

# Appendix 2(a)

## Report of Handling

Report dated 28 April 2011 by the Council's Authorised Officer under the Scheme of Delegation



# Delegated Report

Report to: **Delegated Decision**  
Date of Report: **28/04/2011**  
Report by: **Area Manager (Planning & Building Control)**

Application No CL/11/0077  
Planning Proposal: Erection of 5 detached dwellinghouses

## 1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Mr Charles Rooney
- Location : Land to north of Lawhill Road and east of Hillview  
Lawhill Road  
Law

## 2 Decision

2.1 Refuse Planning Permission in Principle (based on the reasons attached)

## 2.2 Other Actions/Notes

None

## 3 Other Information

- ◆ Applicant's Agent:
- ◆ Council Area/Ward: 01 Clydesdale West
- ◆ Policy Reference(s): **South Lanarkshire Local Plan (adopted 2009)**  
STRAT 3: The Greenbelt and Urban Settlements in the Greenbelt  
- Policy STRAT7: Strategic Green Network  
CRE 1: Housing in

the Countryside  
ENV 34:  
Development in the  
Countryside  
DM 1 –  
Development  
Management

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

West of Scotland Archaeology Service

Roads and Transportation Services (Clydesdale Area)

## Planning Application Delegated Report

### 1 Material Considerations

- 1.1 The application site (1.12ha) relates to underused land which has reverted to scrub. It is situated to the south east of Law in open countryside which is designated Greenbelt. The site is partially bounded by detached dwellings to the east and west and elsewhere to the east, west and north by agricultural fields. Close to the north east corner of the site is the steading of East Law Farm. To the south is Lawhill Road and beyond are agricultural fields. Topographically the site is relatively level and the boundaries are characterized by mature trees and hedgerows.
- 1.2 The proposal involves building 5 one and a half storey detached dwellings around a cul-de-sac. Each unit will be contained within a substantial garden and be assigned a double detached garage.
- 1.3 In the South Lanarkshire Local Plan (Adopted March 2009) there are several relevant policies which apply in respect of this proposal. The site is covered by Policy STRAT3: The Green Belt and Urban Settlements in the Green Belt which aims to facilitate development within settlement boundaries whilst maintaining the Green Belt as an area for agricultural, forestry, recreation and other appropriate uses. Urban expansion into the Green Belt is identified in the Local Plan (These are listed as Community Growth Areas in Policy STRAT 2 – the only Community Growth Area in the Clydesdale Area adjoins Carluke and does not cover the application site currently under consideration) where it meets Structure Plan policy. However isolated and sporadic development will be resisted. Within the Green Belt the Council will strongly resist the encroachment or introduction of urban uses. Other than for reasons outlined in Policy CRE 1, (see below) new housing will only be justified where the development forms part of a larger proposal for the rehabilitation or change of use of disused or redundant traditional buildings where this consolidates such groups. Any proposed housing development within the Green Belt should conform with Policy CRE1: Housing for the Countryside which states that new housing in the countryside will normally not be permitted other than for a number of circumstances. These relate to the erection of a house for an agricultural worker associated with a new or associated business, the re-use of an existing building or a replacement building. The site is also covered by Policy STRAT7: Strategic Green Network which identifies a Strategic Green Network as indicated on the Proposal Map, where the creation of a framework of accessible green spaces and corridors will be supported.
- 1.4 Policy ENV 34 'Development in the Countryside' highlights the need to respect existing landscape forms. The design must be sensitive to and respect its immediate setting and wider surroundings, maintain a sense of place and support local identity. It also highlights the need to avoid the use of inappropriate urban form, features and construction materials. Policy DM 1 – Development indicates

that all development will require to take account of the local context and have no significant adverse impact on visual amenity, landscape character or wider environmental amenity.

### 1.5 **Relevant Government Advice/Policy**

In SPP the objectives of green belt policy are outlined as follows:

- To direct planned growth to the most appropriate locations and support regeneration;
- To protect and enhance the character of the landscape setting and identity of towns and cities and;
- To protect and give access to open space within and around towns and cities as part of the wider structure of green space.

## 2 **Consultation(s)**

2.1 **Roads and Transportation Services** – recommend refusal as the minimum visibility splay of 2.5 metres by 90 metres can not be achieved.

**Response:** Agree that limited visibility is a cause for concern.

2.2 **West of Scotland Archaeology Service** – no substantive archaeological issues.

**Response:** Noted.

## 3 **Representation(s)**

3.1 Following neighbour notification and the advertisement of the application in the local press due to non notification of neighbours and Development Contrary to the Development Plan, one letter of objection was received. The contents are summarised below:

3.2 a) **The boundary of the neighbouring property is inaccurate. Title deeds will be attached to demonstrate this.**

**Response:** Although the planning application site boundaries do not correspond exactly with the boundaries shown on the titles deeds the proposed development does not encroach upon the objector's property.

b) **If planning permission is granted would the Council consider constructing a pavement from the application site to Law.**

**Response:** The recommendation is to refuse notwithstanding even if the decision was reversed I do not believe a substantial length of pavement could be justified for a relatively small development.

c) **Does the classroom sizes within Law Primary cater for the number of children that would be living within the proposed development?**

**Response:** I do not envisage that a development of 5 dwellings would affect the existing school capacity.

d) **By allowing this proposal for a change of use of the land to residential it is assumed that this will cover the neighbouring property with regards to future**

**development, i.e no longer green belt, as the land would also be within the village boundary.**

**Response:** The recommendation is to refuse as the application contravenes green belt policies. The site does not adjoin the settlement edge and therefore even if the application was approved it would not result in settlement expansion nor could it justify changing the green belt status on adjacent land.

**e) Concerns about the surface runoff pond especially due to the prevalence of flooding in the area.**

**Response:** The purpose of a SUDs pond is to regulate surface water run off as a means of preventing potential flood situations. The details of the design would have to be authorized by the Council's Flood Unit.

**f) How will responsibility for maintaining the mutual boundary wall be passed to the 5 home owners.**

**Response:** This is a legal matter outwith the planning remit.

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

- 4.1 The applicant seeks detailed consent for five dwellings within the designated Green Belt. The main determining issues are compliance with the adopted Local Plan policies, impact upon amenity and road safety.
- 4.2 In the South Lanarkshire Local Plan (Adopted), Policy STRAT3 discourages encroachment by development in the Green Belt unless necessary for agriculture, horticulture, forestry, recreation or other uses considered appropriate by the Council. Otherwise the only situation where new dwellings could be justified is if the development formed part of a larger proposal involving the conversion of existing buildings which consolidated the existing group of buildings. As the proposed dwellings are not required for occupation of workers associated with agriculture or a business appropriate to a rural setting; as a replacement dwelling or involves conversion of an existing building then in this instance it contravenes Policies STRAT 3 and CRE1. It is also noted that the site does not fall within an identified Community Growth Area.
- 4.3 Policy STRAT7 supports the creation of accessible green spaces and corridors as identified on the proposals map. The area of the site compared to the total green network is miniscule. The proposed development will not inhibit easy access to the countryside and there would be no adverse impact on wildlife corridors in the area.
- 4.4 The surrounding countryside is characterized by isolated farm steadings and cottages situated within a setting of expansive agricultural fields, woodland and tree belts. Five dwellings located around a cul-de-sac would contrast with the landscape

character, appear out of context and introduce a suburban development into a rural setting. Consequently the proposal contravenes Policies ENV 34 and DM 1.

- 4.5 Roads & Transportation Services have recommended refusal on grounds of insufficient visibility at the access. There is a sharp corner along Lawhill Road to the south east of the access point which restricts visibility and I am of the opinion that road safety should not be compromised.
- 4.6 A Planning Statement in support of the application refers to a historic consent (P/LK/01920002) for a single house which was granted by the former Clydesdale District Council in May 1992 to justify the principle of housing on site. However that consent has long since expired and new policy considerations apply. Also, there is a significant difference in scale from one house to five houses. The Statement argues that the proposal does not conflict with the primary objectives of the Green Belt as outlined in the Scottish Planning Policies (SPP). However the aim of the Green Belt is to direct development to the most appropriate locations and that primarily relates to sites within settlement boundaries. The proposed development does not offer any significant environmental enhancement, traffic safety improvements or regeneration/ economic benefits which could justify departure from Local Plan policies. Sufficient housing land has already been identified through the Local Plan process to meet long term demand and therefore this particular development is not required to meet any perceived shortfall in demand. The close proximity of Law causes concerns about a precedent being set resulting in coalescence which could blur the defined edge between the settlement and Green Belt. This would contradict the objective of protecting the setting of the landscape character and identity of towns within the Green Belt.
- 4.7 In view of the above, I am satisfied that the proposal is not an appropriate development for the site and does not comply with local plan policies. I therefore consider that planning permission be refused.

## **5 Reason for Decision**

- 5.1 The proposal does not comply with Policies STRAT 3, CRE 1 ENV 34 and DM 1 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

West of Scotland Archaeology Service 16/03/2011

Roads and Transportation Services (Clydesdale Area) 19/04/2011

- ▶ Representations

Representation from : Mr & Mrs R Jack, St Annes  
Lawhill Road  
Law  
ML8 5EZ, DATED 26/04/2011

## Contact for Further Information

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

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## Detailed Planning Application

PAPER APART – APPLICATION NUMBER: CL/11/0077

### REASONS FOR REFUSAL

- 1 This decision relates to drawing numbers:  
CR/LR/2010/01  
CR/LR/2010/01/A  
CR/LR/2010/02  
CR/LR/2010/03  
CR/LR/2010/04  
CR/LR/2010/05  
CR/LR/2010/06  
CR/LR/2010/07
- 2 The proposal would be contrary to Policy STRAT 3 of the South Lanarkshire Local Plan (Adopted) as it would constitute an isolated and sporadic form of development within the Greenbelt.
- 3 The proposed house would be contrary to Policy CRE1 of the South Lanarkshire Local Plan (Adopted) in that it has not been shown that the proposal is necessary for the furtherance of agriculture, forestry or other uses appropriate to the Greenbelt.
- 4 The proposed dwellinghouses would be contrary to Policies ENV 34 and DM 1 of the South Lanarkshire Local Plan (Adopted) in that proposal will introduce a suburban style development into the rural environment.
- 5 In the interests of road safety, in that the required visibility splays of 2.5 metres by 90 metres can not be achieved.
- 6 If approved, the proposal would set an undesirable precedent which could encourage further similar applications for development prejudicial to the Greenbelt designation.