

# Report

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Report to:	<b>Clydesdale Area Committee</b>
Date of Meeting:	<b>29 January 2007</b>
Report by:	<b>Executive Director (Enterprise Resources)</b>

Application No	CL/07/0765
Planning Proposal:	Erection of Stables

## 1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Mr & Mrs George Burton
- Location : Field adjoining 'Burndale'  
72 Hall Road  
Nemphlar  
ML11 9JE

## 2 Recommendation(s)

### 2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Grant Detailed Planning Permission – (Subject to Conditions – Based on Conditions Listed)

### 2.2 Other Actions/Notes

- (1) The Area Committee has delegated powers to determine this application

## 3 Other Information

- ◆ Applicant's Agent:
- ◆ Council Area/Ward: 02 Clydesdale North
- ◆ Policy Reference(s): **Lower Clydesdale Local Plan (Adopted)**
  - Policy ENV2: Rural Area
  - Policy ENV7: Areas of Great Landscape Value
  - Policy DC1: Development Advice General

### **South Lanarkshire Finalised Local Plan – (As Modified)**

- Policy STRAT 4: Accessible Rural Area
- Policy ENV 4: Protection of the Natural and

Built Environment

- Policy ENV 28: Regional Scenic Area and Areas of Great Landscape Value
- Policy DM 1: Development Management
- Policy ENV 11: Design Quality
- Policy ENV 33 – Development in the Countryside

◆ Representation(s):

▶	10	Objection Letters
▶	0	Support Letters
▶	0	Comments Letters

◆ Consultation(s):

Environmental Services

Roads and Transportation Services (South Division)

S.E.P.A. (West Region)

West of Scotland Archaeology Service

## Planning Application Report

### 1 Application Site

- 1.1 The application site is located within a field to the rear of the applicant's property adjacent to the settlement boundary of Nemphlar. Residential properties lie to the north and north west with open and undulating land bounding the site on all remaining sides. The application site is accessed off Hall Road through No.72 and the stables would be erected within a dip in the land along the southern boundary of the site.

### 2 Proposal(s)

- 2.1 The applicant seeks detailed planning consent for the erection of stables. The stables are to be used on a non commercial basis and the application site boundary has been altered to ensure its exclusion from the settlement boundary.

### 3 Background

#### 3.1 Local Plan Status

- 3.1.1 The site is identified as lying within the rural area and an Area of Great Landscape Value in both the adopted Lower Clydesdale Local Plan and the finalised South Lanarkshire Local Plan (as modified). The proposal would therefore be assessed against Policies ENV2, ENV7 and DC1 of the adopted Lower Clydesdale Local Plan and Policies STRAT 4, ENV 4, ENV 28, DM 1, ENV 11 and ENV 33 of the finalised South Lanarkshire Local Plan (as modified).

#### 3.2 Relevant Government Advice/Policy

- 3.2.1 None.

#### 3.3 Planning History

- 3.3.1 None relevant.

### 4 Consultation(s)

- 4.1 SEPA – have no objections to the proposal, subject to adherence to guidance relating to drainage etc.

Response: Noted.

- 4.2 Environmental Services – have no objections to the proposal.

Response: Noted.

- 4.3 Roads and Transportation Services - have no objections.

Response: Noted.

### 5 Representation(s)

- 5.1 Following neighbour notification, 10 letters of objections were received from 9 local residents and the grounds of objections are as follows:

- (a) **The proposal is contrary to the Local Plan, as it is setting a precedent for housing, is outwith the building line, is outwith the settlement boundary and has not been included as a pressure for change site.**

Response: The proposal is for equestrian use which is considered an acceptable form of development within the countryside and as such representation in respect

of the emerging local plan was not necessary. The proposal has been amended to ensure that it does not straddle the settlement boundary.

- (b) **The proposal is considered to be both visually obtrusive and prominent within the countryside.**

**Response:** The proposal is of an unobtrusive design and development of this type is considered acceptable in such rural locations.

- (c) **The proposal may require septic tank soak away and SEPA have previously stated that porosity of the soil has reached saturation.**

**Response:** SEPA has stated that the applicant must adhere to guidance for drainage etc in relation to the use of stables and the applicant is aware of those requirements.

- (d) **There will be increased traffic generation, using an unsuitable access and the roads throughout Nemphlar are inadequate to allow large vehicles associated with recreational equestrian care**

**Response:** Roads and Transportation Services have raised no objections to the proposal. It should also be noted that there would be limited transportation of the ponies by trailer.

- (e) **The stables are sited very near the objector's kitchen window and back door and if granted will impact upon their quality of life.**

**Response:** Disagree. The proposal is sited over 20 metres from the nearest point of the objectors property and is not considered to cause a significant negative impact upon neighbouring properties. It should be borne in mind that such properties, by virtue of their location adjacent to open pasture, are likely to come into direct contact with livestock and associated by-products.

- (f) **If consent is granted, this would lead to further development of the site such as housing.**

**Response:** The introduction of a stable block poses no threat to the status of this site in land use policy terms and provides no justification whatsoever for extending the settlement boundary to allow for residential development.

- (g) **There are currently stables within the immediate area which have caused an increase in noise, vermin and associated damage to properties. We have concerns that there will be odour, hygiene problems, dust, rodents and bacteria all resulting in health risks**

**Response:** Noted. These concerns fall under the jurisdiction of Environmental Health and do not constitute a reason for refusing permission at this location.

- (h) **The Land is not owned by the applicant.**

**Response:** In this respect, the applicant has followed correct owner notification procedures.

- (i) **The site has unsuitable ground conditions for the erection of stables.**

**Response:** The applicant will have to ensure that the stables meet building standards regulations in relation to the foundations of the building and the slope of the site.

- (j) **No new stables should be permitted within close proximity to dwelling houses as until the potential threat of Eastern Equine Encephalitis (EEE).**

**Response:** Whilst this is not a material planning consideration, there are no known incidences of EEE being contracted within Europe and there have been less than 220 reported incidences worldwide in the last 40 years (1964-2004).

These letters have been copied and are available for inspection in the usual manner.

## **6 Assessment and Conclusions**

- 6.1 The applicant seeks detailed planning consent for the erection of stables to the rear of 72 Hall Road, Nemphlar. The determining issues in consideration of this application are whether the development complies with local plan policy and, in particular, its impact on the amenity of the surrounding area.
- 6.2 In considering the proposal's effect on the character and amenity of the locality, policies ENV2, SLP2, ENV7 and DC1 of the adopted Lower Clydesdale Local Plan and policies STRAT4, ENV4, ENV28, ENV11, ENV33 and DM1 of the finalised draft South Lanarkshire Local Plan (as modified) are relevant. The application site is located outwith the settlement boundary and is within the rural area. As such, policies STRAT4 and ENV2 of the adopted and finalised draft local apply respectively, and generally favour development of an appropriate form. The overriding theme of all these policies is that planning applications should take fully into account the local context and protect the natural resource of the surrounding greenbelt area while making a positive contribution to the character and appearance of the rural environment.
- 6.3 The equestrian nature of the proposed development is considered an appropriate use for the countryside and would have minimal visual impact due to the topography of the land. While the stables would be sited relatively close to residential properties, I am satisfied that the proposed scale and nature of the building will not adversely impact on the residential amenity of the area to an unacceptable extent. In addition, Roads and Transportation Services raise no objections to the proposal.
- 6.4 Various concerns have been expressed by several local residents, as listed in section 5 above. However, I am satisfied that the points raised have been adequately addressed and that none would substantiate a refusal of consent. In particular, it should be emphasised that the approval of this application will not result in the extension of the settlement boundary given the nature of the proposed use. In view of the above I consider that the proposal is an appropriate form of development for the site, and complies with local plan policy. I therefore recommend that planning permission be granted.

## **7 Reasons for Decision**

- 7.1 The proposal complies with Policies ENV 2, ENV7 and DC1 of the adopted Lower Clydesdale Local Plan (Adopted) and Policies STRAT 4, ENV4, ENV 28, DM 1, ENV 11 and ENV 33 of the finalised South Lanarkshire Local Plan (as modified) and would not have a detrimental impact on the amenity of the surrounding area.

**Iain Urquhart**  
**Executive Director (Enterprise Resources)**

14 January 2008

**Previous References**

- ◆ None

**List of Background Papers**

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations
  - Roads and Transportation Services (South Division) 08/11/2007
  - Roads and Transportation Services (South Division) 04/12/2007
  - Environmental Services 15/11/2007
  - West of Scotland Archaeology Service 19/11/2007
  - S.E.P.A. (West Region) 10/12/2007
- ▶ Representations
  - Representation from : Mrs Lorna Smith, Whitedales, Hall Road, Nemphlar, ML11 9JE, DATED 15/10/2007
  - Representation from : Mr & Mrs A G Smith, Hillview Cottage, 65 Hall Road, Nemphlar, ML11 9JE, DATED 15/10/2007
  - Representation from : Ben Good, Hallfoot, Hall Road, Nemphlar, ML11 9JE, DATED 15/10/2007
  - Representation from : Ms Margo Good, Hallfoot, Hall Road, Nemphlar, ML11 9JE, DATED 25/10/2007
  - Representation from : Damian & Susan West, Thorniecroft, Welldale Lane, Nemphlar, ML11 9JF, DATED 05/11/2007
  - Representation from : Samuel & May Tannahill, 52 Hall Road, Nemphlar, ML11 9JE, DATED 05/11/2007
  - Representation from : Ian MacRae, Beechbrae, Hall Road, Nemphlar, ML11 9JE, DATED 22/10/2007
  - Representation from : Mr & Mrs Aitken , 61 Hall Road, Nemphlar, ML11 9JE,

DATED 19/10/2007

Representation from : Margo Good, Halffoot, Hall Road, Nemphlar, ML11 9JE,  
DATED 29/11/2007

Representation from : Ross Sandford, Treeakin Mhor, Hall Road, Nemphlar, ML11  
9JE, DATED 12/11/2007

**Contact for Further Information**

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

Caroline Bell, Planning Officer, South Vennel, Lanark ML11 7JT

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## Detailed Planning Application

PAPER APART – APPLICATION NUMBER : CL/07/0765

### **CONDITIONS**

- 1      That the development hereby permitted shall be started within five years of the date of this permission.
- 2      That the development shall be carried out strictly in accordance with the plans hereby approved and no change to the design or external finishes shall take place without the prior written approval of the Council as Planning Authority.
- 3      All external colours shall be agreed in writing with the Council as Planning Authority prior to the commencement of works.
- 4      In the event that the stables become obsolete or redundant it must be removed and the site reinstated to the satisfaction of the planning authority within 3 months.
- 5      That the stables hereby approved shall be used solely in association with the occupation of the property at 72 Hall Road, Nemphlar.

### **REASONS**

- 1      To accord with the provisions of the Town and Country Planning (Scotland) Act 1997.
- 2      In the interests of amenity and in order to retain effective planning control.
- 3      In the interests of amenity and in order to retain effective planning control.
- 4      To minimise the level of visual intrusion, and ensure the reinstatement of the site to a satisfactory standard.
- 5      In order to retain effective planning control.

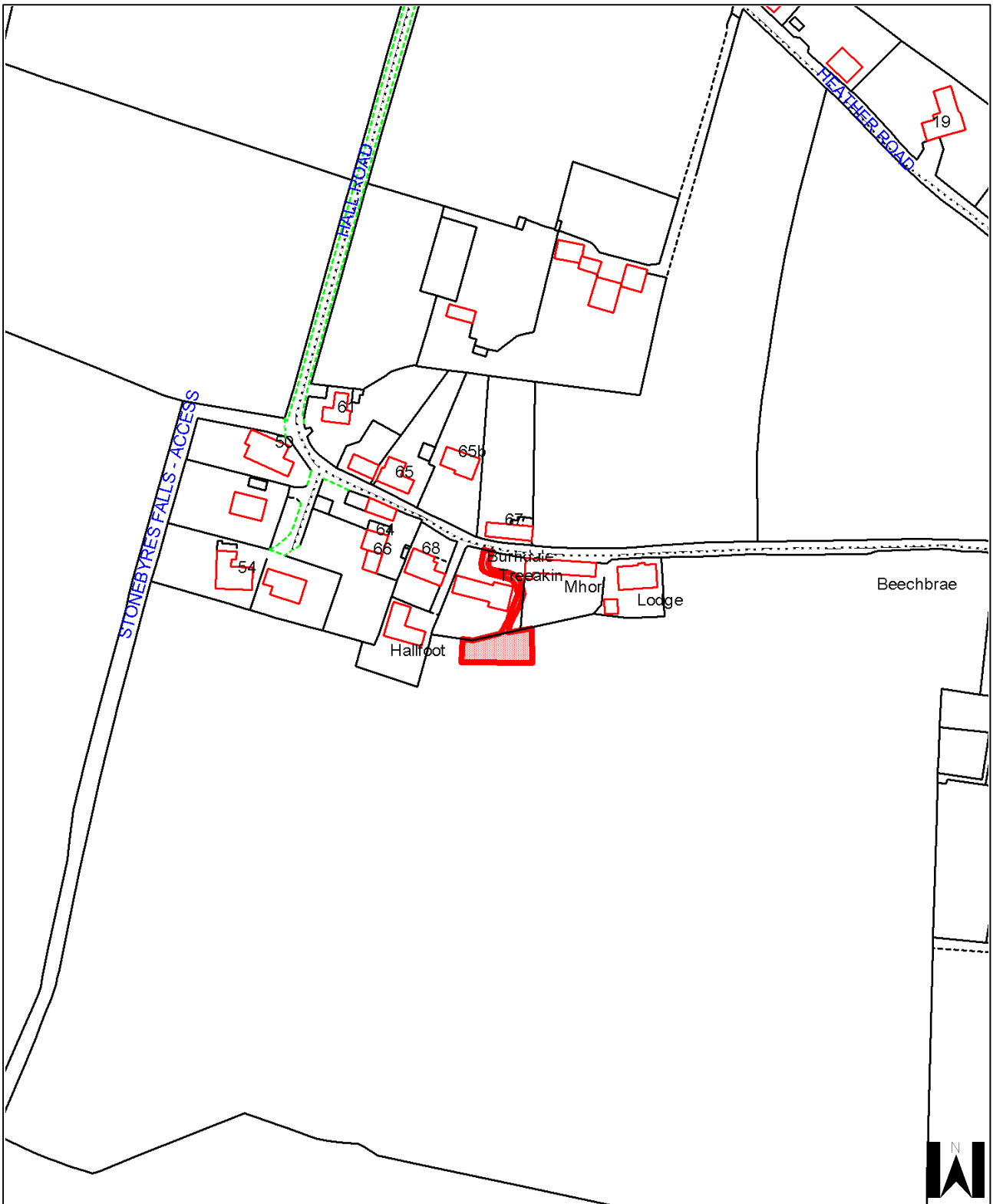
CL/07/0765

Planning and Building Standards Services

Field adjoining Burndale, 72 Hall Road, Nemphlar

Scale: 1: 2500

For information only



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