

ANGUS COUNCIL

DEVELOPMENT CONTROL COMMITTEE

23 May 1996

**SUBJECT: PLANNING APPEAL DECISION
MARYKIRK ROAD, HILLSIDE, MONTROSE**

REPORT BY DIRECTOR OF PLANNING, TRANSPORT & ECONOMIC DEVELOPMENT

Abstract: This report presents the findings of the Reporter appointed by the Secretary of State to determine an appeal against the refusal by Angus District Council to grant consent for a housing development at Marykirk Road, Hillside.

1 RECOMMENDATION

It is recommended that the Committee notes the findings of the Secretary of State's Reporter.

2 INTRODUCTION

2.1 With reference to Angus District Council minute 197(1)/95, the Planning and Development Committee at their meeting of 27 February 1996 refused consent for the outline erection of 8 houses at Marykirk Road, Hillside, Montrose. Application No 01/94/1047 refers.

2.2 The applicant, Mr A Brown, appealed against the refusal and the Inquiry Reporter's conclusions and decision are presented below.

3 REPORTER'S DECISION

3.1 Section 18A of the Act requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The Montrose Local Plan is not adopted and therefore does not fall within the scope of Section 18A. While the plan is still a material consideration, it is dated June 1980, and given the time which has now elapsed its relevance is reduced. No specific part of the structure plan has been drawn to my attention as being relevant to this particular appeal, although reference is made to the general role of these plans in providing the context for ensuring that a minimum 5 year housing land supply is available at all times. You indicate that you do not consider the proposal conflicts with the structure plan, and there is no contrary evidence.

3.2 Accordingly, on the basis of the written submissions, the site inspection and the above, I consider that the determining issues in this appeal are, firstly, whether the proposal would be inconsistent with local and national guidance and, if inconsistent with either, whether current circumstances would justify an approval; secondly, whether the proposal is premature in relation to the new local plan which is under consideration; thirdly, whether the proposal would establish a precedent; and

fourthly, whether the proposal would detract from the appearance of the village or the surrounding area.

- 3.3 On the first issue, the objectives of the finalised local plan relate to consolidating and retaining the separate identity and character of Hillside, Montrose and Ferryden. The plan, however, does not define a boundary of the village of Hillside for guidance. In this part of the village the edge of the built-up area can, in my view, currently be defined as the north side of the existing housing on both sides of Marykirk Road. Beyond this is vacant land, fields and the grounds of the hospital. There is doubt, in my mind, as to whether the hospital could be taken as a logical boundary for the village given its nature, size and location. I also have reservations concerning whether Sunnyside Cottages could be taken as a boundary, given their location. I therefore agree with the council that your client's proposal represents an extension to the village and cannot be regarded as an infill development. While the proposal is unlikely to affect the identity and character of Hillside, in strict terms it does not support its consolidation. With regard to the reference made to the need to retain the loose knit character of Hillside, I note that this only appears to apply to another limited part of the village.
- 3.4 The majority of sites identified for housing in the local plan have been developed. This includes Cruickshank Park in Hillside which is a development of 20 houses. In the village there are 32 plots with consent for housing, of which 11 are constrained by ownership and 8 are available on small sites and their exact status is unclear. In June 1995 the effective land supply for Montrose (on sites of 5+ units) was 76 units, of which 13 were in Hillside. No evidence was placed before me which suggests that the supply of land, and particularly the effective supply, meets current need and demand. Indeed, the evidence points the other way, with difficulties arising over the development of a large site at Brechin Road (320 units) which dominates the established land supply figure. This is likely to have created pressure elsewhere, including on Hillside. I accept that continued growth could put pressure on local services and infrastructure, and in this respect the council consider that there is a potential problem with the capacity of the local primary school. The local plan makes reference to retaining a site for a primary school at Gayfield. However, the Education Department in their response indicate that in their roll projections they have taken account of the possibility of further building within the catchment area of the school and have raised no objection. I therefore do not see this as a constraint to further development at the present time. Reference has been made to no other infrastructure and servicing constraints.
- 3.5 The proposal in this instance is small scale, amounts to only 8 plots and would be of an appropriate scale and density for the village. The site is contained between a road and a railway line and currently appears to form an area of waste ground. It previously formed a part of a railway embankment and can be considered as restored ground. The extension along Marykirk Road would only be around 120 metres and, as such, would be particularly significant. The development of this site is clearly linked to the development which has already taken place on the site to the south. I do not consider that a development of this scale, of this nature and in this location would contravene the objectives outlined in NPPG 3, in particular those concerning the supply of land, the quality of the residential environment and the protection of existing settlements and the natural and built heritage. For these same

reasons, I believe the proposal also complies with the principle outlined in the NPPG for extensions to existing settlements.

- 3.6 The proposal is therefore in my view consistent with national guidance. To the extent that the proposal could be seen as an extension to the village, it could be argued that it is inconsistent with the objective of the finalised local plan. However, taking into account the age and status of the plan, the current position on the housing land supply, the site specific factors and the lack of objection from the Education Department, I consider that there is justification in this instance for approving the proposal.
- 3.7 In relation to the second issue, the local plan review appears to be at an early stage of preparation. No evidence was provided on the timescale for its preparation. I appreciate that it may be desirable to debate the provision of housing sites in Hillside and Montrose within the context of the review. However, I do not consider it likely that approval of a development of this small scale would prejudice the outcome of a fuller assessment of sites in Hillside. In particular, I note that no representations were received from members of the public in respect of this proposal. Approval of the proposal may, to a degree, represent ad hoc planning, but given my findings in paragraph 18, I believe it would be unreasonable to withhold consent on the grounds of prematurity in relation to a local plan review which is still at an early stage.
- 3.8 With regard to the third issue, I acknowledge that although each application is determined principally on its own individual merits, the granting of planning permission for one development can make it difficult to resist similar developments in comparable locations. In this case, I believe the circumstances of the proposal are likely to limit this possibility. In particular, the proposal can be seen as a logical extension to an existing development. In addition, the proposal would not represent a particularly significant extension to the village. I therefore do not consider it likely that it would establish a precedent for further housing developments around the village, although the absence of up to date local plan guidance is likely to make it more difficult for the council to deal with any future proposals.
- 3.9 Turning to the fourth issues, I accept that the proposal could be seen as ribbon development, in that additional houses would be constructed along Marykirk Road. In addition, I acknowledge that the proposal could be taken to represent a linear extension of the village away from the centre. However, in my view, the shape of the site and its relationship to the development to the south would be likely to materially reduce the prospect of the development being seen as either ribbon development or a significant extension to the village. While the proposal is for outline planning permission, the plan submitted shows that the development would be in the form of houses to the south. Landscaping strips, which although narrow have enough width to provide a reasonable level of planting, are also shown around the boundaries. In this form, I believe that the proposal would be seen as a rounding off the existing development. While no details of the houses are available at this outline stage, there is no reason to suppose that the houses would be of a scale of design which conflicted with their village setting. Consequently, I do not consider that the development would be likely to detract from the appearance of the village or the surrounding area.

- 3.10 In conclusion, while the proposal represents an extension to the village contrary to the objective of the old finalised local plan, I find that there are sufficient considerations, including the terms of national guidance and current local circumstances, to outweigh this objection. I also do not consider that there is good reason to reject this proposal on the grounds of prematurity; precedent; or visual impact. I have taken into account all the other matters raised, including the need for a "settling down" period for Hillside, but none of these outweigh the considerations upon which my conclusions are based. Accordingly, in exercise of the authority delegated to me, I hereby sustain your appeal and grant outline planning permission for the extension to a site for residential development proposed in application no 01/94/1047, dated 29 November 1994, subject to the attached schedule of conditions.
- 3.11 I have not restricted the planning permission to the layout plan submitted with the application. While I see merit in the layout proposed, there may be other acceptable alternatives which your client wishes to explore. In these circumstances, I consider that it would be unreasonable to limit the permission in this manner.

4 COMMENT

- 4.1 Bearing in mind the loss of the appeal across the Marykirk Road for 58 houses, reported at the last meeting of the Development Control Committee, it comes as no surprise that this appeal for just 8 houses has also been sustained. In this instance, however, the Reporter's deliberation and particularly his summing-up (paragraph 3.10) is at least more balanced.

5 FINANCIAL IMPLICATIONS

- 5.1 There are no financial implications.

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 any material extent in preparing the above Report.

AA/JJ/SP

Alex Anderson
Director of Planning, Transport & Economic Development