

# Report

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>29 March 2022</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/21/1476
Planning proposal:	Erection of Dwellinghouse

## 1. Summary application information

Application type:	Detailed planning application
Applicant:	Woodside Developments Scotland Limited
Location:	1 Gillfoot Nursery Waygateshaw Road Crossford Carluke ML8 5PY

## 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: Iain Harley
- ◆ Council Area/Ward: 01 Clydesdale West
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2**  
Policy 2 Climate Change  
Policy 4 Green Belt and Rural Area  
Policy 5 Development Management and Placemaking  
Policy GBRA5 Redevelopment of Previously Developed Land Containing Buildings

### ◆ Representation(s):

▶	10	Objection Letters
▶	0	Support Letters
▶	0	Comment Letters

♦ **Consultation(s):**

Roads Development Management Team

Environmental Services

West of Scotland Archaeology Service

## **Planning Application Report**

### **1. Application Site**

- 1.1 The application site lies within the Clyde Valley in a rural area to the north of Crossford which is designated as Greenbelt and a Special Landscape Area. The locality is characterised by pockets of properties with agricultural or horticultural roots, set back from the single track public road which follows the contours of the Valley's northern escarpment. The public roads are bordered by mature hedgerows with woodlands further enhancing the landscape and providing screening between different land holdings.
- 1.2 The ground at Gillfoot appears from historical maps to have been developed as a horticultural business with glasshouses in the 1930s, taking advantage of the level ground immediately to the west of the public road. Over the intervening period further glasshouses were constructed on the ground further westward, as well as a workers dwelling adjacent to the road.
- 1.3 The topography and mature vegetation of the area means that views into the application site are restricted to the area around Orchard Farm, Hill of Orchard, Gillfoot House and Gillfoot Cottage. This area is not readily visible from Crossford or from the A72 which is the main road through the Clyde Valley.
- 1.4 The application site comprises of the lower section of the original horticulture business with the proposed dwelling partially sitting on the footprint of the remaining sections of glasshouse on the southwest section of the commercial site. The remainder of this glasshouse was removed and is currently being utilised as the site compound for the construction of the previously approved development of three dwellings to the northeast of the site.

### **2. Proposal(s)**

- 2.1 The applicant seeks detailed planning permission for the erection of a single detached dwelling on ground previously associated with a horticultural business. Part of the application site is occupied by what's remaining of Gillfoot's glasshouses, plus the previously cleared site of a glasshouse which lay on the northern half of the site. The remainder of the site is a grassed area lying between these areas and the mature woodland to the west of the site. The proposed dwelling will utilise the existing private access which has been constructed for the three new dwellings approved under approval P/19/0723. The new access also serves the existing dwelling on the site. This improved access will be extended into the site to access the new dwelling and has been designed with a turning area between the existing building group and the proposed dwelling to serve the whole development for service and delivery vehicles etc.

It should also be noted that the detailed house design for the new dwelling is very similar to the scale, mass and design approved for the previous three dwellings now complete on this site, with an across-the-board increase in footprint with a bigger living space, wider integral garage increasing the width of the house design from 27.4m to 30.85m. The depth will remain the same, keeping the overall massing very similar to the other dwellings on site. Due to layout of the site and the naturally sloping topography it is believed the new dwelling will integrate well with the existing dwelling on the site and with the introduction of new tree and hedge planting within and around the site. The proposed development will not have a significant impact on the visual amenity of the rural area.

### **3. Background**

#### **3.1 Local Plan Status**

- 3.1.1 The 2021 adopted South Lanarkshire Local Development Plan 2 (SLLDP2) identifies the application site as being within the Green Belt, subject to assessment against Policy 4 Green Belt and Rural Area and Policy 5 Development Management and Placemaking. In addition, the proposals require to be assessed against the guidance contained within Policy GBRA5 Redevelopment of Previously Developed Land Containing Buildings which is considered to be the most relevant to the assessment of the application.

#### **3.2 Relevant Government Advice/Policy**

- 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 '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 Background**

- 3.3.1 Planning permission in principle was first approved for a single dwellinghouse on landholding in 2012 (ref: CL/12/0063). That application was renewed under a further Section 42 application in 2015 (ref: CL/15/0066). Detailed planning permission for the formation of 3 no. residential plots within the physical confines of the current application site was then granted in 2017 (ref: CL/17/0485). A further detailed planning application for 3 no. detached dwellinghouses, of the same overall type as currently proposed, was approved in October 2018 (ref: P/18/1272). This was later amended under application P/19/0723. This live consent is currently being implemented by the developer and was near to completion at the time of the site visit by the case officer and is now believed to be fully occupied at the time of writing this report.

### **4. Consultation(s)**

- 4.1 **Roads and Transportation Services** – offer no objection to the application, subject to the attachment of relevant conditions regarding the formation of visibility splays and parking within the site.

**Response:** Noted, relevant conditions will be attached to any approval Committee is minded to grant. The new dwelling will utilise an existing access approved and constructed under a previous application and therefore other aspects of its construction have been conditioned under that application which has been implemented.

- 4.2 **Environmental Services** – have offered no comments on the application.

**Response:** Noted, relevant informatives on noise, demolition and contamination will be attached to any approval Committee is minded to grant.

- 4.3 **WOSAS** - advise that the application site involves ground which has seen some minor development in the past but this is an area of some archaeological sensitivity, with the supposed course of a Roman Road running through the application area. Consequently, it is recommended that there should be a requirement for a pre-development investigation to inform the need for any subsequent investigations and a suitably worded planning condition should be employed.

**Response:** Noted, a relevant condition will be attached to any approval Committee is minded to grant.

## **5. Representation(s)**

5.1 Statutory neighbour notification was undertaken, and the proposal was advertised in the local paper as possibly contrary to the development plan and for non-notification of neighbours, following which 10 letters of representation from 6 households have been received, and are summarised as follows:-

- (a) **The application site is within the Greenbelt and a Special Landscape Area. No specific locational need has been shown for the proposal and it therefore does not comply with national planning policy and guidance nor Council policies on sustainability or rural development; neither does it demonstrate a role in the promotion of economic growth or for the enhancement of the environment. The site has not been included in the new South Lanarkshire Local Development Plan 2 which would have provided an opportunity for fuller scrutiny of the development's impacts.**

**Response:** Scottish Planning Policy (SPP) requires development plans to promote a pattern of development that is appropriate to the character of the particular rural area and the challenges it faces. Managing development in the Greenbelt is a key aim of the Council and rural development policies have been set out to outline where and in what form development is acceptable in the Green Belt. These provide detailed guidance in support of the SLLDP2. New housing would be considered in the Greenbelt if it involves the redevelopment of previously developed land with buildings. A full assessment of the proposal against all relevant policies in the adopted South Lanarkshire Local Development Plan 2 is provided in Section 6 below.

- (b) **The distanced and isolated siting of the proposed house creates a gap or infill site which suggests or indeed demonstrates the intention to further develop houses on this site. This was specifically limited and asserted as not possible in the report of handling for the previous application P/19/0723. Indeed there was a previous application P/20/1858 for development on this site which has been withdrawn which was for 3 houses rather than a single house. The desire to develop a larger development does not confer a justification or compensation for a lesser development as the policies do not support this form of development in this location as it still breaches acceptable limits of the scale and significance of impact. This is not a site that should be further developed as development management policies mitigate strongly against it. Sound development management requires good planning control within the policy intentions, so decisions are defensible. This site should be protected from further unjustified, unsupportable and inappropriate development.**

**Response:** The previous application was withdrawn by the applicant following feedback from planning and roads that advised that development of this scale could not be supported by either adopted planning policy or roads access standards. Roads had advised that as the site was accessed by a private access, that the maximum number of residential units that would be accepted off it would be 5 and due to the constraints of the site in terms of geometry and visibility, the improvements to form an access to an adoptable standard would not be possible within the control of the applicant. Planning, in discussions with the applicant advised that 3 additional units would be seen as overdevelopment of this rural site and did not satisfy any of the rural development policies that would allow for residential development in this location.

The location of the proposed dwelling in the new application has been selected by the applicant to comply with the criteria of Policy GBRA5 Redevelopment of Previously Developed Land Containing Buildings. This policy allows for the controlled redevelopment of existing land that contain buildings. This policy stipulates that any new buildings on site shall generally occupy the same position on the site as those buildings that are to be replaced and that the physical footprint of the new buildings shall not normally exceed that of the existing buildings in terms of floor area, unless it can be shown that there will not be a detrimental landscape impact. The remaining section of greenhouse is located on this area of the application site and the position of the proposed dwelling relates satisfactorily to this location. In addition, the footprint of the existing structure remaining on site is approximately 500m<sup>2</sup> while the footprint of the new dwelling is only 300m<sup>2</sup> and therefore the proposed development is considered to meet the main criteria of this policy. The full assessment of the development against adopted policy is provided in Section 6 below.

- (c) **This is not a brown field site, it should be considered to be a green field site as it had been a successful working/commercial horticultural/agricultural site until very recently.**

**Response:** The site by definition is considered brownfield as it was the site of previous development in the form of a commercial nursery with two glasshouses and several outbuildings occupying various locations within the site. The remaining section of glasshouse on site was part of the main 2,200m<sup>2</sup> building on this site which has been partially demolished to accommodate plot 3 of approval P/19/0723 and the temporary construction compound for that residential development now completed and occupied. The site ceased trading as a commercial business in 2016 and was subsequently sold to the current applicant in its entirety including the original cottage on site and with planning consent to build three dwellings under approval CL/17/0485 and now built under the amended approval P/19/0723.

- (d) **The proposal will place an additional strain on the local infrastructure, especially roads, and also impact on the ecological and environmental qualities of the locality. The building works could impact on the area's sizeable badger population, while the completed development will increase light pollution which affects bats.**

**Response:** No adverse comments have been raised by the Council's Roads service. The application site is comprised of the remainder of the commercial land associated with the nursery business on this site where the remains of one glasshouse still stands, an open grassed area and commercially planted area of semi mature birch contained within existing fence lines. The application site lies out with the natural woodland surrounding the site. There is no evidence of protected fauna living in these former commercial spaces. The adjoining wooded areas which do have badger setts and provide foraging areas for badgers will remain unaffected by the proposal. A condition will be added to the decision should consent be granted to have a badger survey carried out prior to development commencing on site to establish appropriate exclusion zones for development and material storage to be set up. The new dwelling will be approximately 50m from the badger sett observed by the case officer in the adjacent woodland and therefore adequate separation distances and protection should be achievable should the survey confirm the setts are occupied and active prior to development on this site commencing.

- (e) **The distanced and isolated siting of the proposed house creates a gap or infill site which suggests or indeed demonstrates the intention to further develop houses on this site. This was specifically limited and asserted as not possible in the conditions of approval of P/19/0723.**

**Response:** The location of the proposed dwelling has been selected to meet the terms of Policy GBRA5 as it replaces an existing structure in this area of the site. The reports for previous approvals on the former nursery site had previously advised that there was limited potential for further development not that there was no potential, and that each application would be assessed on its own merits at the time of submission. The new application is a standalone development proposal and will be assessed on its merits against the newly adopted development plan and, in particular, rural development policies.

- (f) **Aesthetically, this development together with the previous three houses on the site is out of character with the area, the design of the housing is not in keeping with the existing housing in this area where every dwelling house is individual and different.**

**Response:** the design and scale of the proposed dwelling is considered to be an acceptable house type for a rural location and due to its location and orientation on the site compared to the other dwellings on this site will present a unique visible presence when viewed from the limited vantage points over the site.

- (g) **Light and noise pollution will adversely affect the existing community and wildlife (existing badger setts were disturbed following the granting of planning permission for the previous 3 houses) and development will not benefit the local ecology, the reverse being the case. An established Orchard was destroyed following permission for the last three houses and hedgerows were also destroyed during breeding season.**

**Response:** The addition of a single dwelling on this site will not significantly increase levels of noise or light within this former commercial nursery site that would be detrimental to the neighbouring properties. The area within the application site is considered to constitute formerly developed land on which a redundant, vacant building stood and has limited ecological value. The alleged disturbance to the badger setts on land out with the application site, are noted and these concerns have been relayed to the applicant. In addition, if consent is granted a planning condition will be added to the consent requiring a badger survey to be carried out prior to works commencing to ensure appropriate steps and protection are put in place if required. The proposed plans show the replanting of a small orchard area within the site and additional perimeter planting to help integrate the development into its rural location and further dilute and restrict views of the site from the wider area.

- (h) **The applicant advises, that if the proposal is granted that he will remove the 'building yard' currently on site, which has been created by the applicant in its entirety. There is no current permission for a 'building yard' on the site or connecting site but surely it is a temporary use while the houses related to P/19/0723 are under construction. I find the 'gain' of the removal of the building yard to be entirely spurious.**

**Response:** The existing construction compound on the application site was formed on a temporary basis when developing the three plots on the adjacent site and is expected to be removed when no longer required. The application for the new dwelling has not been assessed on the removal of the yard area and that this statement in the application submission is not relevant to the assessment of this application.

5.2 These letters are available for inspection on the planning portal.

## **6. Assessment and Conclusions**

- 6.1 The applicant seeks planning permission for the erection of a single dwelling and the extension and alteration to the existing private access serving the existing 4 dwellings on this site. The determining issues in consideration of this application are its compliance with local plan policy, and its impact on the amenity of the surrounding area.
- 6.2 The application site lies within the Green Belt and a Special Landscape Area, in an area noted for its narrow hedge lined roads, mature woodlands or shelter belts and undulating topography. Historically in the area, properties were situated some distance apart with orchards or commercial glasshouses surrounding them. The application site is located on the remaining land of the former horticultural businesses of Gillfoot Nursery.
- 6.3 The new dwelling is to be located to the far west of the site at the end of an extended private access road that was recently altered and extended to serve three new dwellings previously approved under applications CL/17/0485 and P/19/0723. The dwelling is to be partially located on the only remaining section of greenhouse on the south side of the site while the garden, driveway and parking for the new dwelling is proposed to occupy the remainder of the former commercial nursery business on land that was previously occupied by the commercial nursery business.
- 6.4 The other three quarters of the glass house on the south side of the site was removed and this land was used as the site compound for the recently completed three house development and is occupied by several site buildings, vehicles, and materials for that development.
- 6.5 The former horticultural business and associated dwelling sit to the south of Waygateshaw Road, in the Greenbelt. The northern edge of the application site is defined by mature trees. At Gillfoot, the glasshouses were erected on the opposite side of the road from the dwelling Gillfoot House, and as the business expanded a further domestic property was erected closer to the focus of these horticultural operations. The nursery business on site ceased trading in 2016 and a planning application (CL/17/0294) was approved in August 2017 to remove the occupancy restriction that was attached to the bungalow at the head of the private access.
- 6.6 The applicant bought the bungalow and former nursery site and has just completed the erection of three new dwellings on the eastern and middle portions of the site adjacent to the original dwelling on site. The proposed development would see the remainder of the site cleared of the last remnants of the commercial glasshouses that once occupied the majority of the site and introduce additional landscaping in the cleared areas that remain to assist in its integration into its rural surroundings.
- 6.7 In considering the proposal, a number of policies are applicable and 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 meeting a number of criteria, including maximising the reuse of vacant and derelict land, and having no significant adverse impacts on the water and soils environment, air quality and biodiversity. Having considered the proposal, it is considered that the development layout and scale will not have a significant adverse impact on the water and soil environments, or biodiversity. The proposals in this instance raise no issues in relation to flood risk and a sustainable urban drainage system will be utilised for the dwelling.



In addition, the proposals represent an appropriate re-use of previously developed land.

- 6.8 Policy 4: Green Belt and Rural Area states that these areas function primarily for agriculture, forestry, recreation and other uses appropriate to the countryside. Development which does not require to be located there will be expected to be accommodated within settlements, other than in certain circumstances. These include where the proposal involves the redevelopment of previously developed land containing buildings. As noted above, part of the application site is occupied by the remains of the former commercial glass house with approximately 40% of the new dwelling being located on its footprint. The remainder of the plot which will form the garden area of the new dwelling is currently a mixture of a building site compound and open rough ground in the area of the previously cleared glasshouses on the site. Further details such as a detailed landscaping plan and drainage arrangements, would be the subject of further detailed submissions and approval under condition should consent be granted. However, the proposal to erect a single dwelling at this location is not considered to adversely affect the local community, while the inclusion of landscaping conditions on any planning consent granted would ensure that an appropriate level of screening and visual enhancement would benefit the rural character of the area. It is therefore considered that the proposal also complies with Policy 4 and, in addition, with policy 5 Development Management and Place Making which requires proposed development to take account of and be integrated with the local context and built form.
- 6.9 No issues have been raised by consultees that cannot be addressed through the use of appropriate planning conditions, while the matters highlighted in the letters of representation have been considered against the policies of the SLLDP2. These show that in this case a limited development of a single dwelling will meet the specific requirements of the adopted planning policies and therefore can be accommodated on the site of the existing glasshouse and the associated commercial land without any significant detriment to the character of the area or the qualities of the green belt. It is therefore recommended that planning permission be granted.

## **7. Reasons for Decision**

- 7.1 The proposed development will not adversely affect the landscape character, or impact upon residential amenity of the area. It does not raise infrastructure or environmental issues, and complies with Policies 2, 4, 5 and GBRA 5 of the adopted South Lanarkshire Local Development Plan 2. It is considered that the siting, design and massing of the proposed dwellinghouse is appropriate for the rural character of the locality.

**David Booth**  
**Executive Director (Community and Enterprise Resources)**

Date: 17 March 2021

### **Previous references**

- ◆ None

### **List of background papers**

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated

► Consultations

Roads Development Management Team	13.09.2021
West of Scotland Archaeology Service	30.08.2021

► Representations

Dated:

Mr Douglas Rodgers, Poplarhill, Carluke, ML8 5PX	26.08.2021
Mrs Lindy Rodgers, Poplarhill, Carluke, ML8 5PX	27.08.2021
Pamela Hamilton, 14 Haddington Gardens, Dundee, DD4 0RL	07.09.2021 & 08.09.2021
Ken Hamilton, 14 Haddington Gardens, Dundee, DD4 0RL	07.09.2021 & 08.09.2021
Mr Robin Laing, Ellerburn Cottage, Crossford, Carluke, ML8 5PX	31.08.2021
Mr John Cooper, Orchard Lodge, Waygateshaw Rd, Crossford Carluke, ML8 5PY	01.09.2021
Mrs Anne Cooper, Orchard Lodge, Waygateshaw Rd, Crossford, ML8 5PY	01.09.2021
Ms Sandra Gunn, Hill of Orchard, Orchard, Carluke, ML85PX	24.08.2021
Mr Peter Booth, Hill of Orchard, Crossford, ML85PX	22.08.2021
Mr Scott Wardrope, Gowanglen, Crossford, ML8 5PY	01.09.2021

**Contact for further information**

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

Steven Boertien, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton,  
ML3 6LB

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Email: [steven.boertien@southlanarkshire.gov.uk](mailto:steven.boertien@southlanarkshire.gov.uk)

## Planning Application

Application number: P/21/1476

### Conditions and reasons

01. That no development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

Reason: In order to safeguard any archaeological items of interest or finds.

02. That no development shall take place until surveys to determine the presence or absence of badgers on the land immediately adjacent to the site have been undertaken and submitted to and approved by the Council as Planning Authority. The development shall not begin until any such action as is recommended by these surveys has been implemented and completed in accordance with the agreed details. These surveys shall provide details of measures to protect the property from potential future badger activity, measures to allow the free movement of badgers through the site, measures to reduce the risk of badger road mortalities and measures to prevent badgers establishing new setts within the application site during the various phases of development.

Reason: In order to protect this European Protected Species during the development period.

03. That before any work commences on the site, a scheme of landscaping for the area shaded purple on the approved plans shall be submitted to the Council as Planning Authority for written approval and it shall include:
- (a) an indication of all existing trees and hedgerows plus details of those to be retained and measures for their protection in the course of development.
  - (b) details and specification of all trees, shrubs, grass mix, etc.including, where appropriate, the planting of fruit/apple trees;
  - (c) details of any top-soiling or other treatment to the ground including de-compacting the ground due to recent construction activity in the areas to be replanted
  - (d) sections and other necessary details of any mounding, earthworks and hard landscaping;
  - (e) proposals for the initial and future maintenance of the landscaped areas;
  - (f) details of the phasing of these works; and no work shall be undertaken on the site until approval has been given to these details.

Reason: To ensure the appropriate provision of landscaping within the site.

04. That the approved landscaping scheme shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of the building(s) or completion of the development hereby approved, whichever is the sooner, and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.

Reason: In the interests of the visual amenity of the area.

05. That the type and distribution of external finishes shall be as shown on the approved plan, but prior to the commencement of any work on site, samples of the materials to be used shall be submitted to and approved by the Council as Planning Authority.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

06. That no development shall commence until details of surface water drainage arrangements have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design Criteria and shall include signed appendices as required. The development shall not be occupied until the surface drainage works have been completed in accordance with the details submitted to and approved by the Council as Planning Authority.

Reason: To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.

07. That notwithstanding the terms of the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011 (or any such order revoking or re-enacting that order), no fences, walls or other means of enclosure shall be erected on the site without the prior written permission of the Council as Planning Authority, other than -
- i) post and wire fences up to 1 metre in height; or
  - ii) hedge rows planted with native species only.

Reason: In the interests of the visual amenity of the area.

08. That no development shall commence on site until the applicant provides written confirmation from SEPA to the Council as Planning Authority that the site can be satisfactorily served by a sewerage scheme designed in accordance with SEPA's standards.

Reason: To ensure the provision of a satisfactory sewerage system.

09. That before the development hereby approved is completed or brought into use, 3 no. parking spaces (23m x 6m modules) and a turning area shall be laid out, constructed and thereafter maintained to the satisfaction of the Council as Roads and Planning Authority.

Reason: To ensure the provision of adequate parking and turning facilities within the site.

10. That before the development hereby approved is completed or brought into use, a visibility splay of 2.5m by 40m to the North and 2.5m by 48m to the South measured from the road channel shall be provided on either side of the vehicular access and everything exceeding 0.9 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.

Reason: In the interests of traffic and public safety.

