

Report to:	Planning Committee
Date of Meeting:	20 September 2011
Report by:	Executive Director (Enterprise Resources)

Application No	EK/11/0246
Planning Proposal:	Change of Use from Agricultural Land to Private Garden Round, Erection of Rear Retaining Wall, Timber Fence, Gate and Railings and Erection of Front Wall, Pillars and Gate (Amendment to EK/10/0316)

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : John Curran
- Location : Crowhills Cottage
Chapelton
ML3 7XP

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

The Planning Committee has delegated powers to determine this application.

3 Other Information

- ◆ Applicant's Agent: Smith Findlay Architecture and Design
- ◆ Council Area/Ward: 05 Avondale and Stonehouse
- ◆ Policy Reference(s): **South Lanarkshire Local Plan (adopted 2009)**
DM 1 - Development Management Policy
DM 4 - House Extensions and Alterations Policy
STRAT 3 - The Green Belt and Urban Settlements In The Green Belt Policy
ENV34 – Development in the Countryside Policy

- ◆ Representation(s):

- ▶ 1 Objection Letters
- ▶ 0 Support Letters
- ▶ 0 Comments Letters

◆ Consultation(s):

Roads and Transportation Services (East Kilbride Area)

Planning Application Report

1 Application Site

- 1.1 This application relates to Crowhills Cottage located to the north-east of Chapelton. The site is situated within land designated as Greenbelt in the Adopted South Lanarkshire Local Plan (March 2009) and is therefore mainly bound by Greenbelt land. Crossreguell Cottage, a further residential property, sits immediately to the west of the application site. The site is accessed from Burn Highway.

2 Proposal(s)

- 2.1 The proposal is for the change of use from agricultural land to private garden ground, erection of rear retaining wall, timber fence, gate and railings and erection of front wall, pillars and gate. It is noted that this application is an amendment to two previous applications; EK09/0342 and EK/10/0316. The change of use involves approximately 69 square metres of Greenbelt land being incorporated as private garden ground. It is noted that the majority of this development has already been carried out with the exception of the rear railings.

3 Background

3.1 Local Plan Status

- 3.1.1 The South Lanarkshire Local Plan (Adopted) provides the development plan context for this application. The application site is located within the Greenbelt therefore Policy STRAT3 – The Greenbelt and Urban Settlements in the Greenbelt is applicable and aims to protect this land against the introduction of urban uses. There will be a general presumption against all development except where it can be shown to be necessary for the furtherance of agriculture, horticulture, forestry, recreation etc.
- 3.1.2 Policy ENV34 – Development in the Countryside aims to conserve the natural and built environment and avoid dominating or adversely interfering with existing views in and out of the site. In addition, the development should respect existing landscape form, and retain or reinstate trees, woodland and boundary features which contribute to landscape character and support wildlife.
- 3.1.3 Policy DM1 – Development Management states that all planning applications should take account of the local context and built form and that all development should be compatible with adjacent buildings and surrounding streetscape in terms of scale, massing, design, external materials and impact on amenity.

3.2 Planning History

- 3.2.1 Planning permission was granted for the erection of two storey and single storey rear extensions with formation of pitched roof over existing single storey building, erection of domestic stables and formation of new access in December 2009 under planning application EK/09/0342. Following structural problems on site, an amendment to this application was submitted under EK/10/0316 and approved December 2010. It is noted that there is also a separate application under consideration for a mobile animal feeder; planning application EK/11/0245.

4 Consultation(s)

- 4.1 Roads and Transportation – Recommended the pillar, already constructed at the front of the property, is reduced to 900mm to allow an acceptable visibility splay. They also recommended that the proposed metal railings to be erected onto the front wall should not be implemented as this would also restrict visibility.

Response: The applicant has been advised of these requirements. A condition has also been attached to the consent.

5 Representation(s)

5.1 Following neighbour notification and advertisement in the local press as Development Contrary to the Development Plan (DCDP), one letter of representation has been received, the points of which are summarised below:

a) **The Planning Service assured that the entire development would be contained within the existing residential site and there would be no encroachment into the Greenbelt.**

Response: The original proposal to develop the property at Crowhills Cottage was shown on the submitted plans to be contained entirely within the residential property boundary. This was assessed and approved as such. However, it was brought to the attention of the Planning Service that the development was not being carried out in accordance with the approved plans. The applicant was therefore advised they would require to submit an application for an amendment to allow Planning to assess the development into the Greenbelt, hence the current application.

b) **The first development to the site was the removal of a mature and established beech hedge running the length of the back of the residential site. The second development was the laying of a concrete base for a domestic stable block. No planning permission had been sought for either of these developments.**

Response: The removal of the mature beech hedge is not a planning matter as planning permission was not required for this. In terms of the concrete base, it was initially unclear what this was to be used for therefore the Planning Service contacted the applicant asking for details to assess whether planning permission was required. It was determined that planning permission would be required. An application for this development was lodged in July 2011 and is being considered under application EK/11/0245.

c) **The applicant has decided that the concrete base is for a mobile animal feeder despite being shown on the plans as a mobile stable block.**

Response: The application for the mobile animal feeder/shelter is being assessed under a separate application, EK/11/0245.

d) **The rear boundary to the residential plot has been pushed back into the Greenbelt 1.5m at the narrowest point and 4m at the widest part.**

Response: I am satisfied that the submitted plans accurately reflect the situation on site and that the area of land to be incorporated within the garden ground is approximately 69 square metres.

e) **The applicant is linking agricultural land into residential land which is contrary to the Development Plan and policies to protect the Greenbelt.**

Response: Council policy aims to protect the Greenbelt from the encroachment or introduction of urban uses. However, in this case, the area of land proposed to be incorporated as garden ground is approximately 69 square metres with a projection of 1.5metres located directly to the rear of the existing residential property. Given this is a relatively small piece of land; I do not consider this to be an unacceptable form of development. Furthermore, the residential property boundary of the adjacent property at Crossreguell extends further back than that at Crowhills therefore I consider the proposed change of use acceptable.

f) **As the development is described as a mobile animal feeder there should be a presumption against any requirement for road access to it. Further, as it is for**

the furtherance of the agricultural business the road access should not be permitted from this domestic property and should retain association with the applicants other property at Burnbank Farm.

Response: As noted above, this development is being considered as a part of a separate application.

- g) **The objector alleges the applicant is prepared to manipulate the rules pertaining to appropriate developments within the Greenbelt without consideration to planning policy. Should this development be approved, it will be a failure on the part of South Lanarkshire Council Planning.**

Response: I am satisfied that this proposal has been assessed in line with Council policy and this small change of use can be incorporated as part of the existing residential property.

- h) **Approval of this application will result in a loss of privacy to the adjacent property at Crossreguell.**

Response: Having visited the site on a number of occasions I do not consider there is a loss of privacy to Crossreguell. There are still a number of trees and shrubs along the boundary between the two properties that provide satisfactory screening.

- i) **The erection of the mobile animal feeder and associated vehicular access will be permeated by noise, fumes and artificial lighting.**

Response: As mentioned previously, this development is part of a separate application.

- j) **Artificial lighting is currently a problem for Crossreguell due to the developments already approved. Approval of these developments would exacerbate these problems.**

Response: Planning permission is not required for external lighting therefore this is not justification for refusal of the application.

- k) **The property at Crossreguell is already being subjected to an increased noise level due to the removal of the mature beech hedge at the start of the development process.**

Response: As previously mentioned, the removal of the hedging did not require planning permission.

- l) **Had the applicant not mono blocked the entire site, including a substantial area of Greenbelt, then there would perhaps not have been the requirement to push the site boundary into the Greenbelt to remedy a drainage problem associated with the redevelopment of the site.**

Response: Whilst this may or may not be the case, I am satisfied that all unauthorised alterations have been included on the latest applications to allow the Planning Service to make formal assessment. It should also be noted that mono-blocking does not require planning permission.

- m) **It has always been the intention of the applicant to transfer ownership of Greenbelt land to residential garden ground. Had this not been brought to the attention of the planning authority, a retrospective application may not have been submitted.**

Response: There is nothing to suggest this is the case. However, the Enforcement process is a complaints-based system, therefore a degree of reliance is on the public to report breaches of Planning.

- n) **The proposal does not comply with Policy ENV34, which seeks to retain/reinstate trees, woodland and boundary features and avoids use of inappropriate urban forms of development in the countryside. Therefore the removal of the mature hedge and replacement with brick walls with metal railings would not be permitted. The applicant has also failed to mention that a stone dyke wall was also removed.**

Response: Whilst it would have been preferable for the hedging to be retained, as previously mentioned, its removal did not require permission and was carried out prior to the original application being submitted. However, the railings proposed to the front of the property have been removed from the plans to improve visibility for vehicles leaving the property. As the rear railings would not be on a public facing elevation I do not have any objection to these being erected. I am also satisfied that the proposed brick walls are inkeeping with Crowhills and the surrounding area. A stone dyke wall has never been shown on any submitted plans, however permission would not have been required to remove it.

- o) **The applicant should not be permitted to develop beyond the capacity of the existing residential site. This development is contrary to local and national policies.**

Response: The area of Greenbelt in question is relatively small at approximately 69 square metres. Whilst expansions into the Greenbelt should not be carried out without planning permission, this proposal has been retrospectively assessed in terms of planning policy and I do not consider it is a significant loss of Greenbelt.

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 detailed planning permission for a change of use from agricultural land to private garden ground, erection of rear retaining wall, timber fence, gate and railings and erection of front wall, pillars and gate. It is noted that this is an amendment to two previous applications, EK/09/0342 and EK/10/0316. A separate application is also under consideration for the erection of a concrete base and animal feeder/shelter with ancillary access (EK/11/0245).
- 6.2 The main considerations in determining this application are its compliance with the relevant local plan policies. In this case, the relevant South Lanarkshire Local plan policies are STRAT3 – The Greenbelt and Urban Settlements in the Greenbelt, ENV34 – Development in the Countryside and DM1 – Development Management.
- 6.3 In terms of the proposed walls, gates, fencing and railings, I am satisfied these comply with Policy DM1 in that they can be incorporated satisfactorily with the existing and adjacent residential properties and the surrounding rural area. It is noted that all are already in place except for the rear railings. The proposed railings to the front of the property have been removed from the plans to improve road visibility.
- 6.4 Policy STRAT 3 specifies that the Greenbelt should function as an area for agriculture/forestry, recreation and other appropriate uses. Urban expansion into the Greenbelt will normally be resisted. Policy ENV34 seeks applications to conserve the environment and avoid impacting on biodiversity, respect and protect existing landscapes, be sympathetic to traditional patterns of scale and not interfere with views adjacent to the site. With regards to the area of land requested for the change of use, the applicant has advised that the extension into the Greenbelt was as a result of existing site conditions in relation to drainage. Whilst this is not a planning

justification for a change of use from agricultural land to garden ground, in this case I am satisfied that the area of land, at 69 square metres, is of a small enough size that it will not detrimentally affect the surrounding rural area or adjacent residential property. Furthermore, the adjacent residential property's rear garden area projects significantly further back than the proposed boundary at Crowhills. I am also satisfied this proposal will have no adverse environmental impacts in terms of biodiversity, landscape and views.

- 6.5 Roads and Transportation were consulted on this proposal and have offered no objections provided the pillar at the entrance/exit to the site is reduced down to 900mm and the railings to the front are removed from the proposal. As such, the plans have been amended. Following neighbour notification, one letter of representation has been received, the points of which are summarised in section 5 above. It is not considered that the points raised merit refusal of the application.
- 6.6 In summary, it is considered that although the proposal does not strictly comply with all relevant local plan policy, specifically in relation to STRAT3 – Greenbelt and Urban Settlements in the Greenbelt, it is accepted that the piece of land proposed for the change of use is of a small size and is situated directly to the rear of an existing residential property. It is therefore considered that the proposal will not compromise the character of the surrounding rural area and will satisfactorily integrate with the residential property. Furthermore, as mentioned above, the application complies with policies DM1 and ENV34.
- 6.7 This application was advertised as Development Contrary to the Development Plan in the East Kilbride News as it constitutes a change of use away from an area designated as Greenbelt in the Adopted South Lanarkshire Local Plan (March 2009). The proposal has been fully assessed and I would recommend that planning permission is granted, contrary to the adopted local plan for following reasons:
1. The proposal complies with policies DM1 and ENV34 of the Adopted South Lanarkshire Local Plan.
 2. The proposal is not considered to compromise the character of the surrounding rural area.
 3. The proposal will have no adverse impact on residential or visual amenity.
 4. The proposal is an extension to an existing residential property.

7 Reasons for Decision

- 7.1 The proposal is an acceptable departure from the development plan for the reasons stated in paragraph 6.7 above.

Colin McDowall
Executive Director (Enterprise Resources)

13 September 2011

Previous References

- ◆ EK/09/0342
- ◆ EK/10/0316

List of Background Papers

- ▶ Application Form
- ▶ Application Plans

- ▶ Consultations

- ▶ Representations
Representation from : Mr Eamon McMahon and Ms Fiona Redmond, Crossreguell
By Hamilton, ML3 7XP, DATED 23/08/2011

Contact for Further Information

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

Julie Stanfield, Planning Officer, Civic Centre
Ext 637, (Tel: 01355 806327)
E-mail: planning@southlanarkshire.gov.uk

Detailed Planning Application

PAPER APART – APPLICATION NUMBER: EK/11/0246

CONDITIONS

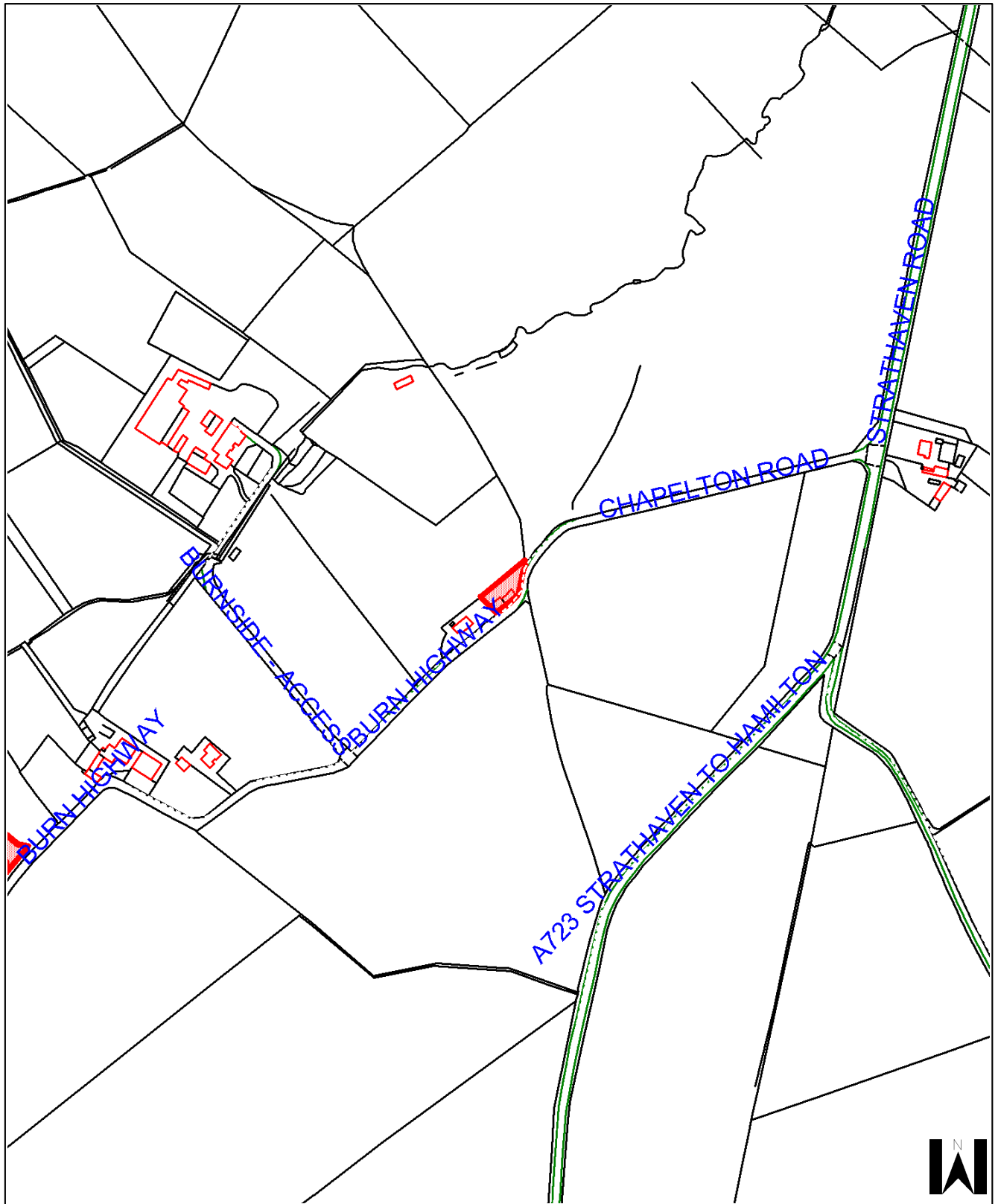
- 1 The consent shall be carried out strictly in accordance with drawing numbers:

Proposed Block Plan - L(9)3 REV D
External Elevations - L(0)10 REV A
- 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 within one month of this consent, the pillar at the entrance/exit to the property shall be reduced to 900mm in height.

REASONS

- 1 For the avoidance of doubt and to specify the drawings upon which the decision was made.
- 2 In the interests of amenity and in order to retain effective planning control.
- 3 In the interest of road safety.

For information only



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