

# Appendix 6

## Notice of Review Process – Further Submissions

### Submission From

- ◆ Statement of Observations from Planning Officer on Applicant's Notice of Review



## **STATEMENT OF OBSERVATIONS**

**Planning Application No: CL/09/0238**  
**Erection of dwellinghouse (planning permission in principle)**  
**Land at Dunalastair Road, Crawford**

### **1.0 Planning Background**

1.1 Mr & Mrs Thomson submitted a planning application for Planning Permission in Principle (CL/09/0238) on 10 June 2009 to South Lanarkshire Council for the erection of a dwellinghouse at Dunalastair Road in Crawford. The application was subsequently registered on 11 June 2009. 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 5 October 2009. The report of handling dated 1 October 2009 explains the decision and the reasons for refusal are listed in the decision notice.

### **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 adopted South Lanarkshire Local Plan.

2.3 The site is identified as lying within the Rural Investment Area in the adopted South Lanarkshire Local Plan. Policy STRAT 5 applies and states that within the Rural Investment Area the local plan strategy is to support sustainable communities within this area through measures that tackle exclusion and isolation and redress imbalances of economy and housing type provision, particularly where this involves renewal proposals. Development is directed to within settlements thereafter consideration may be given to limited settlement expansion, proportional to the settlement size. Outwith settlement boundaries new build development is directed to existing building groupings and gap sites that consolidate such groupings. Isolated and sporadic development will

generally not be supported. Any housing development should conform to policy CRE1 – Housing in the Countryside.

2.4 The site is located outwith the settlement boundary of Crawford although it lies immediately adjacent to it. The site is bounded on one side by existing houses and to the south by a bowling green. The two remaining boundaries to the north and west comprise steeply sloping open fields. It has no public road frontage. It cannot therefore be considered to fall within the definition of a gap site, described in the local plan as one that is bounded by development on two sides by built development and fronted by a road. In addition, the relationship of the site to existing development is such that the proposal would not consolidate the existing grouping but rather extend in an inappropriate manner.

2.5 Policy CRE1 also applies to new housing development in the countryside. Part I of policy CRE1 provides overarching guidance on where new housing in the countryside will be permitted. It makes clear that this will only be in the circumstances outlined in policies STRAT3 – 6. In the case of sites within the Rural Investment Area where policy STRAT5 applies, this means sites within existing building groups and gap sites that consolidate such groupings.

In addition, part I goes onto state that new individual houses may be acceptable in a number of exceptional circumstances, these being;

- Agricultural workers houses
- Proposed dwellings in association with existing or proposed businesses or enterprises
- The reuse or conversion of an existing building
- Replacement houses

None of these exceptional circumstances apply in this particular case.

Part I of policy CRE1 then goes on to list criteria against which all new housing proposals in the countryside will be assessed against. Of the seven criteria, only three (a to c) are applicable in this case as the application seeks Planning Permission in Principle. These are;

a) The development of the proposed site will not extend, expand or intensify the grouping to the detriment of the local amenity or traffic safety.

The application seeks planning permission in principle for a single dwellinghouse. This scale of development would be unlikely to have an adverse impact on local amenity in a general sense although there would be a direct adverse impact on adjoining properties as a result of the topography of the site as detailed below .

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.

This part of Crawford is characterised by the hillside that separates the built up area from the M74 to the west of the village and which provides definition to the setting of the settlement. The site forms part of this feature and comprises steeply sloping land so that any dwellinghouse would site at a raised level above the existing housing to the east. Significant excavation would be likely to be required which would result in changes to ground levels and the need for substantial retaining walls. The resulting development would be out of keeping with the character of the surrounding area and likely to be visually prominent to the detriment of the visual amenity of the surrounding area and in particular the several properties that adjoin the site.

c) The proposal for development of any particular site shows a satisfactory standard of integration with the adjoining development.

It is considered that it would be difficult to achieve a satisfactory level of integration with adjoining development due to the topography of the site and the likely associated works to make the plot developable. In addition, the proposed house would appear isolated from the existing houses in the locality due to the relationship of the site with these properties and the difference in levels between the site and surrounding area. Integration with this pattern of development would not be achieved to the detriment of the amenity of the area.

2.6 In view of the above, the proposal fails to accord with policy CRE1. As a result it also fails to comply with policy STRAT5.

2.7 The site is located in the Regional Scenic Area and is therefore affected by policy ENV29. This states that in this area development will only be permitted where it satisfied the requirements of policies STRAT3 – 6 and can be accommodated without adversely affecting the overall quality of the designated

area. As described earlier, the proposal is contrary to policy STRAT5 and therefore it fails to accord with policy ENV29.

- 2.8 Policy ENV4 – Protection of the Natural and Built Environment states that in the case of areas of local/regional importance which includes the Regional Scenic Area development which would affect these areas will only be permitted where the integrity of the protected resource will not be significantly undermined. The development of a house in a visually prominent site which is severely constrained in terms of its topography would be detrimental to the amenity of the area. The proposal fails to comply with policy ENV4.

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

- 3.1 The applicants have submitted a Notice of Review to support their review. The grounds of review are summarised below.

- (a) **The requirements for individuals to develop houses has not been met in the local plan. Areas that have been identified for development are owned by builders and are unlikely to proceed in the future. There is no provision for single storey housing or any opportunities to provide a sustainable community.**

**Response:** The adopted South Lanarkshire Local Plan has identified six separate potential housing development sites within Crawford with a combined potential capacity of 49 houses. In addition, policy does allow for the development of gap sites and previously developed land within the settlement boundary which would further increase the capacity of new housebuilding in the village. This is considered an appropriate level to serve the village during the lifetime of the plan. These sites could be developed for self build plots while there is no restriction on the scale or height of development.

- (b) **There is no detriment to landscape character or visual amenity as the site cannot be viewed from public land or roads. The site is adjacent to housing and landscaping could be provided to screen the site and surrounding area from an adjacent depot. The amenity of the area would be improved through improved access and sympathetic design and landscaping.**

**Response:** As described above, it is considered that any development on the site would be detrimental to the amenity of the area due to the prominent nature of the site and its topography. Groundworks would be necessary that would impact on the amenity of the area. It is unclear what benefits an improved access would bring as it would simply serve the proposed house. The depot is some distance from existing housing and does not have an adverse impact on the amenity of the village.

- (c) **A supporting statement from the appellant describes his personal circumstances. He has lived in Crawford all of his life and wishes to continue to reside there. His existing house requires maintenance (although reference is made to it already having central heating and double glazing) and is not appropriate for health reasons. There are no bungalows available at the moment or being built in the future.**

**Response:** The appellants' circumstances are noted. However as described above there are opportunities in the village for new housing development which may provide the type of accommodation sought. It is not considered that this outweighs the development plan.

- (d) **The plot would be purchased from the bowling club which would welcome the financial gain from selling the land.**

**Response:** This matter was raised by the appellants during the processing of the planning application. No further information has been provided in terms of how the proceeds would benefit the club, for example specific projects have not been identified. As a result this is not considered adequate justification to grant consent in this case. It should be noted that the use of the proceeds to aid the bowling club could only be secured through a section 75 agreement between the Council, appellants and landowners.

3.2 The appellants have a new matter that was not before the appointed officer at the time the determination of the application was made. This is summarised as follows;

- (a) **The new issue relates to the settlement boundary. The bowling club has owned the land for over 50 years but failed to fence off**

**the site. The settlement boundary follows the line of the existing fence. If the site has been fenced off it is likely the land would have been included in the settlement boundary. A minor variation to the settlement boundary should be possible.**

**Response:** A number of factors are taken into account when the delineation of a settlement boundary is defined. In the case of this part of Crawford, the boundary as defined in the adopted local plan follows the line of existing development including the existing housing and the northern boundary of the bowling club. The site is undeveloped and therefore there is no logic in including it within the settlement boundary. In addition, the land sits significantly higher than the surrounding area, including the bowling club. As a result it is not capable of being used for any beneficial purpose without the carrying out of extensive earthworks. The inclusion of the site within the fenceline as described would not have led to a different conclusion. It should be noted that the current settlement boundary remains unchanged from that defined in the formerly adopted Upper Clydesdale Local Plan. No representations were made to alter the extent of the boundary during the preparation of the South Lanarkshire Local Plan. It is considered that the existing boundary is entirely logical and defensible given the topography of the site and surrounding area.

#### **4.0 Conclusions**

- 4.1 In summary, the proposed development does not accord with the provisions of the adopted local plan. In addition, there are no material considerations which outweigh the development plan. Subsequently, the Planning Authority therefore requests that the Review Body refuse Planning Permission in Principle.