

	<h1>Report</h1>	Agenda Item <h2>5</h2>
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Report to: **Planning Committee**
 Date of Meeting: **26 May 2009**
 Report by: **Executive Director (Enterprise Resources)**

Application No HM/07/0690
 Planning Proposal: Renovation Including Internal Alterations, Extension and Partial
 Demolition of Building and Erection of Double Garage

1 **Summary Application Information**

- Application Type : Detailed Planning Application
- Applicant : Townfield Construction
- Location : Toll House
 52 Carlisle Road
 Ferniegair
 Hamilton

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 the delegated powers to determine this application.

3 **Other Information**

- ◆ Applicant's Agent: Munro Associates
- ◆ Council Area/Ward: 17 Hamilton North and East
- ◆ Policy Reference(s): **South Lanarkshire Local Plan (adopted)**
 Policy STRAT 3 – The Green Belt and Urban
 Settlements in The Green Belt Policy
 Policy CRE 1 – Part 4 – Reuse or conversion of
 an existing building for housing
 Policy ENV 23 - Listed Buildings Policy
 Policy DM 1 – Development Management
 Policy

- ◆ Representation(s):
 ▶ 4 Objection Letters

◆ Consultation(s):

Environmental Services

Roads and Transportation Services (Hamilton Area)

Scottish Water

West of Scotland Archaeology Service

Power Systems

Roads & Transportation Services HQ (Bridges Engineer)

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

Roads & Transportation Services H.Q. (Geotechnical)

TRANSCO (Plant Location)

Historic Scotland

Land and Fleet Services (Arboriculture)

Planning Application Report

1 Application Site

- 1.1 The application relates to the Thomas Telford Toll House which is a Category B listed building located on the southern side of Carlisle Road at the southern edge of Hamilton. The site is essentially 'L' shaped and extends to approximately 0.14 hectares. It comprises a mixture of trees and scrub including regenerating ash and elder and it slopes down towards the River Avon. The site is bounded to the north by the River Avon and the Thomas Telford Avon Bridge which is a Category A listed structure, to the south by residential properties and associated landscaping, to the east by the Carlisle Road (A72) and to the west by an area comprising of a mix of scrub and woodland. Access to the site is via a track off Carlisle Road.

2 Proposal(s)

- 2.1 This is a detailed planning application for the renovation of the Toll House including internal alterations, extension and partial demolition of the building and the erection of a detached double garage. The application was submitted in tandem with an associated application for listed building consent and two separate outline planning applications for the erection of single dwellinghouses on land to the west of the site referred to as Plots A and B. The two outline applications were submitted as part of a funding strategy to enable the restoration and extension of the Toll House.
- 2.2 Specifically, the proposed works comprise the demolition of an existing two storey lean-to extension built onto the rear elevation of the original house and the erection of an extension measuring approximately 102 square metres in floor area located along the north-west elevations of the existing building. The extension would be single storey in height and would incorporate a link corridor with a flat roof which would tie the main part of the extension onto the existing house. The proposed materials include black slate to the roof of the house with a lead covering to the flat roof link corridor of the extension, stone walls to match those of the existing building and timber sash and case windows. Initially the applicant intended to form a hipped roof onto the extension, however, following discussions with the Planning Service in consultation with Historic Scotland the applicant has agreed to utilise a flat roof incorporating turf or sedum.
- 2.3 The existing building would be renovated to provide two bedrooms, a hall and an en-suite bathroom on the lower floor and the upper floor and a hall, two bedrooms and two en-suite bathrooms on the upper floor which is positioned level with the adjacent Carlisle Road. The proposed extension would incorporate a living room and dining area, kitchen, hall and study with the hall and study located within a corridor linking the main part of the extension to the original house. A detached single storey double garage would be located along the southern boundary of the site adjacent to the existing access track.
- 2.4 A tree survey was undertaken which concludes that some shrub clearance and tree felling is required in the vicinity of the building. In addition to the Tree Survey, a Planning Statement, Cost Plan and Ecological Report were also submitted with the application as supporting documents.

3 Background

3.1 **Local Plan Status**

- 3.1.1 The application site is designated as Green Belt land in the adopted South Lanarkshire Local Plan. The relevant policies covering the site are Policies STRAT 3 – The Green Belt and Urban Settlements in The Green Belt Policy, CRE 1 – Part 4 – Reuse or conversion of an existing building for housing, ENV 23 - Listed Buildings Policy and DM 1 – Development Management Policy. The content of the above policies and how they relate to the proposal is assessed in detail in Section 6 of this report.

3.2 **Relevant Government Advice/Policy**

- 3.2.1 None relevant in this instance.

3.3 **Planning Background**

- 3.3.1 There is no recent planning history relating to this site. However, as stated above, the application for detailed planning consent was submitted in tandem with an application for listed building consent for the renovation and extension of the Toll House (HM/07/0675) in addition to the submission of two separate outline planning applications for the erection of single dwellinghouses on land to the west of the site referred to as 'Plots A and B (HM/07/0691 & HM/07/0687). The two outline applications were submitted as part of a funding strategy to enable the restoration and extension of the Toll House. All of these applications appear elsewhere on the Committee Agenda.

4 **Consultation(s)**

- 4.1 **Environmental Services** – have no objections to the proposal.

Response: Noted.

- 4.2 **Leisure Services** – have no objections to the proposal. The tree cover on the site is mainly poor quality regenerating ash and elder which has populated the site since the property became derelict and not worthy of protection.

Response: Noted.

- 4.3 **Historic Scotland** – Historic Scotland welcome the principle of the restoration of the Toll House, however, there are a number of details and finishes that require further clarification. Casement windows have been shown on the drawings and sash and case windows would be more appropriate. The type of slate proposed should be clarified with samples submitted and the hipped roof should be omitted with the adoption of a flat roof with consideration given to a living roof with turf or sedum. Further details should be requested in relation to the linking corridor, including materials and how it fixes to the historic building and further information regarding soft and hard landscaping in the vicinity of the lodge and the extension.

Response: Noted. The applicant has agreed to the use of a flat living roof and details relating to this roof and the other matters raised were submitted and considered to be acceptable. Conditions would be incorporated into any consent granted to ensure the use of appropriate finish materials.

- 4.4 **Roads and Transportation Services (Hamilton Area)** – have no objection to the proposal subject to conditions relating to acceptable visibility splays, car parking and the surfacing of the access road. They have noted that there is an alternative access from Old Avon Road via the Old Avon Bridge and that SEPA and Scottish Water should be consulted in terms of potential discharge to the adjacent river.

Response: Noted and appropriately worded conditions and informatives would be incorporated into any consent granted to address the matters raised.

- 4.5 **Roads and Transportation Services (Geotechnical)** – have concerns relating to the effect of any work in the slope down towards the river, including tree felling. Although the slope is mostly at a low gradient, there is a steep portion close to the river. The soils appear to be sands and silts which can be unstable at low angles. This is especially true if they are subject to erosion by moving groundwater and there is currently evidence of this sort of erosion. The submitted cross sections have confirmed the view that the slope stability may be marginal and a proper engineering analysis is required. The submitted sections show at least part of the slope to be steeper than is desirable. In the case of the proposed extension, trees are to be removed from the steepest part of the slope. The supporting notes refer to SUDS features and the drawings show the existing lade crossing a slope with a retaining wall at the toe of an already over-steep area. It would be possible to address these concerns by means of a robust condition requiring the submission of a slope stability analysis on the area from the building to the River Avon. The analysis should be based on parameters and stratigraphy obtained by intrusive investigation and should be backed by suitable public indemnity insurance. It should take account of the effects of erosion by the Avon, the felling of trees, the groundwater regime and any proposed SUDS features, ponds or watercourses including the lade.
Response: Noted and an appropriately worded condition would be incorporated into any consent granted requiring the submission of a slope stability analysis on the area from the building to the River Avon as requested.
- 4.6 **SEPA** – initially objected to the proposal on the grounds that it could place buildings and persons at risk contrary to the provisions of national policy guidance and advice. However, further information was submitted which indicates that the development is likely to be at low-medium flood risk and in accordance with SPP7, therefore, SEPA have removed their objection. SEPA also noted their requirements in relation to foul drainage, construction pollution prevention, domestic waste issues and the Water Environment (Controlled Activities) (Scotland) Regulations 2005.
Response: Noted and appropriately worded conditions and informatives would be incorporated into any consent granted to address the additional matters raised.
- 4.7 **Scottish Power Energy Networks** - have no objections to the proposal, however, they have submitted information highlighting the location of their apparatus in the area.
Response: Noted and this information would be passed on to the applicant.
- 4.8 **Scotland Gas Networks** - have raised no objection to the proposal, however, they have submitted information highlighting the location of their apparatus in the area.
Response: Noted and this information would be passed on to the applicant.
- 4.9 **Scottish Water** – have no objections to the application subject to the provision of an acceptable sewerage system within the site. They have confirmed that Strutherhill Waste Water Treatment Works currently has capacity to service the proposed development. However, they have also advised that there may be issues within their Waste Water Network that serves the development and the developer will be required to provide a solution that would prevent or mitigate any further impact.
Response: Noted and appropriately worded conditions and informatives would be incorporated into any consent granted to ensure the provision of an acceptable sewerage system within the site.
- 4.10 **West of Scotland Archaeology Service** – have no objections to the application.
Response: Noted.

5 Representation(s)

5.1 Neighbour notification procedures were undertaken and the application was advertised in the Hamilton Advertiser as Development Potentially Contrary to the Development Plan. Four letters of objection were received. The grounds of objection are summarised as follows:

- (a) **There is an interdict in force against the applicant from using a section of the access road in any way. The Ross Estate was not approached prior to submission of the application and access for the actual development work and thereafter to the developed site cannot be taken without the permission of the Ross Estate. The residents of 'the Bungalow - Avon Mill also have pedestrian and vehicular right of access to the road of the application site.**

Response: These are legal matters which require to be addressed between the parties concerned.

- (b) **Any extension to the Toll House would detract from and completely change the character of the building, the Avon Bridge, the view downstream from the Old Avon Bridge and the surrounding area.**

Response: Neither Historic Scotland, the Scottish Civic Trust nor the AHSS raised any objections to the proposed renovation and extension of the Toll House.

These letters have been copied and are available for inspection in the usual manner. As some of the comments made in the representations relate to the application for listed building consent (HM/07/0675) and the applications for new dwellings (HM/07/0687 and HM/07/0691) these comments are considered in the appropriate reports.

6 Assessment and Conclusions

6.1 The determining issues in consideration of this application are its compliance with local plan policy and its impact on the amenity of adjacent properties.

6.2 In terms of local plan policy, the proposal can be assessed against Policies STRAT 3 – The Green Belt and Urban Settlements in The Green Belt Policy, CRE 1 – Part 4 – Reuse or conversion of an existing building for housing, ENV 23 - Listed Buildings, and DM 1 – Development Management Policy in the adopted South Lanarkshire Local Plan. Policy STRAT 3 seeks to direct development to within existing urban settlements in the Green Belt whilst allowing the Green Belt to continue to function as an area for agriculture, forestry and other appropriate uses. Policy CRE 1 – Part 4 provides a framework for assessing proposals for the rehabilitation or change of use of disused or redundant buildings and states that such proposals will be considered favourably, subject to the following criteria:

- a) Where it can be satisfactorily demonstrated to the Council's satisfaction that the building is no longer required, appropriate or marketable for agricultural purposes or for other appropriate countryside uses;
- b) The building is of a traditional design or of some architectural/historic interest;
- c) A structural survey is submitted to demonstrate that the building is structurally sound and largely intact;
- d) The building is of a size that is capable of accommodating the proposal without the need for major extensions or alterations.
- e) Alterations must be sensitively designed in order to retain the traditional character

of the building and the indigenous architectural character of the area. Similarly landscaping, car parking provision, hardstanding and boundary treatments must be in keeping with the character of their rural location;

f) The new dwelling meets access and parking standards and can be readily provided with services such as water, drainage and sewerage;

g) The rehabilitation or change of use of the building will not be to the detriment of local amenity or traffic safety and is compatible with the existing adjoining land use;

h) There are no adverse impacts on natural or built heritage or wildlife interests, including European Protected Species. Where such species exist on site, supporting information must be submitted with planning applications to demonstrate that there is no adverse impact on them;

i) In cases where existing buildings that are considered to make a negative contribution to the landscape, amenity and/or character of the area and are interspersed with traditional steading buildings, consideration will be given, exceptionally, to allowing their replacement with an appropriate style of houses where this is justified to enable the retention of the other existing buildings. Any such buildings allowed must respect the size, form and materials of the other retained buildings on the site.

6.3 Policy ENV 23 states that development affecting a listed building or its setting, shall preserve the building or its setting, or any features of special architectural or historic interest which it has. The layout, design, materials, scale, siting and use of any development shall be appropriate to the character and appearance of the listed building and its setting. Proposals for the total or substantial demolition of a listed building will only be supported where it is demonstrated beyond reasonable doubt that every effort has been exerted by all concerned to find practical ways of keeping it. Policy DM 1 generally requires all development to take account of the layout, form, design and local context of the area.

6.4 I am satisfied that the proposal meets the main criteria set out in Policy CRE 1 Part 4. The Category B listed Toll House has remained vacant and in a derelict condition for a number of years and is included on the Scottish Civic Trust National Register of Buildings at Risk. Structural surveys on the building were undertaken in 2002 and more recently in 2007. The latter survey addresses the ongoing deterioration of the building since the initial survey in 2002. The Planning Statement submitted with the application states that the structural engineer has confirmed that, following structural remedial works to stabilise settlement problems, the building can be renovated to facilitate ongoing use. With regard to the detail of the application I am satisfied that the proposed alterations are acceptable in terms of their scale, design and finish materials and that the extension has been sensitively designed in order to retain the traditional character of the building and the indigenous architectural character of the area. Following discussions with the Planning Service amended drawings were submitted which show appropriate alterations to the building in terms of finish materials and window design and conditions would be attached to the consent to ensure the use of appropriate finish materials. The extension would be located in its proposed position following previous discussions with Historic Scotland and it would be positioned at a lower level in order that it would have no detrimental impact on the character of the original building. I am satisfied that the proposed landscaping, car parking provision and boundary treatments are in keeping with the character of their rural location and that the new dwelling meets the required access and parking standards and can be readily provided with services such as water, drainage and sewerage. The rehabilitation of the building will not be to the detriment of local amenity or traffic safety and is compatible with the existing adjoining land use. In terms of protected species on the site, SNH assessed a protected species survey which was submitted under the associated outline planning application for the

erection of a single dwellinghouse on the adjacent site (HM/07/0691) and they were satisfied that the survey was a comprehensive investigation of the presence of bats and badgers at this locality including this application site.

6.5 In terms of impact on the amenity of adjacent properties I am satisfied that the proposal has no adverse impact on either residential or visual amenity and that it raises no road safety issues. I am also satisfied that proposal has no impact on the character or setting of either the Category B listed Toll House or the Category A listed Avon Bridge.

6.6 In summary, I am satisfied that the proposal is acceptable, that it has no adverse impact on either residential or visual amenity or the character and appearance of the existing listed building and that it complies with national and local plan policy. I, therefore, recommend that planning consent be granted subject to the attached conditions.

7 Reason for Decision

7.1 The proposal has no adverse impact on either residential or visual amenity or the character and appearance of the listed building and complies with Policies STRAT 3, CRE 1 – Part 4, ENV 23 and DM1 of the adopted South Lanarkshire Local Plan.

Iain Urquhart
Executive Director (Enterprise Resources)

18 May 2009

Previous References

HM/07/0675

HM/07/0687

HM/07/0691

List of Background Papers

▶ Application Form	
▶ Application Plans	
▶ Consultations	
Environmental Services	11/10/2007
Scotland Gas Networks	22/10/2007
Historic Scotland	06/02/2008
Roads and Transportation Services (Hamilton Area)	09/10/2007
S.E.P.A. (West Region)	08/01/2008 & 22/07/08
Roads & Transportation Services (H.Q.)	10/10/2007
Scottish Water	18/10/2007

Scottish Power Energy Networks	04/10/2007
Leisure Services - Arboriculture	23/01/2008
West of Scotland Archaeology Service	11/10/2007

► Representations

- Representation from : Mrs Catherine L Braithwaite, The Bungalow, Avon Mill, Hamilton, ML3 7UH, DATED 01/10/2007
- Representation from : John Y Robertson, Solicitors & Estate Agents, 24 Cadzow Street, Hamilton, ML3 6DG, DATED 10/10/2007
- Representation from : Wilf Vangenechten, Avon Bridge Lodge, HAMILTON, ML3 7DB, DATED 08/10/2007
- Representation from : G Goodridge-Cox, Avonmill House, HAMILTON, ML3 7UH, , DATED 08/10/2007

Contact for Further Information

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

Jim Blake, Planning Officer, Brandon Gate, Hamilton
 Ext 3508 (Tel :01698 453508)
 E-mail: Enterprise.hamilton@southlanarkshire.gov.uk

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 or external finishes shall take place without the prior written approval of the Council as Planning Authority.
- 3 That the facing materials to be used for the external walls of the extension hereby approved shall match in colour and texture those of the existing building on the site to the satisfaction of the Council as Planning Authority. Details and samples of the materials to be used shall be submitted to and approved by the Council as Planning Authority prior to any work commencing on site.
- 4 Repairs to the slated roof areas shall be undertaken in natural slate to match existing. Details and samples of the materials to be used shall be submitted to and approved by the Council as Planning Authority prior to any work commencing on site.
- 5 That the roof of the extension hereby approved shall be finished in sedum.
- 6 Stone repairs, including those to chimneys, shall precisely match the colour and texture of the existing stone (as cleaned). Details and samples of the materials to be used shall be submitted to and approved by the Council as Planning Authority prior to any work commencing on site.
- 7 That all windows in the dwellinghouse and extension shall be traditionally opening timber sash and case.
- 8 That prior to any work commencing on site a slope stability analysis shall be carried out by a suitably qualified geotechnical engineer on the area from the building to the River Avon and approved by the Council as Planning Authority. The analysis shall be based on parameters and stratigraphy obtained by intrusive investigation and shall be backed by suitable public indemnity insurance. It shall take account of the effects of erosion by the Avon, the felling of trees, the groundwater regime and any proposed SUDS features, ponds or watercourses including the lade.
- 9 That no work shall commence on site until the slope stability analysis referred to under Condition 8 above has been approved by the Council as Planning Authority. Any development carried out shall be done in accordance with the requirements of the approved slope stability analysis.
- 10 That before the dwellinghouse hereby approved is completed or occupied, a visibility splay of 2.5 metres by 120 metres measured from the road channel shall be provided on both sides 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.

- 11 That before the dwellinghouse hereby approved is completed or occupied, 3 car parking spaces shall be laid out and constructed to the satisfaction of the Council as Planning Authority and thereafter shall be maintained to the entire satisfaction of the Council.
- 12 That before the dwellinghouse hereby approved is completed or occupied the access road shall be surfaced for a distance of 10 metres from the channel line off Carlisle Road to the satisfaction of the Council as Planning and Roads Authority.
- 13 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 sewerage scheme designed in accordance with Scottish Water's standards.
- 14 That the dwellinghouse shall not be occupied until the site is served by a sewerage scheme constructed in accordance with Scottish Water standards and as approved by the Council as Planning Authority in consultation with Scottish Water as Sewerage Authority and the development shall be aligned with the upgrading of the Ferniegair Sewerage Treatment Works.
- 15 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 requirements.
- 16 That before any work commences on site or within 3 months of the date of this permission, a scheme of landscaping 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 proposed trees, shrubs, grassmix, 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.
- 17 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 dwellinghouse 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.
- 18 That before development starts, details of all boundary treatment(s) shall be submitted to and approved by the Council as Planning Authority and thereafter all approved works shall be completed to the satisfaction of the said Authority prior to the dwellinghouse hereby permitted being occupied.
- 19 That the recommendations included in the Protected Species Survey produced by Acorna Associates Ltd shall be adhered to prior to and during construction works.
- 20 That a further bat survey shall be conducted no more than 6 months prior to work commencing on site.

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 To ensure satisfactory integration of the proposed extension with the existing building both in terms of design and materials.
- 4 In the interests of amenity and in order to retain effective planning control.
- 5 In the interests of amenity and in order to retain effective planning control.
- 6 In the interests of amenity and in order to retain effective planning control.
- 7 In the interests of amenity and in order to retain effective planning control.
- 8 To ensure that the buildings are protected in the long term from possible ground movements related to slope stability and the influence of vegetation and river erosion.
- 9 In the interests of amenity and in order to retain effective planning control.
- 10 In the interests of road safety.
- 11 To ensure the provision of adequate parking facilities within the site.
- 12 To prevent deleterious material being carried onto the highway.
- 13 To ensure the provision of a satisfactory sewerage system.
- 14 To ensure the provision of a satisfactory sewerage system.
- 15 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.
- 16 In the interests of amenity.
- 17 In the interests of amenity and in order to retain effective planning control.
- 18 These details have not been submitted or approved.
- 19 To ensure that there is no adverse impact on European Protected Species.
- 20 In order to retain effective planning control.

For information only

For information only

