstrated by the site's planning history. By introducing this as a reason for refusal at this stage, when the principle of development on this site has been established for a significant period, the Council have acted unreasonably and without regard to their own historic assessment of the site.
- 2.4 As identified in the Statement, the site forms part of a wider site for which there is a planning history dating back to 2002 when the appellant first applied for planning permission for the erection of residential development on the site (ref. CL/02/0461). Although the application was refused and a subsequent appeal against that decision (P/PPA/380/211) was dismissed, a subsequent application for outline planning permission proposing similar development on the site (CL/03/0596) was granted in December 2003, following resolution of the access issues that had led to the previous refusal. The location of the site in the Green Belt had not changed in the intervening period and it must be assumed therefore that the proposals were found to be in accordance with adopted policy at that stage.
- 2.5 In the Statement, the Officer has stated that it was indicated, as part of CL/03/0596 that the current application site would be retained as garden ground, however this is not apparent from the application or approved plans and there are no conditions attached to the permission restricting development or requiring the retention of this land for garden ground.
- 2.6 This permission established the principle of development on the site, which the Council have referenced in subsequent applications and which they still considered to be acceptable as recently as 04 April 2014, when detailed planning permission (CL/12/0124) was granted for the erection of two dwellinghouses on the site.
- 2.7 Whilst this application was seeking to amend the previously approved development, in reality this was a fresh planning application and if the Council no longer deemed that the site satisfied the then adopted policy then the application could have been refused. That it wasn't, confirms that, as recently as 2014 the site was considered brownfield and that its redevelopment was acceptable in policy terms.
- 2.8 The Officer's delegated report (31/03/2014) for CL/12/0124 identified Policies STRAT3 and CRE1 (South Lanarkshire Local Plan 2009) as relevant to the assessment of proposed development. Policy STRAT3: The Green Belt and Urban Settlements in the Green Belt directed development to within settlement boundaries and provided a presumption against all development unless it was necessary for the furtherance of uses

considered by the Council to be appropriate to the Green Belt, or where development forms part of a larger proposal for the rehabilitation or change of use of disused or redundant traditional buildings where it consolidates such groups. If strictly applied the proposals it would not have met the criteria for Green Belt development set out in Policy STRAT3, despite this however the application was granted, further supporting the argument that the site comprises brownfield land and would not involve the loss of any greenfield land.

2.9 Policy CRE1: Housing in the Countryside set out a series of criteria which new housing in the countryside had to satisfy as follows:

- a) *The development of the proposed site will not extend, expand or intensify the grouping to the detriment of the local amenity and/or traffic safety.*
- b) *The design and location of the proposed development does not adversely affect the character and amenity of its surroundings, particularly landscape, countryside amenity and nature conservation and built heritage interests.*
- c) *The proposal for development of any particular site shows a satisfactory standard of integration with the adjoining development.*
- d) *The proposed development complements the scale and character of the existing adjoining properties.*
- e) *The proposed development meets access and parking standards and can be readily provided with services such as water, drainage and sewerage.*
- f) *The proposal complies with the Council's policy on siting and design as contained in ENV 34 'Development in the Countryside Policy'.*
- 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%.*

2.10 Again, by virtue of being granted planning permission, it is fair to assume that the proposals contained within CL/12/0124 were deemed to satisfy the criteria contained in Policy CRE 1, of which Criteria b) and c) are of most relevance to the application subject to this Review.

2.11 Importantly, at the time of determination of CL12/0124 the Proposed version of the SLLDP had been approved by the Council's Planning Committee (14 April 2013) and would have been considered a material consideration in the determination of the application. In fact, the Officer's report identifies this to be the case and lists Policy 3 as a relevant policy. There have been no substantial changes to Policy 3 between the Proposed and Adopted Plan, so it must be assumed that the proposals at that time were considered to be in accordance with Policy 3. The characteristics of the current application site are no different to those of the CL/12/1024

application site and should therefore be considered to accord with Policy 3 in the same manner.

- 2.12 Having established that the site is redundant and has been considered so by the Council for a significant period of time, the question remains as to whether the proposals demonstrate a significant environmental improvement. Again, this issue must have been considered by the Council when approving CL/12/0124; the current proposals are for the same use on land of similar environmental quality and therefore should, in the same manner, be found to comply with Policy 3.
- 2.13 The application site is redundant and comprises unmaintained grass and vegetation. In the absence of redevelopment, the site will become overgrown, to the detriment of the surrounding area. The proposals therefore offer the opportunity to facilitate environmental improvement (in line with Scottish Planning Policy) through the creation of formal residential garden areas with managed and maintained planting areas. In addition, the mitigation measures proposed as part of the development, include the provision of a 5 to 8 metre wide landscape strip along the southern, golf course boundary of the site which will offer additional environmental improvement to the site and surrounding area.
- 2.14 Notwithstanding the fact that we have demonstrated that the proposals satisfy Criteria (ii) and therefore should be deemed appropriate in the line with the requirements of Policy 3, it is also relevant to consider Criteria (iii), which confirms that proposals for *“limited development within clearly identifiable infill, gap sites and existing building groups”*.
- 2.15 The Statement states that the site is not considered to meet the SLLDP definition of a gap site because it is not bounded by built development on two sides. The term ‘built development’ is not defined in the SLLDP, however the built environment is typically considered to refer to the human-made surroundings that provide a setting for human activity, which can range in scale from buildings to parks. By this definition the golf course itself would form part of the built environment being a human-made environment.
- 2.16 The application site, therefore, is surrounded on three sides by built development in to form of the previously consented and now constructed residential properties to the east and the golf course to the south and west, which all create physical barriers that define the boundaries of the site. The site the site is also fronted by Mauldslie Road and is capable of accommodating no more than the 2 residential properties proposed. The appeal site therefore meets the definition of a gap site, as provided by the SLLDP and is in accordance with Policy 3 (iii).

- 2.17 This conclusion is supported by the fact the Statement goes on to assess the proposals against Policy GBRA5: Development of Gap Sites. If the Council truly believed that the site was not a gap site this policy would not be relevant and would not be identified in the Statement.
- 2.18 Whilst we have already stated that the application complies with Policy 3 (ii), it is also considered to comply with Criteria (iii). As a consequence, and because GBRA5 is stated in the proposed reasons for refusal it is necessary to provide our own assessment of the proposals against GBRA5.
- 2.19 Policy GBRA5 advises that to be favourably considered, proposals should satisfy all of the following criteria:
- I. *The building group should form a clearly identifiable nucleus with strong visual cohesion. The site should be bounded on at least two sides.*
 - II. *The distance between the buildings should be no more than that needed to allow the formation of a maximum of two plots of a size in keeping with the curtilage and frontage of the existing group.*
 - III. *An extension to a building group will not normally be acceptable where it would result in ribbon development or coalescence with another building group. Exceptionally, the layout of the existing group of houses may allow the infill of a small area up to a natural boundary, for example an established tree belt.*
 - IV. *The location, siting and design of the new houses should meet existing rural design guidelines and generally should be complimentary to the character of the existing built frontage.*
 - V. *Provision must be made for private amenity space for the house comparable to the adjoining properties in the built frontage.*
 - VI. *The landscape character of the area must not be compromised by the development and proposals should have regard to the landscape backdrop, topographical features and levels. Trees, woodland and boundary features should be retained.*
 - VII. *Proposals should have no adverse impact in terms of road safety.*
 - VIII. *Proposals should have no adverse impact on biodiversity, or features which make a significant contribution to the cultural and historic landscape value of the area.*
- 2.20 The Council's Statement accepts that the *"the proposed house style and scale would be similar to the two houses consented under CL/06/0055, and that a similar proportion of amenity ground could be provided."*, addressing Criteria II, IV and V above. It is also assumed, given that no highways objections have been raised in the Statement that Criteria VII is not relevant. Likewise Criteria VIII is not relevant, due to the redundant nature of the site which is of little biodiversity value, with no cultural or historic features that could be impacted upon. This leaves only Criteria I, III and VI as outstanding matters for consideration.

- 2.21 The application site adjoins a clearly identifiable building group on Mauldslee Road and as we have already discussed the site is bounded by built development on all sides, satisfying Criteria I.
- 2.22 It is accepted that the nature of the building group the application site adjoins does already constitute ribbon development and therefore any extension, designed to be in keeping with this building group in accordance with other criteria in this policy, would also constitute ribbon development. However, the criteria clearly states that exceptions to this policy can be made where the a natural boundary, such as an established tree belt, creates a small infill area.
- 2.23 Such a situation exists at the application site where, the boundary with the golf course to the south and west is clearly defined by an establish tree belt, creating a natural infill gap site. The presence of this tree belt and the golf club itself would ensure that the pattern of ribbon development would be checked at the application site boundary and therefore there would be no risk of further ribbon development in this direction. For the same reason there is no risk of coalescence from the proposed development. Criteria III is therefore also satisfied.
- 2.24 The Statement argues that the proposed mitigation of a 5m high weld-mesh fence would have an adverse impact on the landscape character of the area and would appear as an incongruous feature at the rear of the two proposed houses. In reality views of the fence, which is proposed at 5m high on the advice of the planning officer, from the road will be brief glimpses and will be screened by the existing tree belt to the west and the proposed residential development, significantly diminishing its impact.
- 2.25 The fence will be most clearly visible from the golf course itself, a land-use where fences of the type proposed would not be considered incongruous. The fence will be situated on the periphery of an open vista that extends to the south and its appearance will be softened by the existing tree belt and the additional landscaping belt. Existing trees, woodland and boundary features will also be retained. In accordance with Criteria VI, the landscape character is not therefore considered to be comprised by the proposals.
- 2.26 On the basis of the above assessment the proposals are considered to accord with Policies 3 and, if relevant, GBRA5 of the SLLDP.

3.0 Other material considerations

- 3.1 The Council have referenced their Residential Design Guide (the Design Guide) and the expectation that, in regard to garden ground, residents

should have a pleasant, safe living environment that offers reasonable privacy, daylight and secure, private outdoor living space.

- 3.2 The Statement focuses on the size of the garden area, which it identifies as being below the minimum standards set out in the Design Guide. It is acknowledged that the depth of the gardens does not meet the 10m minimum in the Design Guide, however the design Guide does state that the suggested sizes cannot be applied rigidly across all developments and that the sizes indicated are a general guide.
- 3.3 The Statement (as identified above) acknowledges that the proposed garden sizes are in keeping with those of adjacent properties, however the need to mitigate for the possibility of stray golf balls has led to an overall reduction on garden ground. This mitigation includes a landscape belt of between 5 and 8m in depth. If the Local Review Body are minded to granted planning permission, the appellant would willing accept a condition requiring the further approval of the design and treatment of the mitigation measures with a view to maximising the extent of usable garden ground associated with each property.
- 3.4 The Statement also considers policies contained within the emerging SLLDP 2, which is at the Proposed Plan stage and was approved at Planning Committee on 29 May 2018. As such this is a material consideration, although less weight should be given to this document than the current, adopted LDP.
- 3.5 In terms of Policy 4, it is accepted that the application site lies out with the settlement boundary and is therefore contrary to the general expectation that development not required to be in the countryside will be expected to be located within the defined settlements. However, this is similar to the expectation of the previously adopted STRAT3 policy, which previous development proposals on the site were assessed and approved against.
- 3.6 The criteria identified as being relevant from Policy GBRA1 have already been considered in response to Policy GBRA5 above, where it was found that the proposed development satisfied the provisions of the Policy. It is not therefore necessary to repeat this assessment for GBRA1.
- 3.7 The Statement also highlights GBRA8, which like adopted policy GBRA5 deals specifically with gap sites. This policy retains an exception for small scale infill sites defined by existing natural boundaries.

4.0 Reasons for Refusal

- 4.1 The Statement identifies two reasons for refusal:

1. *The proposal would constitute new residential development in the Green Belt without appropriate justification, and the site does not constitute a clearly identifiable infill gap site. The proposals would therefore be contrary to Policies 3 – Green Belt and Rural Area and GBRA5 – Development of Gap Sites of the South Lanarkshire Local Development Plan (adopted 2015); and*
2. *Without mitigation measures to stop errant golf balls from adjacent golf course, the safety and residential amenity of the proposed dwellings is likely to be compromised and any structures erected to ensure the safety of the residents would require to be of such a scale so as to both adversely affect the landscape character of the area and have an over bearing impact on the occupants of the dwellings.*

4.2 Dealing with Reason 1 first, Policy 3 does not require proposals to provide “appropriate justification” for their location in the Green Belt providing they satisfy at least one of the criteria set out in the policy. As discussed above, it is the appellants belief that the proposals satisfy Criteria (ii) and (iv) of Policy 3, the latter of which deals with gap sites. For the reasons outlined above it is argued that the proposals do in fact accord with the policies set out in this Reason for Refusal and that this should be disregarded.

4.3 Reason 2 states that without mitigation measures to stop errant golf balls the safety and residential amenity of the proposed dwellings may be compromised. The proposed development includes proposals for a 5m high fence and additional landscape strip to mitigate this potential risk. The Council’s Golf Development Officer has stated that he “thinks” this may not be sufficient, however this statement is unqualified in terms of supporting evidence and the appellant has not been given the opportunity to respond to this consultation response.

4.4 Without a qualified assessment that establishes how high the fence would need to be, the Council cannot be certain of what would provide an effective barrier. As a consequence, the Council are not in a position to state that *“any structures erected ... would require to be of such a scale so as to both adversely affect the landscape character of the area and have an over bearing impact on the occupants”*.

4.5 Equally there must be a height at which the mitigation could be deemed acceptable in terms of visual and landscape impact. Given it was the planning officer who recommended increasing the height of the fence to 5m, it is fair to assume that this was considered by the planning department to be an acceptable height.

4.6 Unreasonable behaviour on the part of the planning authority when determining an application is defined in Circular 6/1990 (Chapter 7). The

Circular confirms that the planning authority should be considered to have acted unreasonably if they fail to give complete, precise, and relevant reasons for refusal for an application. In addition, the planning authority must be able to support its reasons for refusal and should be able to show that they have reasonable planning grounds for their decision.

- 4.7 It is the appellants contention that the Council have acted unreasonably in trying to impose Reason for Refusal 2 because the wording is not clear or precise and no evidence has been provided to support this reason for refusal.

5.0 Other matters

- 5.1 The application subject to this review comprises the resubmission of a similar proposal (CL/17/0403), first submitted to the Council on 8 September 2017. Following a 5 month consultation and determination period, the appellant was advised to withdraw the application to avoid a refusal on grounds of highway safety. At no point during the determination period, did the Council state that the proposals were considered contrary to Local Development Plan Green Belt policies, neither was the appellant asked to provide any supporting information to justify the development on the basis of its Green Belt location.
- 5.2 Notwithstanding the fact that it has been demonstrated that the proposals accord with the SLDLP policies, if the proposals were considered to be contrary to the Green Belt policies, the Council had an obligation to make the appellant aware of this, prior to encouraging them to resubmit their application. Having failed to do so the Council have acted in an unreasonably manner, which has led the appellant to incur additional costs and time in pursuing a revised planning application.
- 5.3 Equally, if this was the Council's position then there was no need to delay determination of the application to wait for the consultation response from the Highways Department. The fact that the Council did not move to determine the application sooner indicates that the grounds for refusal were not as immediately apparent as the Statement suggests.
- 5.4 It is the appellant's belief, as detailed in this response to the Council's Statement has demonstrated, that the proposals do accord with the LDP's Green Belt policies, which may be why the issue was not raised until after this appeal against no determination was lodged.
- 5.5 Similarly, at no point during the determination of the first application (CL/17/0403) did the Council indicate that there was a need for an assessment from the Council's Golf Development Officer, despite a significant number of objections from members of the golf club. In fact, as part of the first application, discussions between the planning officer

and appellant's agent (23/01/18) indicated that the Council were simply seeking a "reasonable compromise" to address the concerns raised regarding stray balls (as confirmed by the officer's file notes recording conversations with the agent, contained within Appendix 1). This file note also evidences that it was the Council who encouraged withdrawal of the application.

- 5.6 The current application has received a similar number of objections, raising the same issues, however this time round the Golf Development Officer was consulted. His consultation response, dated 23 May 2018, was not made available to the appellant until it was uploaded to the Council's website on 13 June 2018, the day before this appeal was lodged. At no point was the appellant made aware that this consultation had taken place or that a negative response had been received. At the very least the appellant should have been made aware of this response and been given the opportunity to respond and the Council should have sought an extension to the determination period to allow this to happen. The fact that this did not happen suggests that they intended to determine the application without allowing the appellant to respond to this important issue.
- 5.7 The Golf Development Officer's consultation response suggests that the proposed development would be near to the desired landing area of most golfers at approximately 200-220 yards from the 18th tee. Presumably therefore there is little issue with the relationship between the development and the golf course for the majority of golfers, as the landing area will not be affected. The Officer's response does however raise the possibility that longer hitters may try to cut the slight corner on the hole bringing the houses closer to the field of play, apparently meaning balls could "*easily*" land in the area of the properties with a risk to both property damage and personal risk.
- 5.8 The application originally proposed a 3m high fence, which was increased to 5m high at the recommendation of the planning officer, to mitigate for this risk. The Golf Development Officer's response states that he doesn't "*think*" that a fence will help and that any fence would need to be "*extremely high*" to stop balls being struck over it. These vague comments are the extent of the Officer's advice regarding the proposed mitigation measures. These comments are not qualified by evidence or any assessment to demonstrate how he has arrived at this conclusion. It is not clear what the Officer's qualifications are to be able to advise on this issue, but it is reasonable to expect that if he is capable of determining that a 5m high fence would be insufficient, he should also be capable of confirming the height at which the fence would become effective.
- 5.9 These vague assertions, that the fence would need to be "*extremely high*" are repeated in the Statement of Observations, again without

qualification. However, at Para 4.4 the Statement takes the Officer's response further claiming that the proposed fence would be "*insufficient to stop any golf balls*", which is a misrepresentation of the Officer's response. The fence will stop balls traveling at 5m or below, so this statement is incorrect. The question is whether this is sufficient to mitigate the potential risk from ball strikes.

- 5.10 It is worth noting that as part of the previous applications on the site, no fences were required, despite being closer to the 18th tee. The golf club did agree to a minor relocate the tee to alleviate potential conflict, but there remains a distinct possibility that wayward drives of the tee could land in these properties. At the time, the golf club wrote to the Council confirming that they would accept no responsibility for balls impacting on these properties. It is difficult to understand why the circumstances are any different now.
- 5.11 The Statement highlights that the appellant was asked by the Council to clarify what advice, such as from a golf course architect, they had sought regarding the mitigation (09 May 2018), however they did not indicate that this was a potential reason for refusal or that they were seeking their own advice on this matter. The appellant remains convinced that, given the opportunity through the application process, suitable mitigation measures could have been found. Should planning permission be granted, the appellant would be willing to accept a condition requiring the detailed design of the fence, supported by qualified experts' advice, to be submitted for approval prior to development commencing.
- 5.12 The Statement (Para. 4.5) states that a report recommending the refusal of the application was being prepared, but that the appeal was lodged prior to a decision being issued. There is no way to know if this was the case or what the reason(s) for refusal were at that stage, but earlier in the Statement (Para. 4.2) the Council have indicated that determination was delayed due to the need for detailed assessment which included consideration of road safety and issues related to play on the golf course.
- 5.13 These statements appear to suggest that the Council had already decided to refuse the application without the benefit of a complete assessment of at least two key considerations. Meaning the Council had reached this position without giving the appellant the opportunity to see or respond to key consultation comments, despite having encouraged the appellant to make this resubmission. It also means that, despite not communicating this to the appellant, the Council's main reason for refusal must have been non-compliance with the SLLDP Green Belt policies (as the other key matters had not been dealt with at that stage), which we have already demonstrated full compliance with.

6.0 Conclusions

- 6.1 Considering the above it is the appellants contention that the proposed development accords with the provisions of the adopted SLLDP and its supplementary guidance, on the basis that:
- a) The proposals satisfy Criteria (ii) of Policy 3: Green Belt and Rural Area being proposals for the redevelopment of redundant land where significant environmental improvement can be shown;
 - b) The proposals satisfy Criteria (iv) of Policy 3 in so far as the proposal for limited development of an infill or gap site.
 - c) The proposals satisfy all of the criteria set out in Policy GBRA5: Development of Gap Sites
- 6.2 As a result of being in accordance with the Development Plan, the proposals, if approved, would not set an undesirable precedent and should not be considered to be development prejudicial to the Green Belt designation.
- 6.3 Although the proposals may not fully comply with the guidelines set out in the Council's Residential Design Guide, this is a non-statutory document which clearly states that the standards it sets out should not, necessarily, be rigidly applied. The appellant has indicated that, via a condition, they would be willing to work with the Council to arrive at a suitable mitigation solution that also provides adequate amenity area.
- 6.4 The proposals are contrary to Policy 4: Greenbelt and Rural Area of the un-adopted Proposed SLLDP 2, but as with previous iterations of this policy in previous Local Plans (such as STRAT3) exceptions can be made, especially when they would satisfy the requirements of GBRA8: Development of Gap Sites. Irrespective, the status of the Proposed SLLDP 2 means that only limited weight can be attached to it as a material consideration.
- 6.5 In addition, the proposed reasons for refusal set out in the Statement of Observations are, in the case of Reason 1, in correct due the proposals compliance with the policies identified and, in the case of Reason 2, unreasonable in so far as the wording of the condition is imprecise and has not been supported by evidence to justify the reason for refusal.
- 6.6 Given the above the appellant contends that planning permission, subject to conditions, should be granted for the proposed development.

Appendix 1

Application CL/17/0434

Planning Officer – File Notes recording telephone conversations

File notes

Application number:	CL/17/X0434/NEW
Proposal:	Sub-Division of Site at Mauldslie Road to form 2 Dwelling Plots
Site address:	Land at Mauldslie Road Carluke
	Land at Mauldslie Road, Carluke
Application type:	Detailed Planning Application

Comments/record of phone calls/meetings etc

Date	Notes/Discussion/Phone call comments	Name of person discussion/call was with
12/10/17	<p>Spoke with Fraser Jack – there are Road safety concerns. Area has rural feel and suspects a speed survey will show that speeds are high. This is borne out by the road having already being “traffic managed” borne out by the double white lines, anti skid surface. 2 accidents in vicinity, both rear end shunts, suggesting car turning right hit by someone unaware that there was standing traffic.</p> <p>TF – if going to refuse on road safety grounds, need a speed survey. Advise agent to action</p>	
16/1/18	<p>Called agent – spoke with Willie Finlayson. Advised him of Roads recommendation of refusal due to forward visibility distance. Long discussion re the issue of visibility splays. Gave him Frasers contact details as agent wants a precise stopping distance. He reckons can move the access further north.</p> <p>I asked him to decide whether they wished to pursue the proposal – if yes and going to enter into discussions with Roads, would his client consider WD this app and resubmitting once all necessary surveys/measurements been completed.</p> <p>I also asked him (as a secondary issue) to consider the issues raised by the golf course and how he proposes to mitigate for stray golf balls.</p> <p>He will speak to Roads, ask client if wishes to WD the application, and look at ball stop fencing.</p>	
23.1.18	<p>Agent called (Willie Finlayson) to check that the amend visibility plan had been received and that all was OK? Advised that Roads would make their recommendation.</p> <p>In respect of the objections he proposes that a 3m high weld mesh fence is erected to stop the golf balls, but its optimum placing would be the other side of the footpath, which would protect walkers of the RoW plus the proposed houses. I advised that as this would be on land outwith clients control and not in app site, I couldn't hope to control its installation etc by planning condition.</p>	

	<p>He is going to suggest to his client that they explore this with the golf club! His client also wants to know on what policy basis would the council be looking for such measures. I suggested its more a matter of considering the concerns that had been raised with us and try to establish a reasonable compromise – to which end I enquired whether it would be feasible to pull the houses back up the hill towards the road (subject of course to access, parking etc), and the northern most house to turn it very slightly so its presents a bit more of a gable to the 18th tee, as per the existing adjoining house? This would also give more space for substantial tree and shrub planting within the app site. He is amenable to all this and will touch base with roads about driveway length, parking layout. I also mentioned that we <u>might</u> need to re-neighbour notify given access change and any other poss ones, but I would seek guidance on this.</p> <p>I enquired again about WD the application and allowing discussions to conclude on these matters, before submitting a fresh, clean app. He will seek instruction from client.</p>	