

	<h1>Report</h1>	Agenda Item <h1>12</h1>
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Report to: **Planning Committee**
 Date of Meeting: **21 June 2005**
 Report by: **Executive Director (Enterprise Resources)**

Application No CL/05/0320
 Planning Proposal: Change of Use from Vacant Agricultural Land to Residential Curtilage and Amendment to House Types in Respect of Consent CL/03/0465 (Plots 5, 6 and 7)

1 Summary Application Information

- Application Type : Detailed Planning Application (Amend)
- Applicant : Allanton Properties Ltd
- Location : Former Woodside Nursery
Howes Way
Carstairs Junction
ML11 8SE

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

The Planning Committee has delegated powers to determine this application.

3 Other Information

- ◆ Applicant's Agent: Development Design Services
- ◆ Council Area/Ward: 08 Carstairs/Carnwath
- ◆ Policy Reference(s): Upper Clydesdale Local Plan (Adopted)
- Policy 72: Rural Area

- ◆ Representation(s):
 - ▶ 0 Objection Letters

- ◆ Consultation(s):

Roads and Transportation Services (South Division)

Planning Application Report

1 Application Site

- 1.1 The application site was, historically, part of the landholding for the former Woodside Nursery, but now consists of a piece of vacant land, sandwiched between agricultural land belonging to the Scottish Executive and a residential development site. It amounts to some 0.3 hectares. It is situated to the rear of Plot Nos. 5-7 Howes Way.
- 1.2 It is bounded by residential properties to the east and by agricultural land on all other boundaries. An existing stone wall defines the western boundary of the site with an area of ancient woodland thereafter.

2 Proposal(s)

- 2.1 The application is for the change of use of agricultural land to residential curtilage and amendment to house types in respect of consent CL/03/0465 (Plots 5, 6 and 7) at former Woodside Nursery, Howes Way, Carstairs Junction. The alterations to house types involve a slightly larger footprint for each house, a gable on each side elevation as opposed to a hipped roof and attic accommodation has now been added to the plots with velux windows to the roofs. The encroachment into the Rural Area measures some 52 x 56 metres (0.3 ha). The land will be utilised as garden ground associated with Plots 5, 6 and 7.

3 Background

3.1 Local Plan Status

The site is covered by Policy 72 – Rural Area in the adopted Upper Clydesdale Local Plan.

3.2 Planning Background

Detailed planning consent was granted in 2002 for erection of 12 dwellinghouses (Ref. No. CL/01/0602). An amendment to this consent was granted in 2003 for erection of 14 dwellinghouse (Ref. No. CL/03/0465).

4 Consultation(s)

- 4.1 Roads and Transportation Services – no objections provided that standard roads conditions are imposed on the developer.

Response: Noted. Conditions can be attached to any approval.

5 Representation(s)

- 5.1 Statutory neighbour notification was served by the applicant and the proposal was advertised in the local press, as Development Potentially Contrary to the Development Plan. Following this, no representations were received.

6 Assessment and Conclusions

- 6.1 The residential development adjacent to the site is well under construction and the land in question lends itself to being incorporated within the development site boundary without setting an undesirable precedent.
- 6.2 The determining issues in this instance are the extent to which the development complies with local plan policy and the Council's Residential Development Guide. The adopted Upper Clydesdale Local Plan identifies the site as being within the Rural Area where Policy 72 applies. This policy prohibits development in the rural area, unless it is shown to be necessary in the interests of agriculture, horticulture,

forestry or other uses appropriate to the Rural Area. It is my view that the creation of additional garden ground by incorporating unused agricultural land is appropriate in this particular case and actually allows for a more appropriate development in terms of rear garden depth for plots 5, 6 and 7. Although this proposal will result in an extension of residential curtilage into the Rural Area, contrary to Policy 72, I consider this to be justified in terms of the improved rear garden sizes and that the land in question will be utilised, as opposed to lying unused between the residential site and agricultural land.

- 6.3 The alterations to the house types are also acceptable and raise no issues in terms of their compliance with the Council's Residential Development Guide.
- 6.4 In conclusion, I am satisfied that a departure from the adopted Upper Clydesdale Local Plan can be justified on the following grounds:
- ◆ no infrastructure issues are raised by the development;
 - ◆ no precedent is being set by the encroachment into the rural area; and
 - ◆ the additional land will help create a better, more rounded development site.

Iain Urquhart
Executive Director (Enterprise Resources)

6 June 2005

Previous References

- ◆ None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans

- ▶ Consultations
Roads and Transportation Services (South Division) 16/05/2005

- ▶ Representations
None received

Contact for Further Information

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

Jim Lennon, Planning Officer, South Vennel, Lanark
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E-mail: Enterprise.lanark@southlanarkshire.gov.uk

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 That before any development commences on site or before any materials are ordered or brought to the site, details and samples of all materials to be used as external finishes on the development shall be submitted to and approved by the Council as Planning Authority.
- 4 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.
- 5 That before any of the dwellinghouses situated on the site upon which a fence is to be erected is occupied, the fence or wall for which the permission of the Council as Planning Authority has been obtained under the terms of Condition 4 above, shall be erected and thereafter maintained to the satisfaction of the Council.
- 6 That no dwellinghouse shall be occupied until the access roads and footways leading thereto from the existing public road have been constructed to base course level.
- 7 That before the last dwellinghouse hereby permitted is occupied, all roads and footways within the development shall be completed to final wearing course level.
- 8 That each driveway shall be constructed with a hardstanding extending to at least 4 metres from the heel of the footway fronting the site.
- 9 That the existing wall on the western boundary shall be retained and repaired as necessary, to the satisfaction of the Planning Authority.
- 10 That audible construction activities shall be limited to between 8am and 7pm on Mondays to Fridays, 8am and 1pm on Saturdays and not at all on Sundays.

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 These details have not been submitted or approved.
- 5 In order to retain effective planning control
- 6 To ensure satisfactory vehicular and pedestrian access facilities to the dwellings.

- 7 To ensure satisfactory vehicular and pedestrian access facilities to the dwellings.
- 8 In the interests of public safety and to prevent deleterious material being carried onto the highway.
- 9 In the interests of amenity.
- 10 In the interests of amenity.

For information only

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