

	<h1>Report</h1>	Agenda Item <h1>11</h1>
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Report to: **Planning Committee**
 Date of Meeting: **7 June 2005**
 Report by: **Executive Director (Enterprise Resources)**

Application No CL/05/0094
 Planning Proposal: Change of Use and Alteration of Existing Farm Outbuildings to Form 4 Dwellings and Erection of 11 Attached Dwellinghouses

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : DDL (Libberton) Ltd
- Location : Libberton Mains Farm
Biggar Road
Libberton
ML11 8LT

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 Detailed Overleaf)

2.2 Other Actions/Notes

The Planning Committee has delegated powers to determine this application.

3 Other Information

- ◆ Applicant's Agent: Cullen Lochhead & Brown
- ◆ Council Area/Ward: 07 Duneaton/Carmichael
- ◆ Policy Reference(s): Upper Clydesdale Local Plan (Adopted)
 - Policy 8: Existing Housing – Ancillary Development
 - Policy 73: Remoter Rural Area
 - Policy 74: Settlement Boundaries/Infill Development
- ◆ Representation(s): None received
- ◆ Consultation(s):

Education Resources

Environmental Services

Leisure Services

Roads and Transportation Services

S.E.P.A.

Scottish Water

West of Scotland Archaeology Service

Biggar and District Civic Society

Planning Application Report

1 Application Site

- 1.1 The application site covers an area of approximately 0.59 hectares. The majority of the site lies within the settlement boundary of Libberton on the B7016 and consists of the steading of Libberton Mains Farm. The existing buildings at the steading are of traditional design and form a courtyard setting. The site is bounded to the north by various agricultural buildings. The site is bounded to the east by open agricultural land, to the west by the B7016 and to the south by residential dwellings.

2 Proposal(s)

- 2.1 The applicant seeks detailed planning permission for the change of use and alteration of the existing farm outbuildings to form 4 dwellinghouses and the erection of an additional 11 dwellings attached to the original buildings. It is proposed that the new dwellings will extend and enclose the existing open-sided courtyard. Vehicular access to the site would be taken from the B7016, to the north of the steading as well as a parking area to the south of the site. The submitted plans show parking spaces and areas of landscaping. The new-build element of the proposal consists of a mixture of single, one-and-a-half and two-storey dwellings of a fairly traditional design. The applicant proposes to clean, make good and re-point the existing stone walls. The new walls would be finished in reconstituted stone and render to match the colour tones of the existing. All new windows would be double glazed with timber frames.

3 Background

3.1 Local Plan Status

The majority of the site is covered by Policy 8: Existing Housing – Ancillary Development and Policy 74: Settlement Boundaries/Infill Development of the adopted Upper Clydesdale Local Plan. Two small sections of the site fall outwith the settlement boundary of Libberton where Policy 73: Remoter Rural Area applies.

3.2 Relevant Government Advice/Policy

Scottish Planning Policy 3: Planning for Housing affirms that the planning system should encourage the creation of attractive, sustainable residential environments. New residential development must make efficient use of resources, reusing previously developed land wherever possible, supporting the aim of reducing energy consumption, and being accessible by forms of transport other than the private car. The Scottish Executive looks to planning authorities to maintain the effectiveness of existing greenbelts, safeguard the character and amenity of the countryside and protect the setting of towns. SPP3 advocates that most housing requirements, therefore, should be met within or adjacent to existing settlements, making efficient use of existing infrastructure and public services, helping to conserve natural heritage and protect rural amenity.

3.3 **Planning Background**

A planning application was submitted in July 2004 for the change of use and alteration of existing farm outbuildings to form 4 dwellings and erection of 11 attached dwellinghouses at the same site. This application was withdrawn by the applicant in order to carry out some amendments. The current application, which is the subject of this committee report, amends this previously withdrawn application.

4 **Consultation(s)**

4.1 **Community Council** – no response to date.

Response: Noted.

4.2 **Education Resources** – no objections.

Response: Noted.

4.3 **Environmental Services** – no objections subject to conditions being attached to any consent granted relating to contaminated land.

Response: This issue can be controlled by means of condition.

4.4 **Leisure Services** – no objections in principle, however they advise that the proposed development site sits in a prominent position within open countryside. As such any landscaping should reflect the existing nature of the area and blend the new buildings into the environment. They also note that a mature ash may require to be felled and if it cannot be retained then consideration should be given to the planting of a semi-mature replacement.

Response: these issues can be controlled by means of condition.

4.5 **Roads and Transportation Services** – no objections.

Response: Noted.

4.6 **SEPA** – have no objection to the proposal provided that the sewage treatment and disposal arrangements are in accordance with their requirements. In addition they ask that any planning permission granted includes a condition requiring the applicant to treat the water from the site in accordance with the principles of Sustainable Urban Drainage.

Response: these issues can be controlled by means of condition.

4.7 **Scottish Water** – state that they will not object to this application if the cost of upgrading existing infrastructure to accommodate the proposed development is borne by the applicant.

Response: this issue can be controlled by means of condition.

4.8 **West of Scotland Archaeology Service** – no objections subject to a watching brief condition being placed on any consent granted.

Response: this issue can be controlled by means of a condition.

- 4.9 **Biggar & District Civic Society** – note that the application relates to a proposed courtyard-type housing development based on farm buildings in an area designated in the Local Plan as residential. They comment that fifteen housing units is quite a lot in the area, but note that they look to be modest units – perhaps some being suitable for first time buyers. The Society has no objection to this application provided that conditions are attached to ensure the detailed design is of a high quality in line with planning guidance for housing in rural areas, including the Scottish Executive Planning Advice Note 67, “housing quality”. The main concern is the need for the planning authority to develop a strategy to deal with the cumulative impact of additional housing units in the rural area on the infrastructure facilities in the main towns.

Response: Noted.

5 Representation(s)

- 5.1 The application was advertised as Development Potentially Contrary to the Development Plan. Following this publicity and the statutory neighbour notification procedure, no letters of representation were received.

6 Assessment and Conclusions

- 6.1 The determining issue that requires to be addressed when assessing this proposal is its conformity to local plan policy.
- 6.2 The majority of the site is covered by Policy 8: Existing Housing – Ancillary Development and Policy 74: Settlement Boundaries/Infill Development of the adopted Upper Clydesdale Local Plan. Both policies favour residential development within settlements. In particular, Policy 74 states that infill development shall be encouraged where: suitable infill/gap sites occur; infrastructure capacity is not overstretched by additional development; the proposed development is compatible with the character of existing development and the proposed development is compatible with the size, shape and topography of the site.
- 6.3 The applicant seeks detailed planning permission for the change of use and alteration of the existing farm outbuildings to form 4 dwellinghouses and the erection of an additional 11 dwellings attached to the original building. The existing farm outbuildings, which the applicant intends to convert, are traditional in character and form a courtyard arrangement at Libberton Mains Farm. Given the location of the application site within the settlement boundary of Libberton and the fact the buildings are worthy of conversion, I consider this aspect of the proposal acceptable. The proposed new build element of the development involves the extension of the existing outbuildings and the courtyard arrangement to provide 11 new dwellinghouses. I am satisfied that the design of the dwellings reflects the traditional appearance and materials of the existing farm buildings at the site and I am satisfied that adequate parking and amenity space has been provided. In addition, I do not consider that the proposal will have an adverse impact on the residential amenity of the surrounding area and, as such, consider the proposal to be in accordance with Policies 8 and 74.
- 6.4 Two small areas of the site fall outwith the settlement boundary of Libberton in an area where Policy 73: Remoter Rural Area applies. This policy states that development shall be encouraged on sites identified within settlement boundaries and suitable infill/gap sites, but proposals which would lead to ribbon development, an extension of a settlement or which by virtue of their scale or style threaten to change the established character of the existing development shall be resisted. This

element of the proposal is therefore contrary to policy. However, in this particular instance, I consider the extension of the boundary can be justified. The area of ground to be excised from the Remoter Rural Area is not significantly large, it would allow additional garden space for the proposed dwellings and the creation of a suitable vehicular access to the site. In addition, if Committee agree to grant planning permission, it would be my intention to attach a condition requiring suitable landscape planting along the boundary of the application site to create a defensible boundary for the village of Libberton.

6.5 In view of the above, I have no objections to the proposal and a departure to the development plan can be justified for the following reasons:

- (1) The proposed extension of the development into the Remoter Rural Area would not create a visually obtrusive incursion into the countryside due to the limited extent of the incursion; and
- (2) The proposed new boundary of the extended area would be subject to landscape planting which would create a defensible boundary for this part of the village of Libberton.

Iain Urquhart
Executive Director (Enterprise Resources)

23 May 2005

Previous References

- ◆ None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans

▶ Consultations	
Education Services	22/7/04
Environmental Services	4/3/05
Leisure Services	20/8/04
Roads and Transportation Services	22/5/05
SEPA	17/3/05
Scottish Water	1/4/05
West of Scotland Archaeology Service	30/8/04
Biggar & District Civic Society	28/7/04

Contact for Further Information

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

Gail Rae, Planning Officer, South Vennel, Lanark
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CONDITIONS

- 1 That the development hereby permitted shall be started within five years of the date of this permission.
- 2 That the development shall be carried out strictly in accordance with the plans hereby approved and no change to the design shall take place without the prior written approval of the Council as Planning Authority.
- 3 That no consent is hereby granted for the use of interlocking concrete tiles as shown on the approved plan, the type and distribution of external finishes shall be:
Roof: natural slate
Walls: stone and wet dash render
Timber: painted finish
and before any development commences on site or before any materials are ordered or brought to the site, details and samples of all materials to be used as external finishes on the development shall be submitted to and approved by the Council as Planning Authority.
- 4 That the face and cheeks of the dormers hereby approved shall be finished in natural slate to match the roofs of the proposed dwellinghouses.
- 5 That no trees within the application site shall be lopped, topped, pollarded or felled, and no shrubs or hedges shall be removed from the application site without the prior written consent of the Council as Planning Authority.
- 6 That the existing trees to be retained must be protected in accordance with methods as set out in BS5837/1991 during and until completion of all site operations and building works.
- 7 That before any work commences on the site, a scheme of landscaping for the area shaded green 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.; (c) details of any top-soiling or other treatment to the ground; (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.
- 8 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 buildings 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.

- 9 That before development starts, full details of the design and location of all fences and walls, including any retaining walls, to be erected on the site shall be submitted to and approved by the Council as Planning Authority.
- 10 That the boundary wall shown in yellow on the approved plans shall be retained and maintained to the satisfaction of the Council as Planning Authority.
- 11 That before the development hereby approved is completed or brought into use, the new vehicular access so far as it lies within the boundaries of the road abutting the site, shall be constructed in accordance with the specification and to the satisfaction of the Council as Roads and Planning Authority.
- 12 That before the development hereby approved is completed or brought into use, all of the parking spaces shown on the approved plans shall be laid out and constructed to the satisfaction of the Council as Roads and Planning Authority and thereafter shall be maintained to the entire satisfaction of the Council.
- 13 That before the development hereby approved is completed or brought into use, all the footpaths within the development site shall be constructed to the specification and satisfaction of the Council as Roads and Planning Authority.
- 14 That before any of the dwellinghouses hereby approved are occupied, a drainage system capable of preventing any flow of water from the site onto the public road or neighbouring land, or into the site from surrounding land shall be provided and maintained to the satisfaction of the Council as Roads and Planning Authority.
- 15 That before development starts a Phase 1 or Desk Study, to review all currently available information about the historical uses of this site, shall be carried out to determine any types of contamination likely to be encountered and possible pathways to sensitive receptors shall be submitted to and approved by the Council as Planning Authority. If this investigation gives any indication of the potential for contaminants to be present, development shall not begin until a full intrusive survey has been carried out and its findings submitted to and, approved by the Council as Planning Authority. This survey shall clearly document the methodology, findings and results. The risks posed by the presence of pollutants in relation to sensitive receptors shall be assessed to current guidelines and, where appropriate recommendations for further investigations or remediation options to reduce these risks identified.
- 16 That before any of the dwellinghouses hereby approved are completed or brought into use, remediation/control measures must be fully implemented to the satisfaction of the Council as Planning Authority.
- 17 That any alterations to the remediation plan may only take place with the written approval of the Council as Planning Authority.
- 18 That on completion of all remediation works, a completion report confirming that works have been carried out to the agreed plan shall be submitted to and approved by the Council as Planning Authority.

- 19 That before any work commences on site, a maintenance and management scheme shall be submitted to and approved by the Council as Planning Authority and it shall include proposals for the continuing care, maintenance and protection of the proposed footpaths, parking, open space, circulation areas and external lighting.
- 20 That prior to the completion of the development hereby approved, the maintenance and management scheme approved under the terms of condition 19 above shall be in operation.
- 21 That the developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the Council as Planning Authority, during development work. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record and recover items of interest and finds. Terms of Reference for the watching brief will be supplied by West of Scotland Archaeology Service. The name of the archaeological organisation retained by the developer shall be given to the Council as Planning Authority and to West of Scotland Archaeology Service in writing not less than 14 days before development commences.
- 22 That before any of the dwellinghouses hereby approved are occupied, a septic tank and soakaway designed and constructed in accordance with the current code of practice BS6297:1983 shall be provided to the satisfaction of the Council as Planning Authority
- 23 That no development shall commence on site until the applicant provides written confirmation from Scottish Water to the Council as Planning Authority that the site can be satisfactorily served by a public water supply.

REASONS

- 1 To accord with the provisions of the Town and Country Planning (Scotland) Act 1997.
- 2 In the interests of amenity and in order to retain effective planning control.
- 3 In the interests of amenity and in order to retain effective planning control
- 4 To ensure a satisfactory integration of the proposed dormers with the existing buildings both in terms of design and materials.
- 5 To ensure the protection and maintenance of the existing trees and other landscape features within the site.
- 6 To ensure that adequate steps are taken to protect existing trees on the site throughout the period of the proposed building operations.
- 7 In the interests of the visual amenity of the area.
- 8 In the interests of amenity.
- 9 These details have not been submitted or approved.
- 10 In the interests of amenity and in order to retain effective planning control.
- 11 In the interest of public safety
- 12 To ensure the provision of adequate parking facilities within the site.
- 13 In the interest of public safety
- 14 To ensure the provision of a satisfactory drainage system.
- 15 To ensure the site is free of contamination and suitable for development.
- 16 To ensure the site is free of contamination and suitable for development.
- 17 In order to retain effective planning control
- 18 In order to retain effective planning control

- 19 To safeguard the amenity of the area.
- 20 To safeguard the amenity of the area.
- 21 In order to safeguard any archaeological items of interest or finds.
- 22 To ensure that the development is served by an appropriate effluent disposal system.
- 23 To ensure the provision of a satisfactory water supply system

For information only

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