

# Report

Report to:	<b>Clydesdale Area Committee</b>
Date of Meeting:	<b>25 September 2018</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no:	P/18/0232
Planning proposal:	Erection of Single Storey House, Detached Garage, Agricultural Polytunnel and Formation of Associated Vehicular Access at Plot Adjacent to 1 and 3 Newhouse Court, Carstairs, Lanark

## 1 Summary application information

Application type:	Detailed planning application
Applicant:	Mr and Mrs James Forrest
Location:	Plot Adjacent To 1 and 3 Newhouse Court Carstairs Lanark ML11 8QS

## 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 the conditions attached

### 2.2 Other actions/notes

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

## 3 Other information

- ♦ Applicant's Agent: Alex Cullen And Co
- ♦ Council Area/Ward: 03 Clydesdale East

- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**  
Policy 3 – Green Belt and Rural Area  
Policy 4 - Development Management and Place Making

### **Supplementary Guidance**

Development Management, Place Making and Design

Green Belt and Rural Area

### **Proposed South Lanarkshire Development Plan 2**

Policy 4 - Green Belt and Rural Area  
Policy 5 - Development Management and Placemaking

- ◆ **Representation(s):**

▶	6	Objection Letters
▶	0	Support Letters
▶	0	Comment Letters

- ◆ **Consultation(s):**

Roads Development Management Team

Environmental Services

Health and Safety Executive

## **Planning Application Report**

### **1 Application Site**

- 1.1 The irregular shaped application site extends to approximately 0.26 ha in area and is located at the western edge of Carstairs village, on fairly level, former agricultural land. The applicant presently accesses the site for agricultural purposes from the existing field access gate located to the east, directly from Newhouse Court.
- 1.2 The site is bounded to the north by an area of woodland, with the grounds of the former Mouse Valley golf course beyond. It is bounded by open agricultural land within the applicant's ownership to the south and west, and by existing, single storey residential properties located within Carstairs village to the east.

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

- 2.1 The applicant seeks detailed planning permission for the erection of a 2 bedroom, single storey detached dwelling on the site, a detached domestic garage and for the erection of a 90 sq metre agricultural polytunnel structure for livestock husbandry (sheep). The modest sized, single storey dwelling is proposed to be finished in a grey, slate substitute roof tile with external wet dash render walls and a smooth cement render base course. The house and garage are proposed to be set within a generous, well spaced curtilage and would all be served by a single private vehicular access road that takes a single point of access onto the end of Newhouse Court. The agricultural polytunnel is proposed to be sited on land to the west of the proposed dwelling, to enable the applicant's livestock to access the adjoining agricultural land. The proximity of the polytunnel to the applicant's proposed dwelling will also enable the applicant to oversee the animal's welfare and security.

### **3 Background**

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

- 3.1.1 The adopted South Lanarkshire Local Development Plan identifies the site as falling within the Rural Area where Policy 3 – Green Belt and Rural Area applies. In addition, Policy 4 - Development Management and Place Making is relevant. Finally, Supplementary Guidance on Development Management, Place Making and Design and Green Belt and Rural Area apply, while the Council's Residential Design Guide should also be taken into consideration.
- 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. The proposed development requires to be considered against the relevant policies in the proposed plan, namely Policy 4 – Green Belt and Rural Area and Policy 5 – Development Management and Placemaking.

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

- 3.2.1 The Scottish Planning Policy document contains 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 development 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 and that most new development should be guided to locations within or adjacent to settlements.

### 3.3 **Planning History**

3.3.1 There are no records of any previous planning applications on the site.

## 4 **Consultation(s)**

4.1 **Roads & Transportation Services** – no objection, subject to conditions covering the standard of the proposed vehicular access, parking provision and site/access drainage.

**Response:** Noted. If planning permission is granted, appropriate conditions can be attached to any consent to address these issues.

4.2 **Environmental Services** – no objection, subject to the addition of a number of informatives covering construction noise, formal action against potential nuisance and potential contamination.

**Response:** Noted. If planning permission is granted, appropriate informatives can be attached to any consent to address these issues.

4.3 **Health and Safety Executive (Pipelines)** – does not advise, on safety grounds, against the granting of planning permission.

**Response:** Noted.

## 5 **Representation(s)**

5.1 Statutory neighbour notification was undertaken and the proposal received 6 letters of objection. The issues raised are summarised below:

a) **The ground conditions in the local area comprise of sand and gravel, resulting in ongoing settlement of the houses that have been built in Newhouse Court. More settlement issues may result from the construction of the buildings now proposed on the application site.**

**Response:** These concerns are noted, however any new buildings on the application site would require to incorporate adequate foundations to address the ground conditions found on site. Similarly, the objector's dwelling should have incorporated adequate foundations when constructed. Issues related to historic settlement are however a private legal matter for the affected party.

b) **The road in Newhouse Court is in a poor condition. Increased traffic associated with the use of the site will lead to further deterioration of the existing road.**

**Response:** Noted, however Roads and Transportation Services have stated they have no objections to the access arrangements proposed.

c) **The objector's property floods every winter as a result of run-off from the former golf course which starts behind the proposed development.**

**Response:** These concerns are also noted, however the applicant controls the land to the rear of the site and is therefore able to incorporate any necessary drainage measures to mitigate this potential issue.

d) **The planning constraints for the dwellings in Newhouse Court only allow for a single storey dwelling and a single garage to be constructed. Under no circumstances would anyone be permitted to construct a 15 metre long polytunnel in their garden, or run a business from their property.**

**Response:** Noted, however the objector hasn't clarified which constraints he is referring to and in any case the new dwelling proposed is not subject to the conditions attached to the previous, historic applications for dwellings located within Newhouse Court. Furthermore, each planning application, whether residential or business/commercial, is considered on its individual merits.

- e) **The proposed access to the site was only to be used for attending livestock, and not for vehicles to access houses. Further, the access land off Newhouse Court is not owned by the applicant, and is seldom used due to the existence of an alternative access.**

**Response:** These concerns are noted, however the objector hasn't clarified where this statement restricting the use of the access originates from. Notwithstanding this, any access disputes over the existing field access are a private legal matter for the affected parties. The applicant has served the requisite notification on the owners of the land at the site access and is satisfied that he has a legal right of access over the land for the purposes of implementing any planning consent.

- f) **There are no services or infrastructure in the field for the new dwelling proposed. How will the necessary infrastructure be provided without causing major upheaval for existing residents?**

**Response:** Noted, however any disturbance to existing residents due to the installation of infrastructure and services is likely to only be for a short period of time and is not considered to be of a sufficient extent to warrant refusal of the current application.

- g) **The site is outwith the settlement boundary of Carstairs village and may result in a form of ribbon development located in the designated Green Belt.**

**Response:** The site is located outwith the defined settlement boundary for the village of Carstairs, however it is within the designated Rural Area, not within the Green Belt. The relevant policies of the adopted South Lanarkshire Local Development Plan and its associated supplementary guidance permit small scale settlement extensions, as detailed in Section 6 below. As the proposals seek consent for a single dwelling accessed off an existing field access they are not considered to represent a form of ribbon development.

- h) **Granting planning consent for the dwelling currently proposed could lead to more dwellings being granted on the land, having an adverse impact on road safety and on the outlook/view from the existing properties.**

**Response:** Noted, however each application is assessed on its individual merits and any subsequent applications for the applicant's land would require to be the subject of a separate, detailed assessment. With regard to the loss of view/outlook, this is not a material planning consideration.

- i) **The polytunnel proposed will be an eyesore and will create noise disturbance and farming odours. The proposals would also result in overlooking and privacy issues.**

**Response:** These concerns are noted, however the plans submitted indicate that the proposed polytunnel will be shielded visually from the majority of existing dwellings by the applicant's proposed house and by its proposed location on the edge of the adjoining agricultural field. Further, following a detailed assessment, the proposed polytunnel is considered to be of a suitable scale and design and is located a sufficient distance from the nearest residential properties to ensure that issues of noise, odour and overlooking/privacy are unlikely to have any notable adverse impact on residential amenity.

- j) **The planting of any trees by the applicant will impact severely on the light afforded to the objectors property.**

**Response:** Whilst there are a number of trees proposed to be planted along the boundary between the applicant's property and the objector's, it should be

noted that planning consent is not in fact required for the planting of trees. The applicant is proposing to plant a number of trees along the boundary to provide additional screening to the nearest affected dwellings, and will be required to submit further details of the type of landscaping proposed. The intention would be not to plant any high growing species.

- k) **There is a main gas pipeline running through the field that contains the application site. If the pipeline is disturbed it could have serious consequences for all residents.**

**Response:** These concerns are also noted, however the necessary consultation with the HSE (Health and Safety Executive) for the pipeline has been carried out. HSE have confirmed that they have no objection to the proposed development.

- l) **The site is located in an area where the habitats of protected species, including newts, could be impacted by the development.**

**Response:** Noted, however the proposed site is within an existing, grassed agricultural field, occupied by grazing livestock, where the habitat of any protected species is unlikely to be disturbed by the development currently proposed. Further, there are no noted watercourses or ponds within the site that are likely to attract newts.

- m) **The existing infrastructure, water, electricity etc would be unable to cope with the development proposed.**

**Response:** The site is located in an area where connections to the existing services are unlikely to be an issue. Concerns over infrastructure capacity are noted, however the applicant only seeks consent for a modest sized, 2 bedroom dwelling on the site. The existing infrastructure in this part of the village is therefore unlikely to be adversely affected by approval of a single new dwelling on the site.

- n) **Who is responsible for keeping the road clean from field debris and mud, particularly during winter months?**

**Response:** Roads and Transportation Services have confirmed that the applicant would be responsible for ensuring that significant amounts of mud and debris are kept off the public road.

- o) **The applicant has not provided a design and access statement or a planning statement with the application. There is no way of knowing if the proposals accord with the policies of the adopted local development plan or if they represent ribbon development.**

**Response:** The assessment of the application is detailed in section 6 below.

- p) **The proposed garage is sited close to the rear of the objector's dwelling where it will cause a loss of light and overshadowing. Further, there is no clarification of what the yard area identified on the plan will be used for.**

**Response:** Noted, however following discussions with the applicant the garage has been repositioned to the rear boundary of the site and the yard area relocated to be closer to the proposed polytunnel. The changes to the layout of the site will reduce any potential impacts on residential amenity.

- q) **The applicant has failed to provide any appropriate business or economic justification for the application. The proposals should be resisted if no viable justification is provided.**

**Response:** It is noted that no business justification has been provided for the application, however the site adjoins the existing settlement boundary and

requires to be assessed against the relevant planning policies in the local development plan. These include a policy that permits small scale settlement extensions, as detailed below.

- r) **The proposed dwelling is out of keeping with the existing dwellings in Newhouse Court in terms of siting, scale, design and use of poor external materials. Further, there is no clarification of how the proposals address energy or sustainability issues.**

**Response:** The application is subject to a detailed assessment below, however in response to the comments on energy and sustainability the proposals will require to comply with the latest Building Standards regulations.

- 5.2 These letters has 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 detailed planning consent for the erection of a single storey detached dwellinghouse, an associated domestic double garage, an agricultural polytunnel for housing livestock and for the formation of an associated vehicular access on land on the western settlement edge of Carstairs village. The determining issues in the consideration of this application are its compliance with the adopted South Lanarkshire Local Plan, associated Supplementary Guidance, the policies of the replacement proposed South Lanarkshire Local Plan 2 and its impact on rural amenity and road safety.
- 6.2 In terms of the adopted South Lanarkshire Local Development Plan, the application site is located within the Rural Area where Policy 3 - Green Belt and Rural Area applies. This advises that development which does not require to be located in the countryside will be expected to be accommodated within the settlements, other than in a number of circumstances. These include instances where there is a specific locational requirement or established need for a proposal; the proposal involves the redevelopment of derelict or redundant land or buildings where environmental improvement can be shown; the proposal involves the conversion of traditional buildings; or the proposals is for limited development within identifiable infill or gap sites and existing building groups. It also states that in the Rural Area limited expansion of an existing settlement may be appropriate where the proposal is proportionate to the scale and built form of the settlement, it is supportive of the sustainability of the settlement and a defensible settlement boundary is formed or maintained.
- 6.3 Supplementary Guidance on development in the Green Belt and Rural Area provides more detailed guidance on appropriate forms of development. In this case Policy GBRA4 – Small scale settlement extensions is relevant and states that proposals for new houses on sites adjoining existing settlements will be required to meet a number of criteria. This includes that the development shall maintain a defensible settlement boundary; the proposals respect the specific local character and the existing pattern of development within the settlement, and be of an appropriate small scale that is proportionate to the size of the existing settlement; have no adverse impact on the amenity of any existing dwellinghouses; incorporate substantial boundary landscaping to minimise any impacts on rural amenity and ensure appropriate landscape fit; be readily served by all necessary infrastructure; have no adverse impact in terms of road safety; and have no adverse impact on biodiversity, or cultural and historic features.
- 6.4 The settlement boundary as defined in the South Lanarkshire Local Development Plan is currently drawn tightly to respect the existing extent of built development at

Carstairs. The historic development pattern of the settlement has taken place in a planned form, primarily along the public roads entering the village to the south, east and west. The proposed development in this instance would continue the incremental extension of the settlement to the west. Whilst the application site is not within the village envelope it is appropriate in assessing the current proposals to consider whether a small scale incursion beyond the existing settlement boundary is acceptable.

- 6.5 In assessing the proposals it is noted that the application site is currently part of an agricultural field on the edge of the settlement, albeit within the ownership of the applicant and operated as part of an established agricultural smallholding. In assessing the proposals, it is considered that adequate compensatory agricultural land exists on the unit to replace the small area of land proposed to be developed. The western and southern boundaries of the site presently adjoin open fields, however the applicant is proposing to plant a new area of boundary landscaping along these edges of the site. The presence of the new planting proposed should result in a clearly defined and defensible settlement boundary, whilst enhancing landscape quality and character in this part of the village. Further, the proposals are considered to be of an appropriate scale and design that will have no adverse impact on the local character or existing settlement pattern. In addition, it is considered that the proposals will have no adverse impact on residential amenity in terms of overlooking, privacy or overshadowing, and will have no notable impact on rural amenity in terms of the house type, the small scale of the agricultural polytunnel and the boundary landscaping proposed. The site can be adequately served by all necessary infrastructure, will have no adverse impact in terms of road safety and have no significant impact upon landscape features, valuable habitats or protected species. Overall therefore, it is considered that the proposals for both the dwelling and the agricultural polytunnel accord with both Policy 3 – Green Belt and Rural Area of the South Lanarkshire Local Development Plan and Policy GBRA 4 – Small scale settlement extensions of the associated Green Belt and Rural Area Supplementary Guidance.
- 6.6 Policy 4 - Development Management and Place Making along with supplementary guidance on Development Management, Place Making & Design requires the Council to seek well designed proposals which integrate successfully with their surroundings, take account of the local context and built form and to be compatible with adjacent buildings and surrounding streetscape in terms of scale, massing, design, external materials and impact on amenity. In addition development should be well related to existing development, public transport, local services and facilities. As stated above the proposed dwelling is considered to be of an appropriate scale and design, able to integrate with the established streetscape character of Carstairs, which currently comprises of a variety of house styles and sizes. In addition, the proposed development is considered to comply with the requirements of the Council's Residential Design Guide in terms of plot ratio, garden sizes, window to window distances and parking provision. Furthermore, there would not be an adverse impact on the amenity of existing local residents in terms of overlooking or overshadowing given the distance between existing properties and the site. The Council's Roads and Transportation Services have not raised any road safety concerns and the proposals can be served by an appropriate vehicular access. With regard to the agricultural polytunnel, this is of a design and scale that is considered to represent an appropriate form of rural development, typical of the type of agricultural structure found in the countryside. Given it's siting and modest scale, it is not considered that this use will have any adverse impact on the amenity of nearby residents. In view of the above, the proposals are considered to be in compliance with Policy 4 – Development Management and Place Making of the adopted South Lanarkshire Local Development



Plan and with the associated Development Management, Place Making and Design Supplementary Guidance.

- 6.7 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. 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 1. It is considered that the proposals accords with Policies 4 and 5 in the proposed plan.
- 6.8 Six letters of objection have been received which raise concerns about non compliance with local plan policy as the site is located outwith the settlement, the scale and design of the proposals, road safety issues, precedent, the proximity of a major gas pipeline, ownership of the land, infrastructure constraints and the lack of appropriate justification. These comments have been taken into account however I am satisfied that the proposals do accord with local plan policy and that the concerns raised do not warrant refusal of the application.
- 6.9 Following a full assessment of the proposal it has been concluded that the proposals accord with the adopted South Lanarkshire Local Development Plan, it's associated Supplementary Guidance and the policies of the replacement South Lanarkshire Local Plan 2. It is considered that the proposals represent an appropriate form of development for the site and therefore the recommendation is to grant consent.

## **7 Reasons for Decision**

- 7.1 The proposals will have no adverse impact on the amenity of the area and comply with Policies 3 and 4 of the adopted South Lanarkshire Local Development Plan (2015), and with the guidance contained in the SG on Development Management, Place Making & Design and in the SG on Development in the Green Belt and the Rural Area. In addition, the proposals are also consistent with the relevant policies of the proposed South Lanarkshire Local Development Plan 2.

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

7 September 2018

### **Previous references**

- ◆ None

### **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
- ▶ Supplementary Guidance 3: Development Management, Placemaking and Design
  
- ▶ Neighbour notification letter dated 13 March 2018
  
- ▶ Consultations

Roads Development Management Team	29.03.2018
Environmental Services	06.04.2018
Health and Safety Executive	06.09.2018

► Representations	Dated:
Mr Ronnie Wilson, 1 Newhouse Court, Carstairs, Lanark, South Lanarkshire, ML11 8QS	02.04.2018
Janice & Ian Longford, Received Via E-mail	10.04.2018
Mr & Mrs McMahon, 4 Newhouse Court, Carstairs Village, Lanark, ML11 8QS	05.04.2018
Mr Derek Wilson, 5 Newhouse Court, Carstairs, Lanark, South Lanarkshire, ML11 8QS	19.03.2018
Mrs Linda McMahon, 4 Newhouse Court, Carstairs, Lanark, ML11 8QS	27.03.2018
Ian & Janice Longford, 3 Newhouse Court, Carstairs, Lanark, South Lanarkshire, ML11 8QS	10.04.2018

**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 455267  
 Email: [stuart.ramsay@southlanarkshire.gov.uk](mailto:stuart.ramsay@southlanarkshire.gov.uk)

**Conditions and reasons**

01. 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.

02. That before development starts, full details of the design and location of all fences and walls, including any retaining walls, to be erected on the site 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 before the development hereby permitted is occupied or brought into use, all the fences or walls for which the permission of the Council as Planning Authority has been obtained under the terms of Condition2 shall be erected and thereafter maintained to the satisfaction of the Council.

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

04. That before any work commences on the site, a scheme of landscaping for the area shaded green on the approved plans shall be submitted to the Council as Planning Authority for written approval and it shall include:

- (a) details and specification of all trees, shrubs, grass mix, etc., including, where appropriate, the planting of fruit/apple trees;
- (b) details of any top-soiling or other treatment to the ground;
- (c) sections and other necessary details of any mounding, earthworks and hard landscaping;
- (d) proposals for the initial and future maintenance of the landscaped areas;
- (e) details of the phasing of these works; and no work shall be undertaken on the site until approval has been given to these details.

Reason: To ensure the appropriate provision of landscaping within the site.

05. 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.

06. That before the development hereby approved is brought into use, a dropped kerb access to the site shall be constructed 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.

07. That before the development 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.

08. That before the dwellinghouse hereby permitted is occupied, 2 car parking spaces shall be provided within the curtilage of the plot and outwith the public road or footway and shall thereafter be maintained to the specification of the Council as Planning Authority.

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

09. That before the development hereby approved is completed or brought into use, a private vehicular access or driveway shall be provided and the first 2 metres of this access from the heel of the footway/service strip shall be hard surfaced across its full width to prevent deleterious material being carried onto the road.

Reason: To prevent deleterious material being carried onto the road.

10. That before the development is completed or brought into use, the surface of the vehicular access shall be so trapped and finished in hardstanding as to prevent any surface water or deleterious material from running onto or entering the road.

Reason: In the interests of traffic safety and to prevent deleterious material entering the road.

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Plot adjacent to 1 and 3 Newhouse Court, Carstairs, Lanark



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Scale:  
1:5,000  
Date:  
10/09/2018



**South Lanarkshire Council**  
**Community and Enterprise Resources**  
Planning and Economic Development