

# Report

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Report to:	<b>Clydesdale Area Committee</b>
Date of Meeting:	<b>12 September 2017</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application No	CL/17/0283
Planning Proposal:	Change of Use of Agricultural Land to Form a Single House Plot at Bughtknowes Farm, Tashieburn Road, Forth, Lanark

## 1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Mr Thomas Ballantyne
- Location : Bughtknowes Farm  
Tashieburn Road  
Forth  
Lanark  
ML11 8ES

## 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 listed)

### 2.2 Other Actions/Notes

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

## 3 Other Information

- ◆ Applicant's Agent: George Simpson Architect
- ◆ Council Area/Ward: 02 Clydesdale North
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**  
Policy 2: Climate Change  
Policy 3: Green Belt and Rural Area  
Policy 4: Development Management & Placemaking

### Supplementary Guidance

- Development management, placemaking and design (2015)
- Green Belt and Rural Area (2015)
- Sustainable Development and Climate Change (2015)

◆ Representation(s):

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

◆ Consultation(s):

Roads & Transportation Services (Flood Risk Management Section)

Roads Development Management Team

## Planning Application Report

### 1 Application Site

- 1.1 The application site (0.18 hectares) is situated on agricultural land at the north west corner of a collection of buildings around Crooklands Farm situated some 2.8km north east of Forth. The site is accessed via a 3m wide unlit rural spur road off Tashieburn Road. The site is bounded to the south by a modern dwellinghouse (Haywood House) and across the access road to the east by Crooklands Cattery. Open farmland lies to the west and north.

### 2 Proposal(s)

- 2.1 Detailed planning permission is sought for the formation of a single house plot together with the formation of a new vehicular access. The original application was submitted without the benefit of pre-application discussions and proposed the formation of 2 plots. It was at that point that the agent was advised that the formation of two plots would be considered an extension of the existing building group and would most likely be refused as contrary to planning policy. It was suggested that if the scheme was reduced to one plot, that given the layout of the existing building group and subject to a detailed policy assessment, the proposal could be considered acceptable under Policy GBRA6: 'Consolidation of existing building groups'.

### 3 Background

#### 3.1 Relevant Government Advice

- 3.1.1 SPP advises that the planning system should identify a generous supply of land to support the achievement of housing land requirements and maintain at least a 5 year supply of land at all times. It should also enable the development of well designed, energy efficient, good quality housing in sustainable locations and focus on the delivery of allocated sites. In terms of development in the rural area, SPP states that most new development should be guided to locations within or adjacent to settlements. However, it states that the planning system should in all rural areas promote a pattern of development that is appropriate to the character of the particular rural area and the challenges it faces and set out the circumstances in which new housing outwith settlements may be appropriate.

#### 3.2 Local Plan Status

- 3.2.1 The application site is identified in the adopted South Lanarkshire Local Development Plan as being within the Rural Area where Policy 3: Green Belt and Rural Area applies. Policies 2: Climate Change and 4: Development Management and Place Making are also relevant. The associated Supplementary Guidance on Development Management, Placemaking and Design, Green Belt and Rural Area, and Sustainable Development and Climate Change are also applicable.

#### 3.3 Planning History

- 3.3.1 There have been no previous planning applications relating to this site.

### 4 Consultation(s)

- 4.1 **Roads and Transportation Services (Flood Management)** – have no objection to the proposed development.  
**Response:** Noted
- 4.2 **Roads Development Management Team** – no objection subject to conditions relating to access, visibility and parking.  
**Response:** Appropriate conditions will be attached if the application is granted.

## **5 Representation(s)**

5.1 In response to the carrying out of neighbour notification and the advertisement of the application in the local press, 10 letters of objection were received from 6 households. The issues raised are summarised below:-

**(a) The new house will increase traffic on the surrounding rural road network to the detriment of road safety while the position of the plot access is another concern for road safety due to the lack of visibility on the bend.**

**Response:** It is not considered that a single house plot will generate a vast amount of additional traffic and having assessed the application the Roads Development Management Team have concluded that the required 43m visibility can be achieved in both directions from the proposed access point; they have therefore raised no road safety concerns. Planning conditions would be added to any planning permission granted that will ensure the visibility is provided and thereafter maintained prior to occupation of the site.

**(b) The development of this plot will result in overlooking and a loss of privacy due to the close proximity of the proposed plot to the objector's property.**

**Response:** As this application is for the formation of a single house plot, no details of the house type or its actual siting have been submitted at this stage. Such details would be the subject of a further detailed application, at which time the impact of the house on the neighbouring properties would be fully assessed. Nonetheless, having reviewed the site location and the orientation of the adjoining properties, it is considered that the site is capable of accommodating a house design and siting which would meet provide adequate separation distances and would not give rise to overlooking or a loss of privacy to the neighbours.

**(c) Approval for a house at this location would set a precedent and encourage further development in this area.**

**Response:** The adopted Local Development Plan planning policies outline the circumstances where residential development in the rural area can be acceptable. Following a full assessment of this application against the adopted development plan it is considered that the formation of a house plot at this location is in accordance with local plan policy and is an acceptable development for this plot (see detailed assessment in section 5 below). Any further applications at this location would be assessed against local plan policies and determined accordingly.

**(d) The proximity of the proposed plot to the objector's property will result in overshadowing.**

**Response:** The application site is to the north of all existing development in this building group therefore there will be no undue overshadowing caused by development on this site. In addition, given the physical restrictions of the site due to the position of an overhead power line, and based on the indicative plot layout, any house on the plot would likely have to be approximately 10m to 15m from the site boundary and approx 20m from the adjoining dwelling. It would therefore have little effect on the amount of daylight the surrounding properties receive.

**(e) The development of this plot amounts to overdevelopment of this part of the rural area and impacts on the character and amenity of the landscape.**

**Response:** The development of a single house plot which in the Council's opinion consolidates an existing building group would have a minor impact on the character and amenity of the area and would not constitute overdevelopment.

**(f) There is already one property further along on the same access which was recently sold for renovation.**

**Response:** This application needs to be assessed on its own merits to determine its compliance with local plan policy and in particular its impact on the character and amenity of the area.

**(g) Under Article 8 of the Human Rights Act, people are entitled to respect for their private and family life. Further development in the rural area goes against these rights.**

**Response:** The Human Rights Act is not applicable to the assessment of this planning application. The right to a private life covers issues such as respect for individual sexuality, the right to personal autonomy and physical and psychological integrity, respect for private and confidential information, the right not to be subject to unlawful state surveillance and the right to control the dissemination of information about one's private life. In terms of family life Article 8 provides the right to respect for one's established family; this right is about maintaining the family unit in whatever form it takes. The rights afforded to individuals and families under the Human Rights Act are not affected by this development.

**(h) The development of this plot will put further strain on the limited resources in the area such as water supply, drainage, telephone and broadband.**

**Response:** The application is for a single house and so the additional demands placed on the existing infrastructure would be relatively small. Water supply is controlled by Scottish Water and the applicant would have to apply to them for a connection; if there are issues with water supply then a connection could be withheld until improvements are made to the network. In terms of drainage, this would be done through the installation of a private system which would need the approval of SEPA. The applicant owns the land around the site and would therefore be able to install a suitable system to meet SEPA requirements. The availability of telephone and broadband is not a planning consideration; it is the responsibility of network providers to supply an adequate service.

**(i) The additional noise generated by a new dwelling in such close proximity to the adjacent cattery business is of great concern.**

**Response:** The application site is part of an existing building group which includes three houses, a farm house and farm steading. The addition of a single residential unit will not significantly increase the noise levels in the proximity of the existing cattery business. It is recognised that during construction there will be increased noise for a short period, however noisy construction activity should be limited to restricted hours and any noise nuisance can be controlled by Environmental Health through their powers. However the construction period of a development is not a consideration in determining the acceptability of this application.

**(j) There are bats roosting on land adjacent to the proposed house plot and this development will affect their foraging habitat.**

**Response:** The responsibility of the applicant under the Conservation (Natural Habitats &c.) Regulations 1994 (as amended) and The Conservation of Habitats and Species Regulations 2010 is to protect bats and their roosts. The foraging areas of bats are not necessarily affected by development in the vicinity of any roost. In this case the application site is surrounded by areas that are more likely to be used by bats, such as the adjacent woodland and the hedgerows surrounding the open fields. Any loss of hedges to achieve the required visibility would be replaced by planting new hedgerows around the site boundary; this will be controlled by condition.

## **6.0 Assessment and Conclusions**

- 6.1 The determining issues in consideration of this application are its compliance with local plan policy, road and traffic safety, and impacts on both the residential and visual amenity of the surrounding area.
- 6.2 Policy 3: Green Belt and Rural Area generally expects houses to be accommodated within identified settlements other than in particular circumstances including where a proposal is for limited development within clearly identifiable gap sites and existing building groups. In the associated Supplementary Guidance 2: Green Belt and Rural Area, Policy GBRA6: 'Consolidation of existing building groups' outlines criteria which should be adhered to in order for such a proposal to be favourably considered. The criterion advises that the scale and siting of new development should reflect and respect the character and amenity of the existing group and the individual houses within the group. The existing housing group should not expand by more than 100% of the number of houses already existing within that group and the proposed development should also respect the character, cohesiveness, spacing and amenity of the existing group and the individual houses within the group. In this case the application site constitutes an acceptable consolidation of the existing building group due to the position of the site in relation to the existing buildings and represents a natural rounding off of the building group. The access arrangement adheres with current standards and Roads & Transportation Services have not raised any road safety concerns. There are no landscape or biodiversity features affected by the proposal and there is no evidence to suggest the site cannot be served by necessary infrastructure. In view of this the proposal complies with policy 3 and GBRA6.
- 6.3 Policy 4: Development Management & Placemaking states that development proposals will require to take account of and integrate with the local context and built form. Development proposals should have no significant adverse impacts on the local community. In the associated Supplementary Guidance 'Development Management & Placemaking', Policy DM1 states that where appropriate, the design and layout of all new development will be assessed in relation to the relevant criteria for the site location including Policies 2 and 4 of the SLLDP and Appendix 1 'Design and Access' of SG 3: Development Management & Placemaking. The formation of a single residential plot at this location is considered to have no significant adverse impact on adjacent residential units, the commercial activities in the area, on landscape character, habitats or species, while taking account of and being suitably integrated with the local context and pattern of the existing building group. In view of this the proposal complies with policies 4 and DM1.
- 6.4 Policy 2: Climate Change seeks to minimise and mitigate against the effects of climate change. In view of the small scale of this housing development in close proximity to existing housing I do not envisage any negative impacts which would undermine the objectives of the policy.
- 6.5 In summary, the proposal accords with policy on development in the rural area and has no adverse impact on residential amenity, the character of the rural area or on road safety. It is on this basis that planning permission should be granted.

## **7.0 Reason for decision**

- 7.1 The proposal constitutes a consolidation of an existing building group and accords with Policies 2, 3 and 4 of the adopted South Lanarkshire Local Development Plan and associated Supplementary Guidance: Green Belt and Rural Area, Sustainable Development and Climate Change and Development management, Placemaking and Design. There would be no adverse impacts on the character of the rural area, residential amenity or road safety.

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

28 August 2017

**Previous References**

- ◆ None

**List of Background Papers**

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan (adopted 2015)
- ▶ Development management placemaking and design supplementary guidance (2015)
- ▶ Neighbour notification letters dated 7 July 2017 and 20 July 2017
- ▶ Consultations
  - Roads & Transportation Services (Flood Risk Management Section) 25/07/2017
  - Roads Development Management Team 14/08/2017
- ▶ Representations
  - Representation from : Amanda Forsyth RVN MBVNA,  
Crooklands Bungalow  
Haywood  
Lanark  
ML11 8ES, DATED 10/08/2017
  - Representation from : N Fyfe, , DATED 09/08/2017
  - Representation from : P Fyfe, , DATED 09/08/2017
  - Representation from : Kelly Fyfe, DATED 09/08/2017
  - Representation from : Laura Fyfe, DATED 09/08/2017
  - Representation from : Derek Docherty, DATED 09/08/2017
  - Representation from : Charles Lorimer, DATED 11/08/2017
  - Representation from : Karen Macmillan,  
Springfield House  
Haywood  
Forth  
Lanark  
ML11 8ES, DATED 11/08/2017
  - Representation from : Alasdair Macmillan,  
Springfield House  
Haywood  
Forth  
Lanark  
ML11 8ES, DATED 11/08/2017

Representation from : Colin and Carolanne Crawford,  
Crooklands Farm  
Haywood  
Forth  
ML11 8ES, DATED 08/08/2017

**Contact for Further Information**

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

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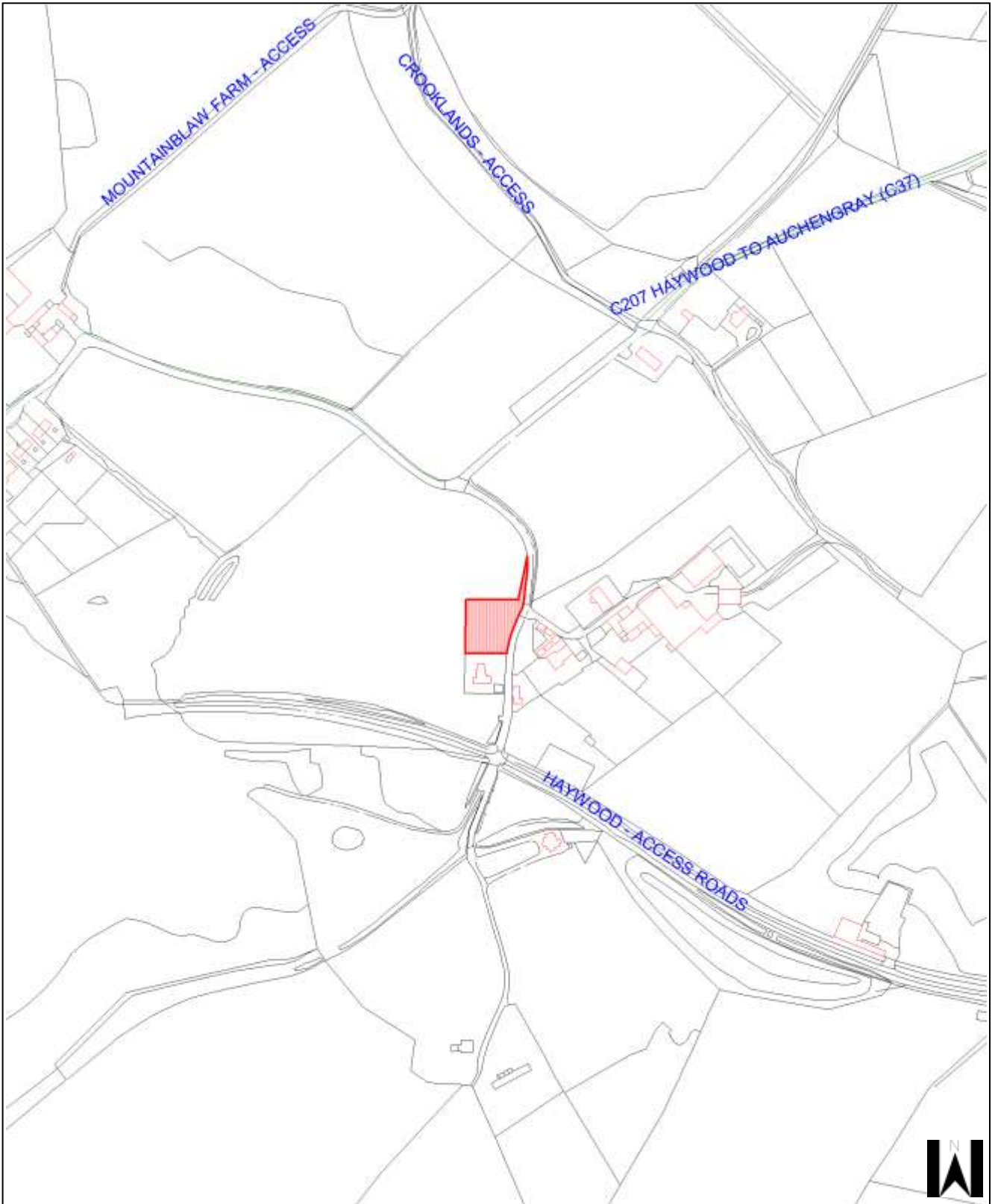


## CONDITIONS

- 1 That further applications shall be submitted to the Council as Planning Authority for the erection of individual dwellinghouses on the plots hereby approved, together with the requisite detailed plans and such plans shall include:-
  - (a) Plans, sections and elevations of the proposed buildings together with the colour and type of materials to be used externally on walls and roof;
  - (b) Sections through the site, existing and proposed ground levels and finished floor levels;
  - (c) Detailed layout of the site as a whole including: provision for car parking and associated turning area, details of access and details of all fences, walls, hedges or other boundary treatments;
  - (d) Details of proposed hedge and tree planting (including fruit trees) to be carried out within the area coloured green along the north and west boundaries as shown on the approved location plan scale 1:1250;
  - (e) a drainage assessment and flood risk assessment and a detailed scheme for surface water drainage. Surface water from the site shall be treated in accordance with the principles of the Council's Sustainable Drainage Design Criteria and requirements.
- 2 That notwithstanding the terms of Condition No.1 above, the design and siting of any dwellinghouse on the site shall take due cognisance of the rural location, with particular regard being paid to scale, massing, roof pitch, fenestration and materials; and shall be in accordance with the Council's approved policy on new dwellings in the rural area.
- 3 That no building to be erected on the site shall exceed 1½ storeys in height.
- 4 That before the plot hereby approved is developed and occupied the following standards shall be put in place:
  1. Access shall be via a 5.5m wide dropped kerb vehicular crossing, with kerbs laid to delineate the edge of the public road, and hard surfaced for the first 5m behind the edge of the access. No gate shall be erected across the access within the first 6m.
  2. Visibility splays of 2.0m x 43m shall be provided and maintained in both directions. No fencing, vegetation, shrubs, trees, etc. above the height of 900mm shall be located within the sightlines.
  3. A 2m wide grass verge shall be provided along the frontage of the property.

## REASONS

- 1.1 These details have not been submitted or approved.
- 2.1 In the interests of amenity and to ensure satisfactory integration of the new dwellinghouse with the designated rural area
- 3.1 In the interests of amenity.
- 4.1 In the interest of road safety, to achieve acceptable access standards.



For information only

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