

Report to: **Planning Committee**
 Date of Meeting: **29 November 2011**
 Report by: **Executive Director (Enterprise Resources)**

Application No CL/11/0413
 Planning Proposal: Formation Of Seven House Plots

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Mrs Victoria Forrest
- Location : Land at Dillarburn Road
Dillarburn

2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Grant Detailed Planning Permission (Subject to Conditions – Based on Conditions Attached).

2.2 Other Actions/Notes

- (1) The Planning Committee has delegated powers to determine this application.

3 Other Information

- ◆ Applicant's Agent: Burrell Design Studio
- ◆ Council Area/Ward: 04 Clydesdale South
- ◆ Policy Reference(s): **South Lanarkshire Local Plan (adopted 2009)**
 Policy STRAT4: Accessible Rural Area
 Policy CRE1: Housing in the Countryside
 Policy DM1 : Development Management
 Policy ENV4 : Protection of Natural and Built Environment
 Policy ENV11 : Design Quality
 Policy ENV29: Special Landscape Areas
 Policy ENV31: New Housing Development
 Policy ENV34: Development in the Countryside

◆ Representation(s):

- ▶ 1 Objection Letter
- ▶ 0 Support Letters
- ▶ 0 Comments Letters

◆ Consultation(s):

Roads and Transportation Services (Clydesdale Area)

Planning Application Report

1 Application Site

- 1.1 The application site forms part of a field located at the western edge of Dillarburn, on the B7018 Lanark to Lesmahagow Road. It is bounded to the north by a watercourse/ stob and wire fence and an equipped play area; to the east by the public road and to the south and west by open fields. A disused railway embankment lies beyond the western boundary. The site extends to 0.514 hectares and is rectangular in nature.

2 Proposal(s)

- 2.1 The applicant seeks detailed permission for the creation of seven serviced house plots. The layout envisages 7 one and half storey detached dwellinghouses with detached garages positioned to the rear of the houses. Vehicular access to the respective plots would be taken directly off Dillarburn Road. The proposal also includes a landscaping scheme incorporating a 5 metre wide shelter belt along the southern edge of the site.
- 2.2 The applicant provides a justification for the development by examining the Government policy which encourages Councils to make provision for additional residential new build in both urban and rural areas. This states that the flexible approach described in the Scottish Planning Policy allows the proposal to be progressed. The proposal would be attractive to the local community and persons wishing to settle in the Clydesdale area. The site currently has little agricultural value and would not result in any loss of productive agricultural land. The proposed development site has no infrastructural difficulties and would have no adverse impact on the surrounding area. The applicant further argues that if the site gains planning permission it will assist her farm business to progress a sustainable horse- breeding programme.

3 Background

3.1 Local Plan Status:

- 3.1.1 The site is identified as being within the Accessible Rural Area outwith the settlement boundary of Dillarburn where Policy STRAT 4 applies. This policy states that the Local Plan strategy will be to build on the economic potential of the area's high quality natural and built environment and tourism potential and to ensure these qualities are not eroded. The priority will be to encourage developments within established settlement boundaries, but outwith these, new build development is directed to existing building groups and gap sites that consolidate such groupings. This policy then directs the assessment of housing proposals within this area to Policy CRE1: Housing in the Countryside.

The site is also located within a Special Landscape Area where Policies: ENV4 – Protection of Natural and Built Environment and ENV 29 – Special Landscape Areas apply. Policy ENV 4 – Protection of the Natural and Built Environment states that the Council will assess all development proposals in terms of their effect on the character and amenity of the natural and built environment. Developments will only be permitted where the integrity of the protected resource will not be undermined. Policy ENV 29 - Special Landscape Areas states that 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 DM1 – Development Management is also relevant to the assessment of the proposal.

3.2 **Relevant Government Advice/Policy:**

3.2.1 Government Policy set out in the Scottish Planning Policy (SPP) encourages Councils to take a positive approach to new development, and the aim should be to enable development in rural areas which supports prosperous and sustainable communities whilst protecting and enhancing environmental quality. The Policy states that development plans should support more opportunities for small scale housing development in all rural areas, including new clusters and groups and extensions to existing clusters and groups. The aim is not to see small settlements lose their identity nor suburbanise the Scottish countryside but to maintain and improve the viability of communities and to support rural businesses. In more accessible and densely populated rural areas most new development should be in or adjacent to settlements. New development should respond to the specific character of a location and fit into the landscape.

3.3 **Planning History**

3.3.1 Planning permission was refused on 20 February 2008 for residential development (In Outline) on a larger site which incorporates the current application site, Application No: CL/07/0867).

4 **Consultation(s)**

4.1 **Roads and Transportation Services:** Have no objections to the proposal subject to conditions relating to visibility splays, turning areas and drainage system preventing water flowing onto public road.

Response: Appropriate conditions will be attached to any consent if planning permission is granted.

5 **Representation(s)**

5.1 Following the carrying out of statutory neighbour notification and the advertisement of the application in the local press as Development Contrary to the Development Plan, one letter of objection has been received. The grounds of objections are summarized below:

a) The development will be outwith the defined boundary of Dillarburn Village. As they understand the policies of the Greenbelt and Areas of Great Landscape Value, the boundaries of the settlement have been drawn to provide defensible limits to expansion.

Response: Noted. Firstly the site is not within the Green Belt but within the Accessible Rural Area. Settlement boundaries were reviewed during the preparation of the South Lanarkshire Local Plan and at that time it was not considered appropriate to alter the extent of the village. However this proposal provides an opportunity to re-assess the extent of the settlement and take account of circumstances since that work was carried out. It is now considered that the proposal offers an opportunity to extend Dillarburn settlement boundary in a logical small scale manner and create a long term defensible settlement edge of that part of Dillarburn village.

b) If the proposed development goes ahead, will the boundary of Dillarburn village be extended to include the new development and where will it stop especially when there are brownfield sites within the village that are either not completed or sold.

Response: The settlement boundary of Dillarburn will be reviewed as work progresses on the emerging South Lanarkshire Local Development Plan. If any consent is granted the boundary would be altered to include this site. Whilst it may be the case that there are brownfield sites within the village that are either not completed or sold, it is likely this is due to the current economic downturn in the housing market.

c) The erection of one or several properties on the fringe of their village will spoil the existing rural Scottish character of the village. Part of the implementation of the Greenbelt policy is to a) safeguard the setting of existing communities and b) protect and enhance the quality of the landscape. The proposed development will significantly alter the setting of their village and do nothing to enhance it.

Response: The application site is not in the Greenbelt and it constitutes a logical extension of the settlement and offers an opportunity to create a sustainable defensible boundary at that part of the village boundary. The proposed development would not affect the setting of the existing community and the implementation of a 5m wide landscaping belt would help to protect and enhance the quality of the landscape setting of the village.

d) The current location of the entrance to the development site is in close proximity to a blind crest in the middle of the village. Large vehicles will need to use the full width of the road to turn into the site, creating a potential road traffic hazard.

Response: Roads and Transportation Services have no objection to the proposal subject to a number of conditions including the provision of visibility splays, turning areas and drainage system preventing water flowing onto public road.

5.2 This letter has been copied and made available in the usual manner and on the Planning Portal.

6 Assessment and Conclusions

6.1 The applicant seeks detailed planning permission for the creation of seven house plots on land at Dillarburn Road, Dillarburn. The proposal is required to be assessed against the adopted South Lanarkshire Local Plan. Other material considerations include the impact on the landscape character of the area, the planning history of land within the vicinity of the site, the road safety implications of the proposals and relevant government advice and policy.

6.2 In terms of local plan policy the application site is located beyond the settlement boundary for Dillarburn and in the Accessible Rural Area where Policy STRAT4: Accessible Rural Area of the adopted South Lanarkshire Local Plan applies. This policy states that the strategy will be to build on the economic potential of the area's high quality natural and built environment. It directs development to within settlements and states that development outwith settlement boundaries will only be permitted where this forms part of a larger proposal for the rehabilitation of redundant traditional buildings. It further advises that any housing development within the Accessible Rural Area should conform to Policy CRE1: Housing in the Countryside which provides specific criteria against which all new housing proposals in the countryside should be assessed. Policy CRE1 states that in the countryside, new houses will only be permitted in the circumstances outlined in Policy STRAT4 or where it is required in association within an agricultural worker or rural business.

6.3 The proposal is not required in association with agriculture or a rural business and it does not constitute rehabilitation of redundant traditional buildings. The application

involves a small scale development outwith the settlement boundary although it does adjoin the existing settlement edge. As a result the proposal of the proposal is contrary to Policies STRAT4 and CRE1.

- 6.4 Government Policy set out in the SPP clearly encourages Councils to take a positive approach to new development, and the aim should be to enable development in rural areas which supports prosperous and sustainable communities whilst protecting and enhancing environmental quality. The Policy states that development plans should support more opportunities for small scale housing development in all rural areas, including new clusters and groups and extensions to existing clusters and groups. New development should respond to the specific character of a location and fit into the landscape. In this case, the proposal represents a modest extension to the settlement. The development pattern in Dillarburn is a linear form along both sides of the B7018 and this proposal reflects these characteristics. The proposal would not overwhelm or adversely affect the amenity of the village and it therefore represents a logical extension to the settlement. The site is contained by the embankment to the west while a landscaping belt would be formed along the southern edge of the site which would establish a defined boundary to the settlement. The village also contains an established equipped play area which provides a level of amenity for residents in the development.
- 6.5 Policies ENV4 and ENV29 of the local plan aim to protect the landscape quality of the Special Landscape Area within which the site is located. The landscape character has already been affected by development in the village and vicinity while the creation of a landscape buffer between the southern edge of the site and the adjoining field would define the setting of the site and settlement. In view of this it is considered that the proposal is not at odds with these policies. The design and scale of the proposed houses on the site would be dealt with at a later stage however it is proposed to control the height of the buildings to no more than one and a half storey through a condition if consent is granted. In addition, the layout as submitted is such that detailed policies on new development in the countryside are complied with.
- 6.6 The application site is outwith the settlement boundary for Dillarburn and therefore the proposals are contrary to the development plan. In addition, a planning application for a similar development was refused in 2008. However, circumstances since the determination of that application and the review of the settlement boundary have changed, markedly through the publication of the Scottish Planning policy in 2010. The refusal of consent also related to a larger area of land. It is now considered that an exception to policy can be made for the following reasons.
 - a) The proposal would lead to a small scale extension of the settlement and offer an opportunity to consolidate the settlement boundary at the southern edge of the village.
 - b) The proposal will establish a housing site in the village to ensure the provision of housing geared towards meeting future housing needs in the village and surrounding rural area.
 - c) There would be no an adverse impact on the amenity and landscape character of the surrounding area.
 - d) There are no significant infrastructure implications.

It is therefore recommended that planning permission be granted.

7 Reasons for Decision

7.1 For the reasons set out in 6.6 above.

Colin McDowall
Executive Director (Enterprise Resources)

14 November 2011

Previous References

◆ CL/07/0867

List of Background Papers

- ▶ Application Form
- ▶ Application Plans

- ▶ Consultations
Roads and Transportation Services (Clydesdale Area) 07/11/2011

- ▶ Representations
Representation from : Mr and Mrs Crowther, Dillarview, Dillarburn Road,
Lesmahagow, ML11 9PQ, DATED 11/10/2011

Contact for Further Information

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

Jerry Gigya, Planning Officer, South Vennel, Lanark, ML11 7JT
Ext 3170 (Tel :01555 673170)
E-mail: planning@southlanarkshire.gov.uk

CONDITIONS

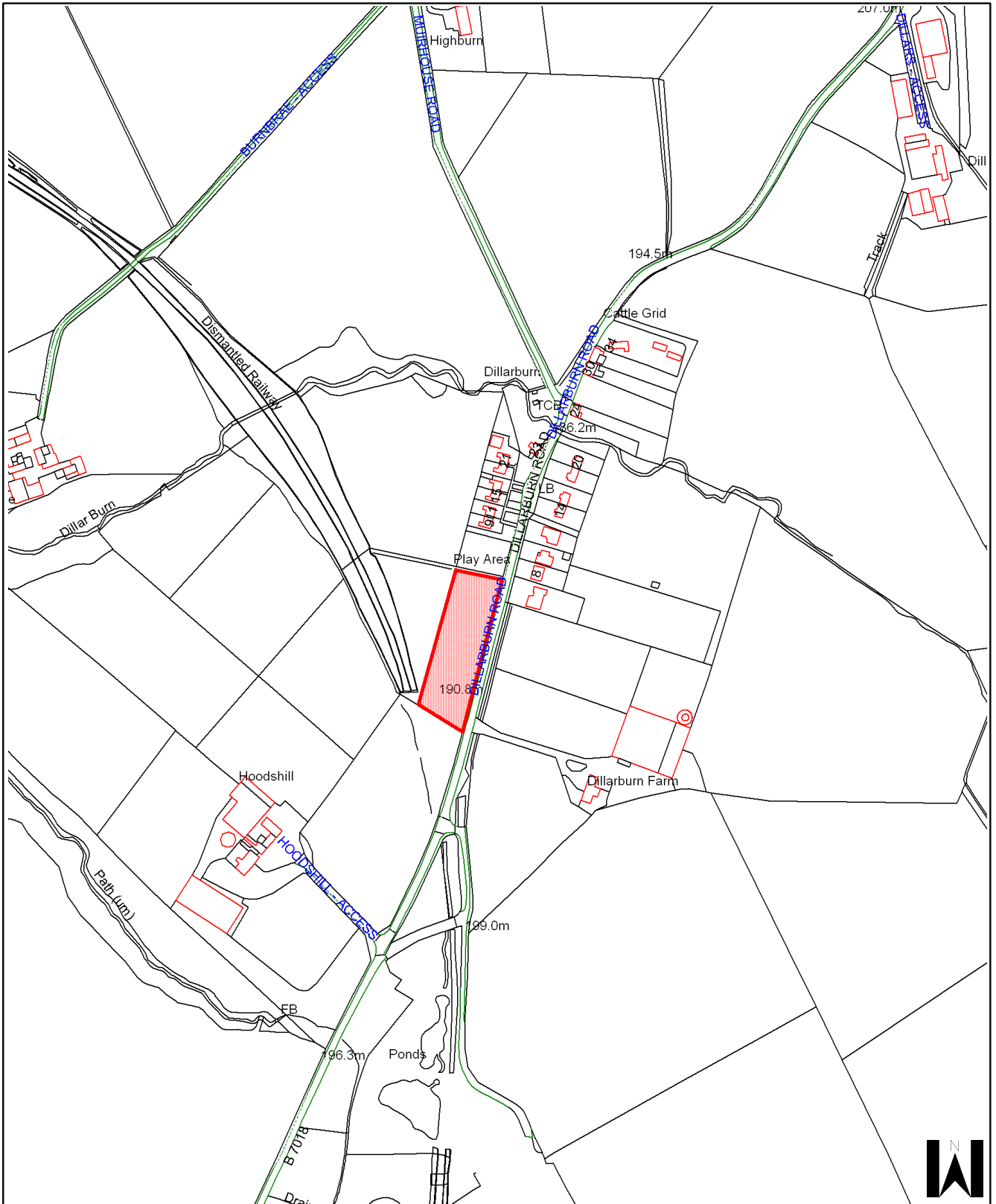
- 1 This decision relates to drawing number: 794/01.
- 2 That the development shall be carried out strictly in accordance with the plans hereby approved and no change to the design or external finishes shall take place without the prior written approval of the Council as Planning Authority.
- 3 That before any work commences on the site a scheme of landscaping for the area shaded green on the approved plans shall be submitted to the Council as Planning Authority for written approval and it shall include:(a) an indication of all existing trees and hedgerows plus details of those to be retained and measures for their protection in the course of development; (b) details and specification of all trees, shrubs, grass mix, etc.; (c) details of any top-soiling or other treatment to the ground; (d) sections and other necessary details of any mounding, earthworks and hard landscaping; (e) proposals for the initial and future maintenance of the landscaped areas; (f) details of the phasing of these works; and no work shall be undertaken on the site until approval has been given to these details.
- 4 That before the dwellinghouses hereby approved are completed or brought into use, a visibility splay of 2.5 metres by 90 metres to the north and 2.5 metres by 90 metres to the south measured from the road channel shall be provided on both sides of the vehicular accesses and everything exceeding 1.05 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 1.05 metres in height shall be planted, placed or erected within these sight lines.
- 5 That before the dwellinghouses hereby approved are occupied, septic tanks and soakaways designed and constructed in accordance with the current code of practice BS6297:1983 shall be provided.
- 6 That no development shall commence until details of surface water drainage arrangements have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design Criteria and requirements.
- 7 That no building to be erected on the site shall exceed one and a half storey in height.
- 8 That notwithstanding the terms of Condition 9, the design and siting of any dwellinghouse on the site shall take due cognisance of the rural location, with particular regard being paid to scale, massing, roof pitch, fenestration and materials; and shall be in accordance with the Council's approved policy on new dwellings in the Greenbelt/Countryside.
- 9 That further applications shall be submitted to the Council as Planning Authority for the erection of individual dwellinghouses on the plots hereby approved, together with the requisite detailed plans and such plans shall include:-(a) Plans, sections and elevations of the proposed building together with the colour and type of materials to be used externally on walls and roof;(b) Sections through the site, existing and proposed ground levels and finished floor levels;(c) Detailed layout of

the site as a whole including, where necessary, provision for car parking, details of access and details of all fences, walls, hedges or other boundary treatments; and,(d) Existing trees to be retained and planting to be carried out within the site; and no work on the site shall be commenced until the permission of the Council as Planning Authority has been granted for the proposals, or such other proposals as may be acceptable.

- 10 That the further application(s) required under the terms of Condition 9 above, shall make reference to and incorporate the criteria specified within the approved South Lanarkshire Council 'Residential Development Guide'.
- 11 That before any of the dwellinghouses hereby approved are completed or brought into use, a 2.0 metre wide footway shall be constructed along the frontage of the site together with associated street lighting provided to the specification of the Council as Roads and Planning Authority.

REASONS

- 1 For the avoidance of doubt and to specify the drawings upon which the decision was made.
- 2 In the interests of amenity and in order to retain effective planning control.
- 3 In the interests of the visual amenity of the area.
- 4 In the interest of road safety
- 5 To ensure that ground conditions are suitable for a soakaway to dispose of effluent.
- 6 To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.
- 7 In the interests of amenity.
- 8 In the interests of amenity and to ensure satisfactory integration of the new dwellinghouse with the designated <<Greenbelt/Countryside>>
- 9 These details have not been submitted or approved.
- 10 In the interests of amenity and to ensure that the Council's key residential development standards are met.
- 11 In the interests of public safety



For information only

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