

Report to:	Planning Committee
Date of Meeting:	8 February 2011
Report by:	Executive Director (Enterprise Resources)

Application No	CL/10/0466
Planning Proposal:	Erection of agricultural building, formation of access road and engineering works (retrospective)

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : David Gilchrist
- Location : Newmill Farm
Dolphinton
West Linton
EH46 7AG

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: B H C Ltd
- ◆ Council Area/Ward: 03 Clydesdale East
- ◆ Policy Reference(s): **South Lanarkshire Local Plan (Adopted)**
 - Policy STRAT 4: Accessible Rural Area
 - Policy CRE 2: Stimulating the Rural Economy
 - Policy ENV 29: Regional Scenic Area
 - Policy ENV 34: Development in the Countryside
 - Policy DM 1: Development Management
 - Policy ENV 11: Design Quality

◆ Representation(s):

- | | | |
|---|---|------------------|
| ▶ | 1 | Objection Letter |
| ▶ | 1 | Support Letter |
| ▶ | 0 | Comments Letter |

◆ Consultation(s):

Black Mount Community Council

Scottish Water

Roads and Transportation Services (Clydesdale Area)

S.E.P.A. (West Region)

Planning Application Report

1 Application Site

- 1.1 Newmill Farm is situated within the rural area approximately 1km to the east of Dolphinton and consists of a compact group of farm buildings arranged around the farmhouse. They are a mixture of stone and steel portal, single and two storey buildings. The farmstead is situated at the Council's boundary with the Scottish Borders Council off Newmill Road and adjacent to the Tarth Water. The site is relatively flat with a 1m to 2m level difference between the Tarth Water and Newmill Road. The nearest residential property, The Needle, is some 115m to the south.

2 Proposal(s)

- 2.1 Retrospective detailed planning permission is sought for the erection of a 2200m² agricultural building on land north of the existing farm stead and adjacent to the Tarth Water. The building is steel portal framed and clad in a mixture of steel profiled sheeting and timber boarding with 2m high concrete block walling. Some minor excavations were also carried out in order to create a platform for the building. A new access onto the Newmill Road has also been created.
- 2.2 The building is required to house 1200 sheep over the winter into the March lambing season in line with the owner's normal farming practices. The farming business at Newmill consists of 690 acres of farmed land, 450 acres of which are rented from Halmyre Deans Farm, 5 miles North East of Newmill Farm situated within the Scottish Borders Council area. A shed on this land was destroyed during the snowfall last year

3 Background

3.1 Local Plan Status

- 3.1.1 The South Lanarkshire Local Plan shows the site is situated within the Accessible Rural Area covered by Policies STRAT 4: Accessible Rural Area and CRE 2: Stimulating the Rural Economy. Policies ENV 29: Regional Scenic Area, ENV 34: Development in the Countryside, DM 1: Development Management and ENV 11: Design Quality are also relevant.

3.2 Relevant Government Advice/Policy

- 3.2.1 The Scottish Planning Policy document published February 2010 sets out the Scottish Government policy on land use planning. On the subject of rural development this document states that the planning system has a significant role in supporting sustainable economic growth in rural areas. By taking a positive approach to new development, planning authorities can help to create the right conditions for rural businesses and communities to flourish. The aim should be to enable development in all rural areas which supports prosperous and sustainable communities whilst protecting and enhancing environmental quality.

3.3 Planning History

- 3.3.1 No planning history relevant to determining this application.

4 Consultation(s)

- 4.1 **Roads and Transportation Services (Area Manager-Clydesdale)** – the Area Manager has no objections to the application, subject to conditions relating to improving the visibility of the new access road and road surfacing.
Response: Noted. Appropriate conditions can be attached if consent is granted.
- 4.2 **SEPA** – have objected to the application as changes to the ground levels have taken place in the functional flood plain. However they consider the impact is likely to be minimal and have advised that they will remove their objection if the ground levels are modified so that they are returned to the situation before development began.
Response: It should be noted that the building itself lies outwith the floodplain but that changes to ground levels have had the effect of reducing storage capacity. SEPA have provided detailed figures on the extent of the floodplain which in turn has led to the submission of drawings by the applicant indicating that a small amount of ground works will be required to return levels to their original position. A condition requiring this work to be carried out within 4 months of the consent would address this matter.
- 4.3 **Scottish Water** – have no objections to the application.
Response: Noted.
- 4.4 **Black Mount Community Council** – Have no objection to the application but have made several points they feel need addressed in the processing of the application.
1) The application is processed with the same rigour as if it were not retrospective.
2) That such a significant development will not lead to further incremental development, and that any approval would specifically limit this.
3) The large building has a major visual impact, and we would ask the Council to consider the use of landscaping and screening to minimise this.
4) No impact on the supply of water or on waste water drainage is noted and we assume that this will be formally addressed via the appropriate authorities and be dealt with prior to any occupation.
Response: In relation to the point made, the following comments are offered:
1) All applications are processed in the same manner and no account is taken that the work has already been carried out. The Council can take enforcement action in cases where the proposal is found to be unacceptable.
2) The existing planning restrictions are sufficient to control future proposals on this site which in any event would be considered on their merits.
3) The building is of an appropriate design and sits comfortably into the landscape with little visual impact due to the surrounding topography. Screen planting is therefore not considered necessary on this occasion.
4) Scottish Water were consulted on this application and had no objections on the erection or operation of this building. The water supply for the building is to be taken from the recently installed mains supply and is regulated by Scottish Water and not a deciding factor in deciding this application. In addition the applicant has the responsibility to obtain the relevant permissions from both SEPA and Scottish Water for any alterations, installations and or connections made in relation to this new building and the operation of the farm business.

5 Representation(s)

5.1 Following the carrying out of statutory neighbour notification and advertisement of the application due to the non-notification of neighbours, one letter of objection was received. The contents of the points raised are summarised as follows, together with comments thereon:

- (a) **Due to the siting and scale of the new shed and the number of sheep proposed, the proposal will have an unacceptable effect on the amenity of the adjacent residential unit. A more suitable location for the shed adjacent to the existing buildings or elsewhere on the farm should have been selected.**

Response: The size of the shed required to house this number of sheep dictated that the only available space adjacent to the farmstead would have been significantly closer to the neighbouring residential unit as the option of developing to the south and east of the existing building group is restricted by ownership and physical constraints like the Tarth Water. Siting the building in isolation elsewhere on Newmill Farm would not be acceptable in visual or landscape character terms and would not allow for proper supervision and security. The number of sheep is considered acceptable for a farm unit of this size with more than adequate grazing land available. The size and scale of the shed is also based on good agricultural practice for the housing of sheep. The solid walls at the base stop drafts at sheep level while the high height and slatted construction of upper walls allows for good natural ventilation. The required footprint of lambing sheds is also decided on basis of good animal welfare with sheep requiring between 1 and 2 square metres of floor space each depending on sheep type, weight and condition.

- (b) **Due to the size of the proposed farming operation the resulting large vehicle movements for feed delivery and animal movements will result in an unacceptable increase in traffic for the already poor road system that serves the area.**

Response: The Roads and Transportation Service have no objections to the application and have recommended only minor alterations are required to the new access to achieve suitable visibility for domestic vehicles.

- (c) **The erection of the large shed and associated land modifications in close proximity of the Tarth Water could put animal welfare at risk and cause flooding downstream from the development.**

Response: SEPA have raised concerns about the principle of raising ground levels but consider that returning the contours of that part of the site to their original level is sufficient mitigation. The works required are minimal and would be subject to a condition requiring their carrying out within 4 months of the consent if granted.

- (d) **The erection of this large commercial shed at this location will cause disruption to electricity and water supplies, light pollution and excessive smells.**

Response: After discussion with the applicant it has been confirmed that the shed will have a water supply and this will be taken from the newly installed water pipe which was laid to the existing farmhouse. The existing private water supply will not be disturbed. While it has been implied that the existing electricity supply for the area is already erratic this is not a planning consideration. Notwithstanding, the shed is required for the in-wintering and lambing of sheep and therefore the level of lighting externally is limited to above the entrance while the level of lighting internally is not considered to be problem to neighbouring property due to the distances involved. The nearest residential

property is a minimum of 114m from the new shed and is actually closer to existing active farm buildings.

- 5.2 In addition to the objection outlined above a letter of support from the NFU was received. This letter outlined the circumstances that led to the erection of the shed, that it is required protect animal welfare and urges South Lanarkshire Council to consider the application favourably.
- 5.3 These letters have been copied and are available for inspection in the usual manner and on the Councils Planning Portal.

6 Assessment and Conclusions

- 6.1 The determining issues that require to be addressed in respect of this application are compliance with the adopted local plan and its impact on the visual and residential amenity of the area.
- 6.2 In terms of the adopted South Lanarkshire Local Plan the application site is identified as being within the Accessible Rural Area and is covered by Policies STRAT 4 and CRE 2. Policy STRAT4 states that the aim of the Council is to ensure that the high quality environment of the area is not eroded and to resist isolated and sporadic development. Policy CRE2 advises that agricultural uses are appropriate in the countryside but that detailed proposals are required to be assessed in terms of their impact on traffic, design and the environment. The site is also within the Regional Scenic Area where policy ENV29 states that development should not adversely affect the overall quality of the area. The building design is controlled by Policies ENV34: Development in the Countryside, DM1: Development Management and ENV11: Design Quality which seek to ensure the development is fit for purpose and appropriate for the location.
- 6.3 The applicant has made the application for the agricultural building to provide shelter for his 1200 strong flock of ewes which are in-wintered usually from the 1st of January through lambing from mid March before the sheep are turned out onto pasture. This flock until last year was in-wintered and lambed in a rented barn which was damaged by last winter's heavy snow fall. This facility was planned to be replaced by the owner in time for this winter, but, due to circumstances out with the applicant's control, the shed was not rebuilt. Facing the prospect of having no suitable facility to shelter their sheep, they made the decision to invest in the business and erect a purpose built shed on their own land at Newmill Farm. Due to the tight timescales involved, a planning application was not made and when work was started on site it was brought to the attention of the Council. The Council advised the land owner for the need for planning consent and he agreed to submit an application. In addition the applicant was advised to stop work on the building until a decision was made. However due to his considerations for the animal welfare of his sheep the applicant made the decision to continue with the build. The applicant was further advised that any work carried out was at his own risk as no comfort could be given on the outcome of the planning application.
- 6.4 The erection of an agricultural building in the rural area for an existing farm business is acceptable in principle subject to the scale, design and location of the building being appropriate. The position of new agricultural buildings for existing farm businesses should normally be located within or adjacent to building groups. In this case the position of the shed is considered acceptable as it would meet the needs of the applicant in terms of proximity to the steading while being an appropriate distance from the nearest house. In addition, the shed does not appear in an isolated

location but would appear as an extension to the building group. The new building has been cut in below the natural ground level by approximately 1.2m therefore significantly reducing its visual impact. In addition, most views of the building have a backdrop of hills and therefore the building is not considered visually intrusive to the surrounding area or for the nearby residential property.

- 6.5 The applicant made modest alterations to the ground levels on the site to provide a level platform to erect the shed. This resulted in the ground levels being raised adjacent to the Tarth Water. This prompted SEPA to object on the basis that the alteration of the natural ground levels within the functional flood plain could lead to additional flooding downstream. SEPA however consider this impact is likely to be minimal and have advised that they will remove their objection if the ground levels are modified in line with the levels specified in their response. A condition requiring this work to be carried out within 4 months of the consent, if granted, is considered appropriate for this application. In addition, the new access road is acceptable in terms of visual amenity and road safety.
- 6.6 After careful consideration of the application against policy it is considered that that the proposal does not adversely affect the visual or landscape amenity of the area or the residential amenity of the neighbouring property. It is therefore recommended that planning permission be granted, subject to conditions as outlined below.

7 Reasons for Decision

- 7.1 The proposed agricultural building will not have a significant detrimental effect on the residential or visual amenity of the area and complies with Policies STRAT 4, CRE 2, ENV 29, ENV 11, DM 1 and ENV 34 of the adopted South Lanarkshire Local Plan. There are also no road safety implications.

Colin McDowall
Executive Director (Enterprise Resources)

21 January 2011

Previous References

- ◆ None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations

Roads and Transportation Services (Clydesdale Area)	16/11/2010
S.E.P.A. (West Region)	04/11/2010
S.E.P.A. (West Region)	13/12/2010
Black Mount Community Council	30/10/2010
Scottish Water	08/11/2010

► Representations

Representation from : M Omasto, The Needle, Dolphinton, EH46 7AG, DATED 10/11/2010

Representation from : NFU Scotland, Rural Centre, West Mains, Ingliston, Newbridge, EH28 8LT, DATED 25/10/2010

Contact for Further Information

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

Steven Boertien, Planning Officer, Council Offices, South Vennel, Lanark, ML11 7JT
Ext 3266 (Tel :01555 673266)
E-mail: Enterprise.lanark@southlanarkshire.gov.uk

Detailed Planning Application

PAPER APART – APPLICATION NUMBER : CL/10/0466

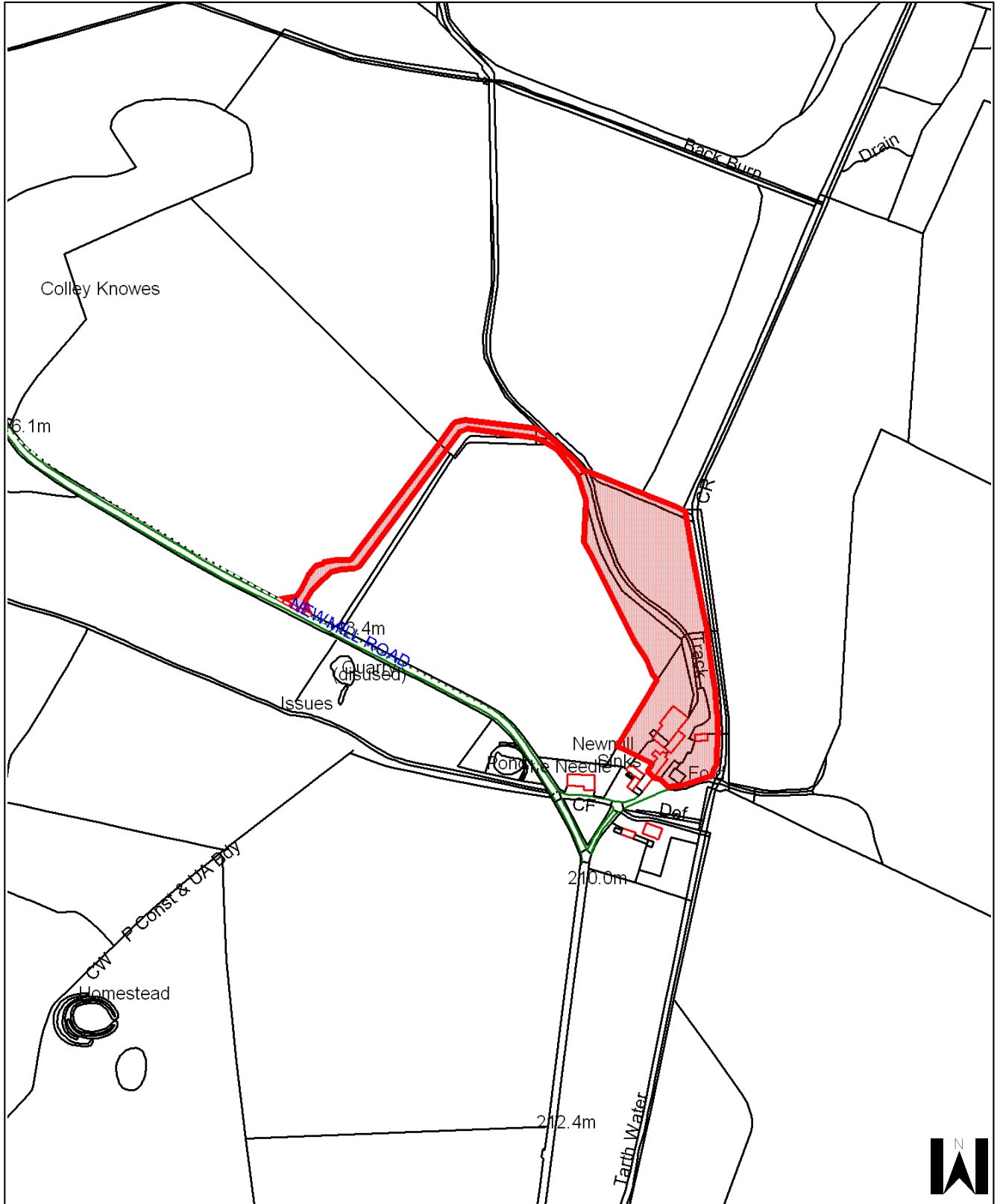
CONDITIONS

- 1 The consent shall be carried out strictly in accordance with drawing numbers: AL-000-01, AL-900-01, AL-900-02, AL-900-03, AL-900-04, AL-900-05 and AL-270-01
- 2 That within 4 months of the date of this consent the new vehicular access shall be formed. It shall be hard surfaced across its full width for the first 10m from the edge of the public road.
- 3 That within 4 months of the date of this consent a visibility splay of 2.5 metres by 120 metres measured from the road edge shall be provided on both sides of the vehicular access and everything exceeding 1metre in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 1 metre in height shall be planted, placed or erected within these sight lines.
- 4 Within one month of this approval details of the external lighting required in connection with this building shall be submitted to and approved in writing by the Council as Planning Authority. The scheme shall include, where appropriate, details of all aspects of the installation including specific luminaire and lamp type; beam control; wattage; the use of reflectors; baffles; louvres; cowling (including colouring); lux contours/distribution diagrams and column type/colour. The approved scheme shall be implemented and shall thereafter be operated in accordance with the approved scheme to the satisfaction of the Council as Planning Authority.
- 5 That within 4 months of this approval the ground level changes as detailed in approved plans AL-900-04 and AL-900-05 shall be completed to the satisfaction of the Council as Planning Authority.

REASONS

- 1 For the avoidance of doubt and to specify the drawings upon which the decision was made.
- 2 To prevent deleterious material being carried into the highway.
- 3 In the interest of road safety.
- 4 To minimise the risk of nuisance from light pollution to nearby occupants.
- 5 To ensure that there will be no increased risk of flooding to land and properties either on-site or downstream due to the reduction of flood storage capacity.

For information only



For information only

