

	Delegated Report	Reference no.	P/19/1861
		Date	14 February 2020

Planning proposal: Residential development (Permission in Principle)
Location: Land 65M Northwest Of 16 Craighill Road
 Craighill Road
 Kilncadzow
 Carluke
 South Lanarkshire

Application Type : Permission in principle

Applicant : Mr Andrew Blair
Location : Land 65M Northwest Of 16 Craighill Road
 Craighill Road
 Kilncadzow
 Carluke
 South Lanarkshire

Decision: Application refused

Report by: Area Manager (Planning & Building Standards)

Policy reference:

South Lanarkshire Local Development Plan

Policy 2: Climate change
 Policy 3: Green belt and rural area
 Policy 4: Development management and placemaking

Supplementary Guidance 2: Green Belt and Rural Area

Policy GBRA4: Small scale settlement extensions

Proposed South Lanarkshire Local Development Plan 2

Policy 2: Climate change
 Policy 4: Green Belt and Rural Area
 Policy 5: Development management and placemaking
 Policy GBRA7: Small Scale Settlement Extensions

Assessment

Impact on privacy?	No
Impact on sunlight/daylight?	No
Impact on amenity?	No
Traffic issues?	No
Adheres to development plan policy?	No
Adverse comments from consultees?	No

**Consultations
Environmental Services**

Summary of response

Have no objections to the proposal subject to conditions relating to storage and collection of refuse within the development site.

Response: Appropriate conditions would be attached to the consent if planning permission is granted.

**Roads Development Management
Team**

Have no objections to the proposal subject to conditions relating to visibility splays and site access gates.

Response: Appropriate conditions would be attached to the consent if planning permission is granted.

Representation(s):

▶	14	Objection letters
▶	1	Support letter
▶	0	Comment letters

Planning Application Delegated Report

1 Application Summary

- 1.1 The application relates to ground used as an equestrian arena which is located to the rear/side of existing residential properties outwith Kilncadzow's village settlement boundary. The application site is bounded to the north by residential property, overgrown rough grassed area/cluster of pine trees; to the east by residential properties/public road and to the south and west by disused stable blocks/agricultural land.

2 Proposal

- 2.1 The applicant seeks planning permission in principle for residential development. The proposed development would use the existing single track private access off a public road (Craigenhill Road) to serve the site.

3 Background

3.1 Local Development Plan

- 3.1.1 The application site is identified as being within the Rural Area in the South Lanarkshire Local Development Plan. Policy 3 – Green Belt and Rural Area of the South Lanarkshire Local Development Plan seeks to resist any developments detrimental to the amenity of such areas. Other relevant policies include: Policy 2: Climate Change, Policy 4 – Development management and placemaking and associated Supplementary Guidance on Green Belt and Rural Area (Policy GBRA 4 – Small scale settlement extensions) is also relevant.
- 3.1.2 The application site is also identified as being within the rural area in the approved Proposed South Lanarkshire Local Development Plan 2. Policy 4 – Green Belt and Rural Area of the Proposed Plan seeks to resist any developments detrimental to the amenity of such areas. Other relevant policies include Policy 2 – Climate Change, Policy 5 –

3.2 National Policy Advice and Guidance

- 3.2.1 The Scottish Planning Policy document consolidates and updates previous Scottish Government advice, containing 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.

3.3 Planning History

- 3.3.1 The site has had the benefit of a detailed planning permission for the erection of stables and riding arena, application no: CL/07/0755 granted on 28 November 2007.
- 3.3.2 The site has had a planning application in principle for residential development application no: CL/16/0435, refused on 11 January 2017. The applicant appealed to the Council's Planning Local Review Body to review the decision to refuse planning application. The Review Body upheld the decision to refuse planning permission on 19 June 2017 Reference No: NOR/CL/17/001 dated 10 July 2017.

4 Representation(s)

- 4.1 Following the carrying out of statutory neighbour notification and the advertisement of the application in the local press as Development Contrary to the Development Plan, 14 letters of objections and 1 letter of support have been received. The grounds of objections are summarised below:

- a) **The objectors are concerned that the proposal is outwith the Council's designated settlement boundary of Kilncadzow Village but in the rural area.**

Response: The application site is located outwith Kilncadzow's designated village settlement boundary hence the advertisement of the application in the local press as Development Contrary to the Development Plan.

- b) **There are concerns that the single dirt track off Craighenhill Road is not suitable for road vehicles and is also dangerous for pedestrians due to the absence of a pavement. Furthermore, the access to the site is obstructed by neighbouring property's mature trees and parked vehicles on the roadside causing a road safety issue for entering/exiting the site.**

Response: The Council's Roads and Transportation Services have no objections to the use of the existing access to serve the proposed development.

- c) **There are concerns that if the development went ahead, it would lead to increased traffic generation to and from the site during the construction period and a dramatic increase in noise and disturbance associated with the proposed development to neighbouring properties.**

Response: The traffic that would be generated in close proximity to the application site during the construction phase of the development would be of a temporary nature and the Council's Roads Services have no objections to the proposal. Any

issues regarding noise nuisance and disturbance associated with the proposed development would be dealt by the Council's Environmental Services.

- d) **There are concerns about the drainage and sewage arrangements for the proposed plan, as there are current issues with the existing soakaways for the other houses (10 – 16 Craighill Road) adjacent to the application site. There is also an identified vermin problem originating from the said area that Environmental Health Services are aware of. Any additional developments will only add to this problem. The use of the existing access track to the stables as an access to the proposed development would have an adverse impact on the sewage drainage and the flow of the burn that runs through the access route, potentially leading to flooding and contamination to neighbouring property.**

Response: The applicant would be required to carry out a Flood Risk Assessment to establish the flood risk to both the proposed development and adjacent properties if planning permission is granted. The Council's Environmental Services would deal with any vermin problem arising from the proposed development. In the event of permission being granted, details of foul drainage arrangements would require to be submitted and agreed with Scottish Water and SEPA.

- e) **Concerns that the proposed development would lead to overshadowing, overlooking of the neighbouring properties or loss of privacy.**

Response: These are issues which would be considered as part of any detailed planning application in the event of permission being granted for the principle of residential development of the site.

- f) **Concerns about loss of views of the surrounding countryside.**

Response: The loss of views is not a material planning consideration in the determination of the application. However, it is not considered that this small scale proposal would adversely affect the landscape character of the area.

- g) **The objectors feel that Kilncadzow Village doesn't require further developments, there has been no uptake of the serviced plots just further down Craighill Road despite being on the property market for over a decade.**

Response: While this has no material bearing on the current proposal, it is noted that 7 out of the 13 house plots granted planning permissions have now been built and are occupied.

- h) **Concerns that the proposal would constitute backland development. This would change the character and landscape setting of the surrounding area.**

Response: The application site is located to the rear of properties fronting onto Craighill Road and A721, Carnwath Road respectively and by definition it would constitute backland development which would significantly adversely impact on the residential amenity of neighbouring properties.

- i) **The objectors question the accuracy of part of the information filled in the application form which states that there are no trees on or adjacent to the application site.**

Response: It is evident that there are trees adjacent to the north of the application site.

- j) **There are concerns that the applicant's intention to use a septic tank on the application site is not consistent with the previous application in the area. Septic tanks require to discharge and there is no current soakaway due to the impermeable clay; this can be seen in the extent of waterlogging and stagnant**

water on the site. No authorisation will be given to discharge into the neighbouring property.

Response: Any issues relating to use of septic tank/soakaway and drainage associated with the proposal and its impact on the neighbouring properties would be dealt with by the Council's Building Standards Service. It is considered that the issue relating to authorisation to discharge into a neighbouring property's ground is a private legal matter and an issue for the two land-owners to negotiate and agree on prior to any future development on the site.

k) Concerns that pollution and contamination of the watercourse from this site would adversely impact on nature conservation, wildlife and farm animals of the neighbouring property.

Response: Any issues relating to pollution and contamination of the watercourse and its impacts on nature conservation, wildlife and farm animals of the neighbouring land would be dealt with by SEPA and the Council's Environmental Services.

A letter of support for the proposed development has also been received. The representee has no objection or issues with the erection of a further development within the village where there are several other properties being erected. They are of the view that the proposal can only enhance the village which is already a very desirable area to live.

5 Assessment and Conclusions

- 5.1 The applicant seeks planning permission in principle for residential development on the site, located outwith the designated settlement boundary of Kilncadzow village. The determining issues in consideration of this application are its compliance with adopted local development plan policy and associated supplementary guidance, the impact on both the residential and visual amenity of the surrounding area, the road safety implications of the proposal, relevant government advice and policy and other material considerations in the determination of the application.
- 5.2 The Scottish Planning Policy (SPP) document consolidates and updates previous Scottish Government advice and 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. In this instance the proposal relates to a small scale settlement extension and is not considered to be consistent with the SPP.
- 5.3 The application site lies within the rural area and is subject to assessment against Policy 3 - Green Belt and Rural Area of the adopted South Lanarkshire Local Development Plan. This states that development which does not require to be located in the countryside will be expected to be included within a settlement boundary. This policy further states that limited expansion of an existing settlement in the rural area may be appropriate where the proposal is proportionate to the scale and built form of the settlement, supportive of the sustainability of the settlement and a defensible settlement boundary is maintained.

Policy GBRA4 – Small scale settlement extensions as contained in the Green Belt and Rural Area Supplementary Guidance states that proposals for new houses on sites adjoining existing settlements will be required to meet the following criteria:

- The development shall maintain a defensible settlement boundary through the retention of existing features or enhancement through additional structural planting.
- The proposals should 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 and scale of the existing settlement.
- Development of the site should have no adverse impact on the amenity of any existing dwellinghouses within the settlement, particularly in terms of overlooking, privacy or overshadowing.
- Proposals should incorporate substantial boundary landscaping proposals, to minimise the developments impact on rural amenity and ensure appropriate landscape fit.
- Proposals should be able to be readily served by all necessary infrastructure including water, sewerage and electricity and be able to comply with all required parking and access standards.
- Proposals should have no adverse impact in terms of road safety.
- Proposals should have no adverse impact on biodiversity, including Natura 2000 sites and protected species, or features which make a significant contribution to the cultural and historic landscape value of the area.

5.4 The proposal seeks consent for residential development of a former riding arena which is located outwith Kilncadzow's settlement boundary at the rear garden grounds of residential properties to the north and east. The application site has a backdrop of woodland to the north but is open to views from the south, east and west. It is considered that the proposed development would constitute backland development, would not lead to a rounding off of that part of the settlement boundary nor respect the specific local character and the existing pattern of development within the settlement which is linear in nature. It would also fail to satisfactorily relate to existing properties located to the north and east. The current status of the site as an equestrian facility is not justification to make an exception in this case as the condition of the land does not have an adverse environmental impact. The proposal fails to comply with Policies 3 and GBRA 4 of the current Local Development Plan.

5.5 Policy 2 – Climate Change states that proposals for new development must, where possible, seek to minimise and mitigate against the effects of climate change by being sustainably located and having no significant adverse impacts on the water and soils environment. The application site is not located within any flood risk area and the provision of any form of drainage system on the site would not significantly adversely impact on the water and soils environment of the surrounding area. The proposal therefore complies with Policy 2 of the current Local Development Plan.

5.6 Policy 4 - Development management and placemaking states that all development proposals will require to take account of and be integrated with the local context and built form. Development proposals should have no significant adverse impacts on the local community. As stated in 5.4 above, the proposal would result in a development that would not take account of and integrate well with the local context and built form in the area and would therefore have significant adverse impacts on the local community and environment of the surrounding area. The proposal also fails to comply with Policy 4 of the current Local Development Plan.

5.7 On 29th 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. It

is considered that the proposal does not accord with Policy 4 – Green Belt, Policy 5 – Development management and placemaking and Rural Area and Policy GBRA7 – Small scale settlement extensions in the Proposed plan.

- 5.8 In view of the above, it is concluded that the proposal does not comply with any of the policy criteria contained within either Policy 3 – Green Belt and Rural Area of the adopted South Lanarkshire Local Development Plan, Policy 4 – Development management and placemaking, or Policy GBRA4 of the Green Belt and Rural Area SG that would allow for small scale settlement extensions to existing settlements within the rural area. Furthermore, the proposal does not accord with Policy 4 – Green Belt and Rural Area, Policy 5 – Development management and placemaking and Policy GBRA7 – Small scale settlement extensions of the approved Proposed South Lanarkshire Local Development Plan 2. It is therefore recommended that permission is refused.

6 Reason for decision

- 6.1 The proposed development does not comply with the requirements of Policy 3 of the South Lanarkshire Local Development Plan (2015), Policy 4 and Policy GBRA4 of the Supplementary Guidance on Green Belt and Rural Area. The application is also contrary to Policy 4, Policy 5 and Policy GBRA7 of the proposed SLLDP2.

Delegating officer:

Date:

Previous references

- ◆ None

List of background papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated 19.12.2019

▶ Consultations

Environmental Services 15.01.2020

Roads Development Management Team 20.01.2020

▶ Representations

Mr A Blair, C/O MOD Bld 66, Braintree, Essex, cm7 4az, Dated: 17.01.2020

James Hamilton, , , , , Dated: 23.01.2020

Mrs Diane Mutumha, 16 Craighenhill Road, Kilncadzow, Carluke, South Lanarkshire, ML8 4QT Dated: 09.01.2020

	09.01.2020 09.01.2020
Diane Mutumha, , , , ,	Dated: 09.01.2020
Mr William Smith, Greenside, Moor Road, Cartland Lanark, South Lanarkshire, ML11 7RE	Dated: 14.01.2020 14.01.2020 14.01.2020 14.01.2020 14.01.2020
Wendy And Pat Leonard, 8 Carnwath Road, Kilncadzow, Carluke, South Lanarkshire, ML8 4QW	Dated:
Mr David Onions, 9 Craighenhill Road, Kilncadzow, Carluke, South Lanarkshire, ML8 4QT	Dated: 16.01.2020 16.01.2020
BM Austin, 18 Craighenhill Road, Kilncadzow, Carluke, South Lanarkshire, ML8 4QT	Dated: 07.01.2020
Mrs P Baverstock, 12 Craighenhill Road, Kilncadzow, Carluke, South Lanarkshire, ML8 4QT	Dated: 09.01.2020
Mr Emmanuel Mutumha, 16 Craighenhill Road, Kilncadzow, Carluke, South Lanarkshire, ML8 4QT	Dated: 08.01.2020
Mr And Mrs Watt, 14 Craighenhill Road, Kilncadzow, Carluke, ML8 4QT,	Dated: 31.12.2019

Contact for further information

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

Jerry Gigya, Planning officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB
 Phone: 01698 455180
 Email: jerry.gigya@southlanarkshire.gov.uk

Planning Application

Application number: P/19/1861

Conditions and reasons

Reasons for refusal

01. The proposed residential development would be contrary to Policy 3: Green Belt and Rural Area of the adopted South Lanarkshire Local Development Plan and Policy GBRA4 of the Green Belt and Rural Area Supplementary Guidance as it would constitute an inappropriate form of development within the Rural Area without any relevant justification.
02. The location, orientation and relationship of the application site with adjacent dwellings is such that the proposal constitutes backland development which, if approved, would adversely affect the amenity of neighbouring properties. The proposal would therefore be contrary to Policy 4: Development Management and Placemaking of the Local Development Plan.
03. The proposal would be contrary to Policy 4: Green Belt and Rural Area of the Proposed South Lanarkshire Local Development Plan 2 and Policy GBRA7 of the Green Belt and Rural Area Supplementary Guidance of the proposed SLLDP2 as it would constitute an inappropriate form of development within the rural area without any relevant justification.
04. The proposal would be contrary to Policy 5: Development Management and Placemaking of the Proposed South Lanarkshire Local Development Plan 2 as it would constitute backland development which, if allowed, would adversely affect the amenity of neighbouring properties.

Reason(s) for decision

The proposed development does not comply with the requirements of Policy 3 of the South Lanarkshire Local Development Plan (2015), Policy 4 and Policy GBRA4 of the Supplementary Guidance on Green Belt and Rural Area. The application is also contrary to Policy 4, Policy 5 and Policy GBRA7 of the proposed SLLDP2.