

Appendix 2(a)

Report of Handling

Report dated 28 May 2010 by the Council's Authorised Officer under the Scheme of Delegation

Delegated Report

Report to: **Delegated Decision**
Date of Report: **28 May 2010**
Report by: **Area Manager (Planning & Building Control)**

Application No CL/10/0175
Planning Proposal: Erection of dwellinghouse (Planning permission in principle)

1 Summary Application Information

- Application Type : Permission in principle
- Applicant : Mrs Alison J McRae
- Location : Land at Silvermuir Road
Ravenstruther
ML11 7SF

2 Decision

2.1 Refuse Planning Permission in Principle (for reasons stated)

2.2 Other Actions/Notes

None

3 Other Information

- ◆ Applicant's Agent: Gainford Limited
- ◆ Council Area/Ward: 03 Clydesdale East
- ◆ Policy Reference(s): **Glasgow and The Clyde Valley Joint Structure Plan 2006 (Operative – April 2008)**
Policy STRAT 1: Strategic Development Locations
South Lanarkshire Local Plan (Adopted)
Policy STRAT 4: Accessible Rural Area
Policy CRE 1: Housing in the Countryside
Policy ENV 29: Regional scenic Area
Policy ENV 34: Development in the Countryside

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

Scottish Water

Roads and Transportation Services (Clydesdale Area)

Planning Application Delegated Report

1 Material Considerations

- 1.1 Planning Permission in Principle is sought for the erection of a dwellinghouse on a plot of land at Silvermuir Road, outwith Ravenstruther's settlement boundary. An indicative plan has been submitted with the application showing the position of the proposed dwellinghouse. The application site extends to 0.6882 hectares and is bounded to the north by public road, to the south east by open farmland and to the west by The Lanark – Glasgow railway line. The site is physically detached from existing properties situated at the opposite side of the public road which defines its northern edge and sits at a significantly higher ground level. Access to the application site is to be taken off a public road.
- 1.2 The main issues in determining the application are whether the proposal complies with the development Plans policies, whether development of the site can integrate successfully with its surroundings, its impact on the character and appearance of the environment in which it is located, whether the site can be safely accessed and the ability of the site to accommodate the proposed development.
- 1.3 The South Lanarkshire Local Plan (Adopted) identifies the area as being within the Accessible Rural Area where Policy STRAT 4 applies. This Policy states that the Local Plan strategy will be to support sustainable communities within the area through measures that tackle exclusion and isolation and redress imbalances of economy and housing type provision, particularly where this involves renewal proposals. 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. Isolated and sporadic development will generally not be supported. Any housing development within the Access Rural Area should conform to policy CRE 1 - Housing in the Countryside.
- 1.4 Policy CRE 1 – Housing in the Countryside states that in the countryside, new houses will not normally be permitted. For new individual houses in the countryside there are a number of specific circumstances where a house may be acceptable. These circumstances are summarized as follows:
 - Part 1 – Agricultural Dwellings;
 - Part 2 – Proposed dwelling with proposed associated business or enterprise;
 - Part 3 – Existing business or enterprise with proposed associated dwelling;
 - Part 4 – Reuse or Conversion of an existing Building for Housing and;
 - Part 5 – Replacement Housing.

Where development is justified, it will be assessed against criteria on design, scale, impact on the rural character and access.

- 1.5 Policy ENV 29 – Regional Scenic Area states that within the Regional Scenic Area, 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 ENV 34 - Development in the Countryside states that proposed developments in the rural area will be permitted where it complies with policies STRAT 3 – 6 and it can be demonstrated to the Council's satisfaction that the development meets the criteria set in the policy. In assessing new housing developments, the Council will seek well designed proposals which integrate successfully with their surroundings and which are well related to existing development.

2 Consultation(s)

- 2.1 **Scottish Water**: have no objections to the proposal but have advised that there are no public sewers in the vicinity of the proposed development. Daer water Treatment Works currently has capacity to service this proposed development.

Response: Noted.

- 2.2 **Roads and Transportation Services**: Advise that the sightlines that can be achieved at the proposed access point are inadequate and therefore the proposal would result in adverse road safety conditions. They do consider that the relocation of the access point some 30-40m to the east would allow adequate visibility to be created. .

Response: It is not known whether the land over which the sightline would extend if the access point were moved is in the applicants control. Given the clear policy objections to the proposal this issue has not been taken up with the applicant, however it may be that a solution may be available. However based on the submitted drawings I have concerns that the proposal will adversely affect road safety in the area.

3 Representation(s)

- 3.1 The application was advertised as Development Contrary to the Development Plan. Following this publicity and notification of adjoining neighbouring property owners one letter of objection has been received. The grounds of objections are summarized below:

a) **The objector is concerned that the current use of the road between the traffic lights at Cleghorn Bridge and Ravenstruther by heavy goods**

vehicles has resulted in the garden, drive and fence line being damaged on several occasions.

Response: The section of the road that runs between Cleghorn Bridge and Ravenstruther is a public road therefore there is no requirement to restrict the use of the road to certain types of vehicles.

b) The objector suggests that access to the application site should be from Ravenstruther direction only.

Response: The imposition of such a requirement would be unreasonable and unenforceable given that this is a public road.

4 Assessment and Conclusions

- 4.1 The applicant seeks planning permission in principle for a dwellinghouse on land at Silvermuir Road, Ravenstruther. The main issues in determining the application are whether the proposal complies with development plan policy and its impact on the amenity of the rural area, the ability of the site to accommodate a dwellinghouse together with sufficient garden ground/car parking and the provision of safe access.
- 4.2 The proposed development site lies within the wider countryside where Policy STRAT 1: Strategic Development Locations of the Glasgow and The Clyde Valley Joint Structure Plan applies. The policy states that there is a general presumption against isolated and sporadic development in the wider countryside. The proposal would constitute isolated and sporadic development in the wider countryside and would therefore not comply with the above Structure Plan policy.
- 4.3 The adopted South Lanarkshire Local Plan identifies the site as being within the Accessible Rural Area where Policy STRAT 4 applies. This policy specifically states that development will be directed to 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 also states that consideration may be given to new building development where this forms part of a larger proposal for the rehabilitation or change of use of disused or redundant traditional buildings where this consolidates such groups. The Policy further advises that any housing development should conform to Policy CRE 1: Housing in the Countryside. The CRE 1 criteria set the basis which allows for new house build in the countryside. I consider that the proposal does not comply with Policy STRAT 4 or Policy CRE 1. The proposal is located outwith a settlement boundary, physically detached from properties located to the north of the site and does not constitute a gap site neither does it consolidate an existing building group. Furthermore, I also consider that the proposal does not meet any of the relevant criteria listed in Policy CRE 1. The proposal would also constitute isolated and sporadic development at this location to the detriment of the character and amenity of the surroundings, particularly landscape and rural amenity. The applicant has not

offered any locational and economic justification for a dwellinghouse at this location.

- 4.4 In terms of Policy ENV 29, development within the Regional Scenic Area 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. I have concerns that the development of this site would have an adverse visual impact of on the character and amenity of the area given that it sits in a prominent and elevated location. This would have a detrimental impact on the visual amenity of the area.
- 4.5 In terms of Policy ENV 34, development in the rural area will be permitted where it complies with Policy STRAT 4 and it can be demonstrated to the Council's satisfaction that the development meets the criteria set in the policy. I am concerned that the proposed development would not integrate successfully with its surroundings and would not be well related to any existing built development given the isolated location of the application site on the southern side of Silvermuir Road.
- 4.6 The proposed vehicular access to the application site is not of adequate standard and will have adverse implications for traffic and public safety due to the sightlines that are available at the access point shown on the submitted drawings. Roads consider the relocation of the access would achieve adequate visibility however this matter has not been pursued due to the outstanding policy issues. As a result the access as proposed would have an adverse impact on road safety.
- 4.7 In view of the above I consider that the proposal fails to comply with the policies of the development plans and would constitute an inappropriate form of development for the site. If consent was granted for this proposal it would set an undesirable precedent for future applications which would further erode the character of the area. I therefore consider that planning permission should be refused.

5 Reason for Decision

- 5.1 The proposal would have an adverse impact on the character and visual amenity of the surrounding rural area and on road safety. It does not comply with Policy STRAT 1 of the Glasgow and The Clyde Valley Joint Structure Plan nor Policies STRAT 4, CRE1, ENV 29 and ENV 34 of the South Lanarkshire Local Plan (Adopted).

Signed:
(Council's authorised officer)

Date:

Previous References

- ◆ None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans

- ▶ Consultations
 - Scottish Water 04/05/2010

 - Roads and Transportation Services 26/05/2010

- ▶ Representations
 - Representation from : Mrs Mary M McLellan, Ledaig
Hagholm Road
Cleghorn
ML11 7SG, DATED 28/04/2010

Contact for Further Information

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

Jerry Gigya
(Tel :01555 673170)
E-mail: Enterprise.lanark@southlanarkshire.gov.uk

Permission in principle

PAPER APART – APPLICATION NUMBER: CL/10/0175

REASONS FOR REFUSAL

- 1 The proposal is contrary to the Metropolitan Development Strategy and in particular to Strategic Policy 1 of the Glasgow & Clyde Valley Structure Plan, in that it would constitute isolated and sporadic development in the wider countryside.
- 2 The proposed development on the site would be contrary to Policy STRAT 4 of the South Lanarkshire Local Plan as it would result in the introduction of unjustified residential development outwith a settlement boundary and would not involve the development of an infill/gap site or the consolidation of an existing building group.
- 3 The proposal is contrary to Policy CRE 1 of the South Lanarkshire Local Plan in that the development does not with Policy STRAT 4, it has not been shown that the proposal is necessary for the furtherance of agriculture, forestry or any other uses appropriate to the rural area, it would intensify the number of new build units in the area to the detriment of locational amenity and its location would adversely affect the character of the area.
- 4 The proposed development on the site would be contrary to Policy ENV 29 of the South Lanarkshire Local Plan as it would result in development that would adversely affect the quality of the Regional Scenic area due to the prominent and elevated position of the site and its relationship with existing built development..
- 5 The application site cannot fulfil the requirements of South Lanarkshire Council as Highways Authority in terms of visibility splays and as such, would have an adverse effect on traffic and public safety.
- 6 If approved, the proposal would set an undesirable precedent which could encourage further similar applications for proposals which if, approved, would exacerbate the reasons for refusal set above.
- 7 The proposed development would be contrary to policy ENV34 of the adopted South Lanarkshire Local Plan in that it would not successfully integrate with its surroundings nor relate satisfactorily with existing build development in the area, all to the detriment of the rural character and amenity of the area.
- 8 This decision relates to drawing numbers: 1 and 2.