

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 5 JANUARY 2017

**PLANNING APPEAL DECISION
FIELD 70M NORTH WEST OF GREENLAW BARRY**

REPORT BY HEAD OF PLANNING AND PLACE

Abstract:

This report presents the findings of the Reporter appointed by the Scottish Ministers to determine the appeal against the refusal of Angus Council to grant planning permission for the Erection of 46 Houses and Associated Open Space, Parking and Infrastructure at Field 70M North West Of Greenlaw, Barry for Persimmon Homes (East Scotland). The appeal was dismissed and planning permission refused.

1. RECOMMENDATION

It is recommended that the Committee notes the outcome of the above appeal.

2. INTRODUCTION

- 2.1 The Development Standards Committee at the meeting on 31 May 2016 refused planning permission (application No. 16/00075/FULL) for the Erection of 46 Dwellinghouses and Associated Open Space, Parking and Infrastructure.
- 2.2 The applicant, Persimmon Homes (East Scotland) appealed against the refusal and the Reporter's conclusions and decision are presented below.

3. REPORTER'S DECISION

Reasoning

- 3.1 I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. Having regard to the provisions of the development plan the main issue in this appeal is the effect of the density and design of the proposed development on the local landscape character and pattern of development.

The appeal site and its surroundings

- 3.2 The proposed development would lie on the northern edge of the village of Barry at the western end of Carnoustie. The land was in agricultural use and, with the surrounding land and the tree screen to the south, it still gives the impression of being in open countryside but, having been part of a farm steading, it is considered by the council to be previously developed or "brownfield" land. However, the application site has been extended to the north-west to include U557 Greenlawhill Road, the verges and hedgerow on its northwest side and a strip of greenfield agricultural land beyond. During the site inspection, I noted the open farmland, hedgerows, boundary trees and woodland that contribute to the rural character of the area.
- 3.3 The appeal site lies within the settlement boundary of Carnoustie, extends to about 1.77 hectares (4.37 acres) and lies mainly to the south-east of Greenlawhill Road and west of the access track to Greenlaw, a detached dwelling to the south-east. The land was identified in the Angus Local Plan Review as a C5 Opportunity Site, although no density was specified. With the adjacent 1.5 hectares of farmland to the north-east of the track, it has now been included in the Angus Local Development Plan as a C4 opportunity housing site. In both plans any residential development on the land should "*reflect the rural setting and open nature of the site and its prominence at the entrance to Carnoustie on the Upper Victoria Link Road.*"
- 3.4 The land forms part of the now derelict Greenlawhill Farm complex of which the former farmhouse, hard standings and two associated farm buildings remain, but are in very poor condition, while the site is in an unkempt, overgrown state and littered with debris and scrap.

The land forms part of a raised beach that defines the upper levels of Carnoustie and falls gently south from Greenlawhill Road to the existing buildings, beyond which it slopes more steeply at the site boundary and an area of mature trees which form part of a protected open space identified in the Angus Local Plan Review.

- 3.5 To the south and at a lower level, the houses and bungalows of Corbie Drive and Ravensby Park Gardens form the current limit of development. Immediately to the west, two pairs of semi-detached bungalows at Greenlaw Terrace are set diagonally across the double bends in Greenlawhill Road as it turns down to Main Street, Barry. Opposite these bungalows, Hillview is a cul-de-sac of 4 more recent detached 1.5 storey houses facing open countryside to the north-west with steep rear gardens to the south-east. The Manse is an older 2 storey property on the opposite corner next to a track that gives access to the farm complex, which is to become a secondary pedestrian access in the proposed scheme.

Planning History

- 3.6 The appeal site formed part of a Proposal for Application Notice for a major residential development which was determined as “Approved with Conditions” in 2015 (15/00911/PAN). However, the appellants elected to apply only for the land identified as an opportunity site in the local plan review. Before submitting the application, the appellants consulted with planning officers to agree a suitable layout and design but, during the consideration period, several changes were made to satisfy the council’s requirements, the most significant of which were the reduction in the proposed units from 49 to 46 dwellings and an increase in the open space provision, which led to a recommendation for approval.

Policy background

- 3.7 At the time the application was submitted, the development plan comprised the strategic TAYplan (2012) and the adopted Angus Local Plan Review (2009)(LPR). However, following the examination report from Scottish Ministers, in August 2016 the council gave notice of its intention to adopt the Angus Local Development Plan (LDP) which, according to the council’s website, took place on 23 September 2016. As a result, its policies are the most up to date statement of planning policy and will be given considerable weight in the determination of this appeal. TAYplan policy 1 states that new development should be focussed within principal settlements, of which Carnoustie is classified Tier 3 - *able to accommodate and sustain a small share of the region’s additional development*. The plan also gives priority to the reuse of previously developed land.
- 3.8 The application was refused under LPR policy S3 which takes account of how a proposal would fit in with the local landscape and pattern of development; the layout, scale, massing, height, proportion and density in relation to the existing character of the surrounding area; the use of materials, textures and colours; and key views into and out of the site. These principles are carried through into LDP policy DS3 that requires proposals to deliver a high standard of design and draw upon the positive attributes of the local landscape or townscape. They should create buildings and places which are: distinct in character and identity; safe and pleasant; well connected; adaptable and resource efficient. These criteria are expanded within the council’s approved Design Quality and Placemaking Supplementary Guidance to the LDP.

Main Issue

Density

- 3.9 Notwithstanding the LDP C1 opportunity site for housing development at Pitskelly Farm to the north-east, the appeal site is more closely related to the village of Barry which occupies the north-western limb of Carnoustie. This is defined by the area to the north of Barry Road and west of the Upper Victoria Link Road within which existing residential development is relatively low density in the region of about 15 units/hectare (6 units/acre), mainly as detached and semi-detached single and 1.5 storey dwellings. This is illustrated by the developments in Corbie Drive and Ravensby Park Crescent at a lower level to the south and Hillview to the west, while the bungalows of Greenlaw Terrace lie close to the south-western boundary of the site. While the density in Carnoustie is higher to the south of Barry Road, I saw no sites within Barry village that compare with the density proposed.
- 3.10 The appellants calculate the density of the development on the gross site area of 1.77 hectares (4.37 acres), which now includes the increased open space provision and the

extended site incorporating the existing U557 road, verge and hedgerow, plus a strip of agricultural land to the north. As a result, using the enlarged gross site area, the proposed density would be about 26 units/hectare (10.5 units/acre), while the third parties claim that the net developable area is closer to 1.55 hectare, which would result in nearly 30 units/hectare (12 units/acre).

- 3.11 Although densities in the region of about 2.47 units/hectare (10 units/acre) may have been permitted on other sites in the area, these would be more appropriate to suburban housing estates than a site on the edge of a rural settlement, where the LPR and LDP both expect any proposals to reflect the rural setting and open nature of the site. Similarly, the site lies prominently on higher ground along the northern limits of the village next to open farmland where it would appear very dominant at the entrance to Carnoustie when viewed from the Upper Victoria Link Road, although it would be screened by the trees from the houses to the south.
- 3.12 Even though the land has been identified as a residential opportunity site, it would be the first development in the village to be seen travelling south towards Carnoustie, although other allocated sites will eventually be developed to the east. Of these, I accept that the nearby Pitskelly Farm site has been included in the LDP with a minded to grant planning status, albeit subject to judicial review, but that site lies beyond the settlement boundary and adjacent to a proposed employment site, with a side frontage along the Upper Victoria Link Road. The council has clearly come to terms with this greenfield development, even at the densities proposed, so it is not directly comparable with the appeal site which lies within the village where more care is necessary to ensure that it takes account of the existing development and local rural character.
- 3.13 With the higher densities in the existing housing areas of the town, one would expect a gradual reduction in density to more generous, open layouts further away from the settlement centre, particularly where in close proximity to open countryside and the distinctly rural character of Barry village. In contrast, while the proposal might accord with the design and layout standards often accepted within housing estate developments, this closely packed layout of 2 storey houses makes no concessions to the lower density development elsewhere in the settlement, or the rural character of the surrounding area. Barry Village has clearly grown organically in a rather linear form based on Barry Road and Main Street, with separate areas of development that do not naturally read as one, so I acknowledge that there is no clear pattern of development in the village. However, this very diversity gives the village its distinctive character with which a prominent group of standard estate house types would be in stark contrast.

Design

- 3.14 Turning to the layout itself, while the shared surface access loop, the absence of culs-de-sac and the on-street parking may be acceptable on a typical housing estate, even with the provision of open space, landscaping and gardens, the overall impression is one of a crowded development that makes no attempt to gently ease the proposal into the surrounding rural landscape, such as is required by LPR and LDP policies S3 and DS3. The tight rectangle of 2 storey houses closely set along the edge of the settlement would appear very prominent in an area where single or 1.5 storey dwellings are the norm. While some attempt to soften the frontage with landscaping and tree planting is proposed, this would come at the expense of clearing a length of established hedgerow and intrusion onto adjacent agricultural land. Furthermore, Greenlawhill Road is currently only a single track carriageway where two vehicles cannot easily pass each other but, apart from some improvements within the development site itself, these do not improve this primary access route for vehicles to and from the site or provide adequate footways for pedestrians.
- 3.15 If the submitted typical estate layout were to be permitted, this first element of the identified C4 opportunity site would set the tone for future proposals on land to the east, where higher densities closer to the main road, like those at Pitskelly Farm, are more likely to be acceptable. This effect would be exacerbated by the design of the individual dwellings which would essentially be standard house types that pay little respect to the setting of the village, and would not respect the open rural character of the area. In addition, little effort appears to have been made to produce a landscaping scheme appropriate to a town edge which was required by the C4 opportunity site briefing, involving enhancement to and linkages with the green network.

- 3.16 As a result, rather than blending with the bungalows and 1.5 storey houses at Greenlaw Terrace and Hillview, the unsympathetic medium density housing, generally on higher ground, would dominate the adjoining properties to the detriment of the amenities of the occupiers. Despite the 12 metres back gardens, this is particularly true of the close relationship between the 2 storey terraced houses along the south-western boundary that would overlook the bungalows at Greenlaw Terrace from as close as 20 metres, and where the proposed new footpath along the track makes no provision for preserving the existing vehicular access to No. 4.
- 3.17 I therefore find that the medium density development proposed would be more suited to a housing estate within a town and not to the edge of a rural settlement where it would not reflect the existing lower density housing in the village. I conclude that the proposal would result in an overdevelopment of the appeal site, the density and design of which would have an adverse impact on the local landscape character and the diversity of existing development, contrary to LPR policy S3 and LDP policy DS3.

Third Parties' submissions

- 3.18 I have taken account of the submissions from third parties, many of which I have already addressed in this decision. While I agree that the development should be limited to the brownfield site and this is basically what is proposed, the primary access route also needs to be improved to ensure safe vehicular and pedestrian access to and from the site and the village. The LDP allocation of the C4 opportunity site is dependant on Greenlawhill Road as the main access to the site from the Upper Victoria Link Road, so the whole length of it would need to be widened in any event. Although this is recognised by the appellants who declare that the land required for the improvements is within their control, only the road for the width of the site is shown within the application site. Furthermore, as submitted, the proposal would result in the loss of the verge and hedgerow on the north side, which should be retained in the interests of safeguarding the rural character of the area and the existing wildlife habitats, as required by TAYplan policy 3D.
- 3.19 I understand that the education and health provisions in the town may need to be enhanced in order to serve all the new housing developments proposed but, while developer contributions might assist in this regard, any deficit in those provisions would not alone be a reason for refusing planning permission. I have also found that, despite the favourable Transport Statement, accessibility to the site, particularly for pedestrians, cyclists and schoolchildren would be far from satisfactory while Greenlawhill Road remains a single carriageway with no footpaths for most of its length. Likewise, despite the secondary pedestrian access to the site in the south-west corner, there would still be no footpath down the steep hill to Main Street, Barry where the nearest bus stops are located. I therefore agree that, in its present form, the proposal would not be as sustainable a development as the appellants suggest.

Material considerations

- 3.20 Scottish Planning Policy includes a presumption in favour of development that contributes to sustainable development by supporting the delivery of well-designed housing in accessible locations and, to achieve this, proposals should meet the 6 qualities of a successful place, which are also identified within Creating Places 2013. Similar criteria are set out in the council's Design Quality and Placemaking Supplementary Guidance to LDP policy DS3. Of these, the proposal would appear incongruous in this rural location and would not complement local landscape or topography features, because it lacks distinctiveness and could be built in any location. While it might prove to be a safe and even pleasant place to live, its inward looking layout is not likely to encourage social and economic interaction and activity with the existing village. The form and relationships within the development may well prove welcoming and adaptable to those living there but, again, it would not look outwards towards Barry or naturally encourage integration with the village. Lastly, while the layout would no doubt be built to current building standards and would be resource efficient, in its present form, pedestrian and cycle links to Barry and Carnoustie would not be easy and safe which is likely to perpetuate the residents' reliance on private cars.
- 3.21 The appellants' market research in the area has shown that, to be economically viable, the development should offer small to medium sized houses on this site. However, these could be provided as single or 1.5 storey dwellings which would relate better to nearby development and reduce the visual impact of the proposal on the edge of the village, albeit with some impact on the density. I accept that, at the time the application was submitted, completions in

the South Angus Housing Market Area fell short of the annual target of 70 units largely due to the failure of allocated or permitted sites to progress. While the latest Housing Land Audit in the LDP now shows an adequate land supply, this does not guarantee completions would meet the declared targets. In this connection, I acknowledge that the appellants have completed all the necessary investigations and technical assessments to enable the proposal to be commenced soon after permission is granted, making new houses quickly available to address the current shortfall in the area. Even so, the ability to commence work quickly would not of itself address my concerns over the appeal scheme.

3.22 I have also noted that, during the application process, a Phase 1 Habitat Survey was carried out which indicated that bats may be present in the existing buildings. As these are a protected species, further surveys have been carried out and a mitigation strategy is in place, which includes the provision of bat boxes on existing trees and two of the new dwellings. Once planning permission is granted, a licence from Scottish Natural Heritage will be secured to allow any bats within the existing buildings to be moved to new roosts prior to demolition.

3.23 Notwithstanding the lack of objections from the statutory consultees, which is not surprising bearing in mind the allocation of the site for housing, these only show that residential development would be acceptable on the appeal site, which I also accept. However, this will only be possible once a more sympathetic scheme has been submitted that recognises the rural character of Barry Village and its relationship with the surrounding countryside, which I find has not been demonstrated with the appeal proposals. I therefore find that there are no material considerations of sufficient substance to outweigh my reservations over the appeal proposals.

Conclusion

3.24 I therefore conclude, for the reasons set out above, that the proposed development does not accord overall with the relevant provisions of the development plan and that there are no material considerations which would still justify granting planning permission. I have considered all the other matters raised, but there are none which would lead me to alter my conclusions.

4. FINANCIAL IMPLICATIONS

There are no financial implications.

5. OTHER IMPLICATIONS

Risk

There are no risks associated with the recommendations contained in this report.

Human Rights Implications

There are no Human Rights implications.

Equalities Implications

The issues contained in this report fall within an approved category that has been confirmed as exempt from an equalities perspective.

**VIVIEN SMITH
HEAD OF PLANNING AND PLACE**

NOTE: No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to a material extent in preparing the above report.

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