

# Report

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>13 August 2019</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/19/0723
Planning proposal:	Erection of 3 no detached dwellinghouses, associated groundworks and formation of associated vehicular access

## 1 Summary application information

Application type:	Detailed planning application
Applicant:	Woodside Developments Ltd
Location:	Gillfoot Nursery Waygateshaw Road Carluke ML8 5PY

## 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 attached

### 2.2 Other actions/notes

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

## 3 Other information

- ♦ Applicant's Agent: Iain Harley
- ♦ Council Area/Ward: 01 Clydesdale West
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**  
Policy 3: Green Belt and Rural Area  
Policy 4: Development Management and Placemaking

### **Supplementary Guidance 2: Green Belt and Rural Area**

Policy GBRA7: Redevelopment of Previously Developed Land

### **Proposed SLDP2**

Policy 4: Green Belt and Rural Area  
Policy 5: Development Management and  
Placemaking  
Policy GBRA5: Redevelopment of Previously  
Developed Land Containing Buildings

◆ **Representation(s):**

▶	7	Objection Letters
▶	0	Support Letters
▶	0	Comment Letters

◆ **Consultation(s):** None requested

## **Planning Application Report**

### **1 Application Site**

- 1.1 The L shaped, gently sloping application site extends to 4588 sq metres and is located on land previously associated with a horticultural business operated from the former Gillfoot Nursery in the Clyde Valley, approximately 500 metres to the north of the village of Crossford. Part of the application site, until recently, comprised a brick built boiler house and other sheds/outbuildings with storage tanks, all previously used to service Gillfoot's glasshouses, plus the previously cleared site of a glasshouse which lay on the northern half of the site. The remainder of the site is a grassed area lying between this and the site of a recently demolished garage/packing shed which sat at the roadside. It should also be noted that the site currently benefits from detailed planning permission for 3 no. detached dwellinghouses (P/18/1272, approved Nov 2018). Groundworks and the associated installation of infrastructure for this approved development are currently being undertaken on site.
- 1.2 Due to the topography and mature vegetation of the local area, views into the former nursery site are mainly restricted to the immediate area around Orchard Farm, Hill of Orchard, Gillfoot House and Gillfoot Cottage. The enclosed nature of this locality is further enhanced by the architectural style and positioning of buildings being set back from the public road.

### **2 Proposal(s)**

- 2.1 The applicant seeks planning consent to alter and amend the siting and positioning of the 3 recently approved dwellings on the site effectively moving them 3.5 metres to the west, and bringing 2 of the units closer together by 2 metres. All 3 dwellings would, therefore, gain between 2 and 4 metres of additional rear garden ground depth, with an associated reduction in front garden depth. The reason given for the proposed changes is to slightly increase the space within the rear gardens and to bring the dwellings further down the site in terms of ground levels, reducing their overall visual impact. These proposed changes to the house positions require the application boundary to be increased to the west by 3.5 metres, to include land not previously included in the site, and, therefore, the amended proposals require to be the subject of a fresh planning application. It should also be noted that the detailed house scale, mass and design recently approved for the proposed dwellings is to remain generally the same, with some minor changes to window and door fenestration.
- 2.2 The detailed plans submitted indicate that the site is proposed to be served by an upgraded private vehicular access and that foul drainage will be treated by utilising a bio-disc sewage treatment plan. SEPA have previously given consent for the proposed sewage disposal measures now being implemented on site (under application P/18/1272).

### **3 Background**

#### **3.1 Local Plan Status**

3.1.1 The 2015 adopted South Lanarkshire Local Development Plan identifies the application site as being within the Green Belt, subject to assessment against Policy 3 – Green Belt and Rural Area and Policy 4 - Development Management and Place Making. In addition, the proposals require to be assessed against the guidance contained within the associated supplementary guidance documents, namely that within the Green Belt and Rural Area SG. Policy GBRA7 – redevelopment of previously developed land, is considered to be relevant to the assessment of the application.

3.1.2 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore, the Proposed SLLDP2 is now a material consideration in determining planning applications. Policies 4, 5 and GBRA5 are relevant to the assessment of the current application.

#### **3.2 Relevant Government Advice/Policy**

3.2.1 The Scottish Planning Policy document consolidates and updates previous Scottish Government advice, containing a section on promoting rural development. This document states that ‘the planning system should, in all rural and island areas, promote a pattern of development that is appropriate to the character of the particular area and the challenges it faces, and encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality.’ It also states that ‘Plans should set out a spatial strategy which makes provision for housing in rural areas in accordance with the spatial strategy, taking account of the different development needs of local communities.’

#### **3.3 Planning Background**

3.3.1 Planning permission in principle was first approved for a single dwellinghouse on part of the current application site in 2012 (ref: CL/12/0063). That application was renewed under a further Section 42 application in 2015 (ref: CL/15/0066). Detailed planning permission for the formation of 3 no. residential plots within the physical confines of the current application site was then granted in 2017 (ref: CL/17/0485). A further detailed planning application for 3 no. detached dwellinghouses, of the same overall type as currently proposed, was approved in October 2018 (ref: P/18/1272). This live consent is currently being implemented by the developer. As stated above, the current application has only been submitted to enable the developer to move the approved dwellings further off the rear boundaries of the site, in order to provide more useable rear garden areas.

### **4 Consultation(s)**

4.1 None requested.

## 5 Representation(s)

5.1 Statutory neighbour notification was undertaken and the proposal was advertised in the local paper as non-notification of neighbours, following which 7 letters of representation have been received, and are summarised as follows:

- a) **The application site is within a sensitive rural area, protected by Green Belt legislation from overdevelopment. Additional housing approvals relax this protection, can lead to urbanisation and result in the local area losing its unique character. No specific locational need has been shown for the proposal and it therefore does not comply with local, regional or national planning policy. The site was not included in the proposed South Lanarkshire Local Development Plan 2 (SLLDP) revision, which would have provided an opportunity for fuller scrutiny of the speculative development's impacts. Approval would in fact form a new, consolidated development/settlement of an inappropriate scale.**

**Response:** The current application essentially replicates the previous application covering the site, albeit increasing its physical limits by 3.5 metres to the west. The principle of residential development on the majority of the site has been established by the various previous applications approved at Gillfoot and the detailed design is essentially the same as the most recent approval for the site. This Service is satisfied that the small scale of the additional land proposed to be incorporated into the site is appropriate and does not alter the original approval to an extent that warrants refusal of the amended proposals.

- b) **Potential adverse impact on existing infrastructure, including issues with the existing water pressure in the area. Additional housebuilding will worsen existing infrastructure issues.**

**Response:** Noted, however these concerns are not considered to constitute grounds to refuse the current application. Consideration should be given by the relevant infrastructure provider to upgrade and improve local infrastructure.

- c) **The application site is served by a single track road with no pavements, street lighting, has poor drainage and is starting to subside. Any development which increases the volume of traffic should be discouraged.**

**Response:** As stated above, the current application essentially replicates the previous application granted for 3 new dwellings on the site (ref: P/18/1272). The Council's Roads and Transportation Services offered no objections to the previous application and the current application is not seeking to further intensify the use of the site.

- d) **The style of the houses proposed is uniform and standard in appearance, and is not in keeping with existing houses and buildings in the vicinity.**

**Response:** Noted, however the scale, mass and detailed design of the proposed houses was assessed under the recent, previous approval for the site (ref: P/18/1272) and found to be acceptable. The current application

proposes minimal changes to the design of the recently approved house types.

- e) **The application site has already been cleared by the developer and work is continuing on the site, without the relevant planning permission or conditions being discharged. Are these works permitted and do they comply with building regulations?**

**Response:** A number of site visits to the area has established that works have indeed commenced on site, including the provision of new services and infrastructure. These works are, however, approved under the terms of the previous application granted for the site (ref: P/18/1272) and are also subject of a current building warrant. With regard to the pre start conditions covering the site, it should be noted that the applicant has submitted various relevant information to the planning service, to enable the conditions to be discharged.

- f) **The developer has been utilising noisy, heavy machinery on the site, including in the evenings. This shows a lack of consideration for those who live in close proximity to the site. Further, health and safety issues should be considered in the assessment of the application.**

**Response:** Noted, the applicant has, however, been advised to cease operating heavy machinery outwith normal site construction hours. Notwithstanding this, should complaints continue to be received, the Council can consider taking appropriate action against the developer. With regard to health and safety issues, the site is subject to continued compliance with relevant Health and Safety Legislation. Any alleged breaches of this legislation are a matter for the Health and Safety Executive.

- g) **The application, if approved, must not create a precedent for further developments in the local area. The proposed layout currently sought may allow for further development.**

**Response:** Noted, however every application is assessed on its individual merits.

- h) **Additional sewage discharge through septic tanks into the River Clyde is undesirable.**

**Response:** Noted, however SEPA have already granted consent for the proposed means of sewage disposal from the site, under the most recent planning consent for the site.

- i) **A lack of sensitivity to the local environment and wildlife, as the developer has bulldozed waste close to an existing badger sett and has cut down established beech hedging, the style and height of which are characteristic of this area. Further, the completed development will increase light pollution in what is now a predominantly dark area, which could affect bats.**

**Response:** These concerns are noted, however, the area covered by the proposed 3 plots is considered to constitute formerly developed land on which redundant, vacant buildings stood. These types of buildings had limited ecological value. The works undertaken in proximity to the badger setts, outwith the application site, are noted and these concerns have been

relayed to the developer. He is aware of the need to take due cognisance of all wildlife issues both on the site and in the surrounding area, and of the need to seek a licence from SNH if working in proximity to a badger sett. With regard to the reduction of the height of the existing beech hedge fronting the site, this is a requirement of the original Roads consultation response and is deemed to be necessary in the interests of road safety. The alternative to reducing the height would be to remove the entire hedge from the site, resulting in a more visually prominent alteration to the site frontage. With regard to light pollution affecting bats, historically the site had many buildings upon it, the majority of which would have had associated lights, potentially resulting in more light pollution from the commercial nursery activities previously undertaken at the site.

- 5.2 These letters have been copied and are available for inspection in the usual manner and on the planning portal.

## **6 Assessment and Conclusions**

- 6.1 The applicant seeks planning consent to amend the detailed design, siting and positioning of three recently approved dwellings on land at Gillfoot Nursey in the rural area just outside Crossford.
- 6.2 As noted above, the site already benefits from detailed planning consent for three dwellinghouses of a broadly similar scale and design (P/18/1272), and, as such, the principle of residential development on the majority of the site has been established. The policies in the adopted South Lanarkshire Local Development Plan and its associated Supplementary Guidance, policies against which the earlier application was assessed, remain relevant in the consideration of this further application for the minor repositioning of the three dwellinghouses, namely Policy 3: Green Belt and Rural Area and Policy 4 – Development Management and Placemaking. The policies of the replacement proposed South Lanarkshire Local Development Plan 2 are also material to the assessment, as they were to the original P/18/1272 application.
- 6.3 Policy 3 – Green Belt and Rural Area states that proposals which involve the redevelopment of derelict or redundant land and buildings, and those of limited development within clearly identifiable infill, gap sites and existing building groups will be considered. As stated in the officer report for the previous 2018 application, part of the application site comprises the ground of a recently cleared glasshouse and had planning permission for the erection of one dwelling (CL/15/0066); part comprises redundant boiler and tank buildings and infrastructure associated with the former use of the nursery; and a third of the site is an identifiable gap site adjacent to the public road. Policies 4 and GBRA 7 - Redevelopment of Previously Developed Land requires development proposals to take account of and be integrated with the local context and built form. It is considered that the low height of the dwellings, now further reduced due to their proposed repositioning further west within the site, is reflective of the agricultural steadings and cottages in the area, while the grouping to the rear of Gillfoot continues to reflect the historical expansion of the horticultural business. It is also considered that the bespoke nature of the proposal's style and the proposed mixture of materials on the exteriors are of a standard worthy of the unique character of this rural area. The application continues to take full cognisance of the existing landscape character

by including additional tree planting and hedging to provide an appropriate, adequate level of screening. The sought inclusion of an additional 3.5 metres wide strip of land to the west of the approved site is not considered to alter this previous view. It is, therefore, considered that these further proposals also comply with Policy 3 – Green Belt, 4 – Development Management and Place Making and GBRA7 – Redevelopment of previously developed land.

- 6.4 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and it is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan. It is considered that these further proposals continue to accord with Policies 4, 5 and GBRA5 in the proposed plan.
- 6.5 In summary, the changes proposed to the site by repositioning the 3 dwellings in the manner proposed are considered to be appropriate for the rural location and will have no notable adverse impact on any of the existing surrounding residential properties. A number of objections to the current application have been submitted, however, the majority of the grounds of objection were considered under the broadly identical application recently approved for the site (ref: P/18/1272). Notwithstanding this, all comments and representations to the current application have been considered and none are considered to raise any matters that constitute grounds for refusal of the application.
- 6.6 In view of all of the above it is, therefore, recommended that planning permission be granted for the proposed development.

## **7 Reasons for Decision**

- 7.1 The amended proposals will not adversely affect the landscape character or impact upon the residential amenity of the local area. It does not raise infrastructure or environmental issues, and complies with Policy 3 - Green Belt and Rural Area of the adopted South Lanarkshire Local Development Plan and its related supplementary guidance. It is considered that the siting, design and massing of the proposed dwellinghouses continues to be appropriate for the rural character of the locality, and complies with Policies 4 - Development Management and GBRA7 - Redevelopment of Previously Developed Land. The proposal also complies with Policies 4, 5 and GBRA5 of the proposed South Lanarkshire Local Development Plan 2.

**Michael McGlynn**  
**Executive Director (Community and Enterprise Resources)**

Date: 16 July 2019

### **Previous references**

◆ CL/12/0063, CL/15/0066, CL/17/0485, P/18/1272

### **List of background papers**

► Application form



- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Supplementary Guidance 2: Green Belt and Rural Area
  
- ▶ Neighbour notification letter dated 06.06.2019
  
- ▶ Newspaper advert, Lanark Gazette, dated 29.05.2019
  
- ▶ Representations
 

	Dated:
Mrs Ursula Laing, Ellerburn Cottage, Burnside Orchard, Crossford, Carluke, ML8 5PX	06.06.2019
Peter Booth, Hill Of Orchard, Hillbrae, Carluke, South Lanarkshire, ML8 5PX	04.06.2019
Sandra Gunn, Hill Of Orchard, Orchard, Near Carluke, ML8 5PX	06.06.2019
Mr Ross Helmy, Gillfoot House, Waygateshaw Road, Carluke, South Lanarkshire, ML8 5PX	30.05.2019
Robin Laing, Ellerburn Cottage, Crossford, Carluke, ML8 5PX	06.06.2019
Mrs Pamela Hamilton, Linnside Orchard, ML8 5PY	06.06.2019
A J Boag, 1 Burnside Cottage, Waygateshaw Road, Carluke, ML8 5PX	07.06.2019

### **Contact for further information**

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

Stuart Ramsay, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB  
 Phone: 01698 453601  
 Email: [stuart.ramsay@southlanarkshire.gov.uk](mailto:stuart.ramsay@southlanarkshire.gov.uk)

### **Conditions and reasons**

01. No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Council as Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Council as Planning Authority in agreement with the West of Scotland Archaeology Service.

Reason: In order to safeguard any archaeological items of interest or finds.

02. That the type and distribution of external finishes shall be as shown on the approved plan, but prior to the commencement of any work on site, samples of the materials to be used shall be submitted to and approved by the Council as Planning Authority.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

03. That no development shall commence until details of surface water drainage arrangements have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design Criteria and shall include signed appendices as required. The development shall not be occupied until the surface drainage works have been completed in accordance with the details submitted to and approved by the Council as Planning Authority.

Reason: To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.

04. That the landscaping scheme relating to the development hereby approved shall be carried out simultaneously with the development, or each phase thereof, and shall be completed and thereafter maintained and replaced where necessary to the satisfaction of the Council as Planning Authority.

Reason: In the interests of the visual amenity of the area.

05. That before any of the dwellinghouses hereby approved are brought into use, a dropped kerb access to the site shall be constructed, and the first 4 metres of this

access shall be hard surfaced, all in accordance with the specification and to the satisfaction of the Council as Roads and Planning Authority.

Reason: In the interests of traffic and public safety.

06. That before the development hereby approved is completed or brought into use, visibility splays of 2.5 metres by 40 metres to the north, and 2.5 metres by 48 metres to the south, as measured from the road channel shall be provided at the vehicular access and everything exceeding 0.9 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines. For the avoidance of doubt this will necessitate a reduction of the hedge height to the south and the removal of the building, and the reduction of the hedge height within the visibility splay to the north side.

Reason: In the interests of traffic and public safety.

07. That before the development hereby approved is completed or brought into use, all of the parking spaces shown on the approved plans shall be laid out, constructed and thereafter maintained to the specification of the Council as Roads and Planning Authority.

Reason: To ensure the provision of adequate parking facilities within the site.

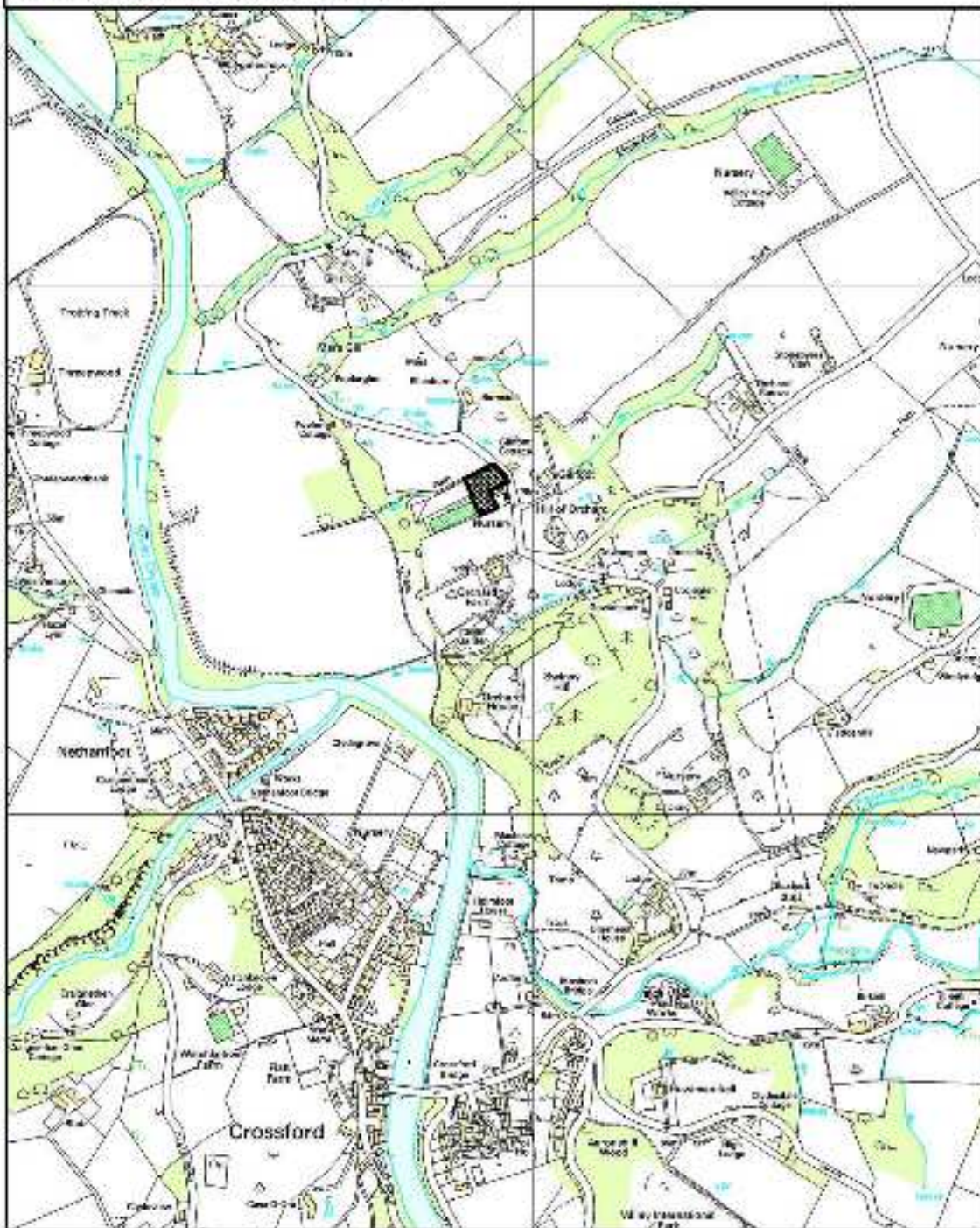
08. That before any dwellinghouse hereby approved is completed or brought into use, a turning space shall be provided within the site to enable vehicles to enter and leave the application site in forward gears at all times.

Reason: In the interests of traffic and public safety.

09. That notwithstanding the terms of the Town and Country Planning (General Permitted Development)(Scotland) Amendment Order 2011 (or any such order revoking or re-enacting that order), no fences, walls or other means of enclosure shall be erected on the site without the prior written permission of the Council as Planning Authority, other than -
- i) post and wire fences up to 1 metre in height; or
  - ii) hedge rows planted with native species only.

Reason: In the interests of the visual amenity of the area.

Gillfoot Nursery Whygateshaw Road, Carlisle



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 Date: 11/01/2017



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