

Report

Report to:	Hamilton Area Committee
Date of Meeting:	26 September 2007
Report by:	Executive Director (Enterprise Resources)

Application No	HM/06/0840
Planning Proposal:	Conversion of Disused Agricultural Buildings to form 2 Residential Units

1 Summary Application Information

- Application Type : Detailed Planning Application (Amend)
- Applicant : A Torrance
- Location : North Crookedstone Farm
Limekilnburn Road
Hamilton

2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Grant detailed planning permission (subject to the following conditions)

2.2 Other Actions/Notes

The Area Committee has delegated powers to determine this application

3 Other Information

- ◆ Applicant's Agent: Graham Jinks
- ◆ Council Area/Ward: 20 Larkhall
- ◆ Policy Reference(s): **Hamilton District Local Plan**
Policy EN1a – Greenbelt
Policy MN1 – Preferred Area for Mineral Extraction
Policy DC1 – Development Control General
South Lanarkshire Planning Policies
SLP1 – Greenbelt
SLP6 – Development Control
Finalised South Lanarkshire Local Plan
(after modifications)
Policy STRAT 3 – Greenbelt
Policy CRE 1 – Housing in the Countryside
Policy DM 1 – Development Management

- ◆ Representation(s):
 - ▶ 8 Objection Letters

- ◆ Consultation(s):

Environmental Services

Roads and Transportation Services (Hamilton Area)

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

Scottish Water

Planning Application Report

1 Application Site

- 1.1 The application site is located to the south west of Quarter at North Crookedstone Farm. It forms approximately 0.15 hectares and is adjacent to an existing farm holding, comprising of a farmhouse and outbuildings.
- 1.2 The application site comprises of a vacant steading and adjoins the farmhouse and outbuildings. These buildings are used to house animals for the existing small holding.
- 1.3 The small holding is to the east of the application site and to the north there is access to North Crookedstone Farm and fields beyond. The remainder of the application site not bounded by the farm holding is bounded by agricultural ground owned by the applicant.

2 Proposal

- 2.1 This application seeks to amend consent to convert disused agricultural buildings to form two residential units to allow for an altered layout and design to the original approval under Planning Reference HM/04/0922. The proposed development would involve the removal of a central section of the building and the extension of the building to the south.
- 2.2 The proposed development would comprise of two 4 bedroom units. Existing openings will be used as much as possible for windows and doors however additional openings are required to be formed to convert the building. Furthermore, a glazed glass extension/conservatory is proposed within the area of the building which is proposed to be removed.
- 2.3 Two separate accesses to the two proposed units are proposed from the road to the application site. Off-street car parking, turning and garden areas for the units are proposed to be formed adjacent to the west and south of the steading.

3 Background

3.1 Local Plan Policy

3.1.1 Adopted Hamilton District Local Plan

Policy EN1a - Greenbelt of the adopted Hamilton District Local Plan currently provides the land use designation for the application site. Proposals for rehabilitation or change of use for residential purposes of disused or redundant buildings will be considered favourably if they are found to comply with all of the following criteria:

- (a) Where it can be satisfactorily demonstrated to the Council 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) The building is structurally sound and largely intact with all external walls and roof substantially complete.
- (d) The building is capable of providing a modern standard of living accommodation 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 and boundary treatments must be in keeping.

- (f) Any ancillary domestic use required, such as garages, should form part of the rehabilitation of the building or be incorporated within a small extension physically attached to the original building. New detached ancillary buildings will not normally be allowed.
- (g) The building can be safely accessed and readily provided with services such as water, drainage and sewerage.

3.1.2 The application site is also located within a preferred area for mineral extraction under Policy MN1 within the adopted local plan.

3.1.3 Policy DC1 – Development Control – General of the adopted Hamilton District Local Plan requires all planning applications to take due regard to the local context and built form of the area. Proposals should take cognisance of scale, position and materials of surrounding buildings and landscape.

3.1.4 South Lanarkshire Planning Policies

SLP1 supports the policy contained within Policy EN1a of the adopted Hamilton District Local Plan, which is detailed in paragraph 3.1.1 above.

3.1.5 SLP6 supports the policy contained within Policy DC1 of the adopted Hamilton District Local Plan, which is detailed in paragraph 3.1.3 above.

3.1.6 Finalised South Lanarkshire Local Plan (after modifications)

Policy STRAT3 – The Green Belt and Urban Settlements in the Greenbelt Policy of the Finalised South Lanarkshire Local Plan (after modifications) notes that the Council will strongly resist the encroachment or introduction of urban uses. Any housing development within the Green Belt should conform to Policy CRE 1 – Housing in the Countryside of the Finalised South Lanarkshire Local Plan (after modifications). All development should seek to enhance the environmental quality of the area.

3.1.7 Policy CRE 1 – Housing in the Countryside of the Finalised South Lanarkshire Local Plan (after modifications) provides the Council's stance towards housing within countryside locations. Part 4 of Policy CRE1 relates to the 'Reuse or Conversion of an existing Building for Housing'. This policy supports the policy contained within Policy EN1a of the adopted Hamilton District Local Plan, which is detailed in section 3.1.1 above.

3.1.8 Policy DM1 of the Finalised South Lanarkshire Local Plan (after modifications) supports Policy DC1 of the adopted Hamilton District Local Plan which is detailed in section 3.1.3 above.

3.2 Relevant Government Advice

3.2.1 Scottish Planning Policy 21 - Greenbelts (SPP21) sets out national policy with regards to Greenbelts. SPP21 sets out the principles underlying Greenbelt designation and forms the basis of Greenbelt policy at both strategic and local levels. Current national policy as detailed in the Circular makes it clear that great importance is attached to the need to preserve existing Greenbelts. It goes on to state that development within Greenbelts should continue to be strictly controlled.

- 3.2.2 National Planning Policy Guideline 18 – Planning and the Historic Environment sets out the government’s planning policies in relation to the historic environment and recognises its fundamental contribution to Scotland’s heritage. While the thrust of the guidance is directed at historic listed buildings it acknowledges that many locally significant buildings fall outwith protective legislative framework and these buildings can be an important local resource.
- 3.2.3 Scottish Planning Policy 15 – Planning for Rural Development states that ‘Rural Scotland needs to become more confident and forward looking both accepting change and benefiting from it, providing for people who want to continue to live and work there and welcoming newcomers. Traditional ways of living will remain but new ones should function alongside.’
- 3.2.4 Planning Advice Note 39 – Farm and Forestry Buildings provides guidance primarily on the siting and design of new farm and forestry buildings but also provides guidance on the use and alterations to existing farm and forestry buildings. PAN39 notes that it may be possible to ‘rehabilitate or convert existing buildings to accommodate modern processes and new activities’. This may be less expensive than erecting a new building and can offer additional advantages of retaining a mature setting and conserving traditional materials and finishes. However, care is required to ensure that additions or alterations are in sympathy with existing buildings.’
- 3.2.5 Advice is also provided by the Scottish Executive on the Conversion of Redundant Farm Steadings to Other Uses. This report states that “as the needs of commercial farm businesses change redundant farm steadings need to be made useful again and in order to survive they need to be kept alive.”

3.3 **Planning History**

- 3.3.1 In July 2004 the applicant submitted a planning application to convert disused agricultural buildings to form three residential units. This proposal however was withdrawn by the applicant (Planning Application No HM/04/0553).
- 3.3.2 The applicant then applied for planning permission for the conversion of the agricultural buildings for two residential units (HM/04/0922). Planning permission was granted at the Hamilton Area Committee on 12th May 2005. This planning application seeks to amend the details of the conversion and the layout of the proposed dwellings.

4 **Consultations**

- 4.1 **Environmental Services:** – raised no objection to the proposed development, provided a number of conditions/informatives are imposed on the planning consent. These related to the control of noise during the construction phase of the development, confirmation there is a fresh water supply, which adheres to the Water (Scotland) Act 1980, the formulation of an Action Plan in the event of any contaminated material being encountered, the provision of adequate drainage, the formulation of a survey for asbestos and the installation of effective wall insulation to safeguard any occupants from any odour or noise that may be generated from the adjacent farm holding.
- Response:** Noted. These points have been addressed by way of conditions or informatives.

- 4.2 **Roads and Transportation Services** – raise no objections to the proposed development.
Response: Noted.
- 4.3 **Scottish Water** – note that there are no sewers within the vicinity of the development. Drainage will therefore require to be treated by septic tank.
Response: Noted. This requirement shall be imposed as a condition if planning permission is granted.
- 4.4 **SEPA** – note that there are no details submitted relating to the collection and treatment of foul drainage and surface water from the site. It is assumed that the applicant will utilise a septic tank for foul drainage. These drainage arrangements should be to the satisfaction of SEPA. SEPA also note that they support the principles of Sustainable Urban Drainage Systems (SUDS).
Response: Noted. A condition shall be attached to the consent, should the application be granted, ensuring the development is serviced by a sewerage system which meets the specifications of SEPA. Furthermore, an informative has been added to the consent to ensure the applicant is aware that details of the proposal require to be submitted to SEPA. A copy of SEPA comments has also been sent to the applicant's agent.

5 Representations

- 5.1 After statutory neighbour notification eight letters of objection were received of which five were from the owner of the adjoining farm holding.
- 5.2 The grounds of objection can be summarised as follows:
- a) **The proposed residential scheme does not fit with the existing farm and would appear out of character.**
Response: Noted. This matter will be fully considered in the Assessment and Conclusions section of the report.
 - b) **The proposed development would create an increase in road traffic and would be detrimental to road safety. Many people walk along this road with children and there is no pavement or footpath.**
Response: The Roads and Transportation Service have raised no objections to the proposed development.
 - c) **The road cannot handle the increase in traffic and the roads' verges are continually being destroyed by cars and lorries 'squeezing' past each other.**
Response: The Roads and Transportation Service have raised no objections to the proposed development.
 - d) **The Roads and Transportation Service should be consulted prior to the planning application going ahead.**
Response: The Roads and Transportation Service were consulted in relation to this application. Their comments are detailed within Section 4.2 above.
 - e) **The applicant gives his address as North Crookedstone Farm whereas he only owns part of the building and in fact resides in Crookedstone Farm.**
Response: In terms of the Council's weekly list of planning applications, it identifies the applicant's name and the address of the application site. It does not identify the applicant's address. In terms of the details submitted with the planning application the applicant gives his address as Crookedstone Farm, Quarter and the site address

as North Crookedstone Farm, Quarter which I am satisfied correctly describes the applicant's home address and site address.

- f) **The original plans did not destroy the quality of the farm buildings whereas the proposed plans do and the existing hayloft feature could have been retained in the plans previously approved.**

Response: Noted. An appraisal of the design of the development will be considered in the Assessment and Conclusions section of the report.

- g) **All traffic travelling to the application site is required to pass Burnbrae Farm and would therefore increase noise levels and danger to residents of the farm.**

Response: The Roads and Transportation Service and Environmental Services have raised no objections to the proposed development.

- h) **The applicant lives at Crookedstone Farm and will not be affected by the extra traffic, noise, lorries, building work etc.**

Response: This is not considered to be a material planning consideration.

- i) **There will be room left for further houses to be developed in the future.**

Response: This is not considered to be a material planning consideration. Any plans for further development would be required to go through the planning process.

- j) **Should the proposal be approved, it will set a precedent for further residential development within this quiet countryside location.**

Response: Any plans for further development would be required to go through the planning process and be properly assessed in terms of current policy and guidance.

- k) **The neighbour notification described the proposed development as an amendment, however having reviewed the plans, it is clear that the proposals are for a new scheme with no similarity whatsoever.**

Response: Planning permission has previously been granted for the conversion of this disused farm building into two residential units. The proposal is for an amended scheme seeking consent for an altered arrangement of the layout, including extension, for the two units previously approved.

- l) **There are inaccuracies in the location plan submitted with the neighbour notification.**

Response: The purpose of the location plan is to identify the application site within the wider context. It is considered that there was sufficient information on the neighbour notification plan to establish the location of the application site.

- m) **If this is a new plan why was this application not advertised particularly given it is a farm steading of historical interest.**

Response: The previous application was advertised as Development Potentially Contrary to the Development Plan as the application site is within the Greenbelt. However as the proposed development is an amendment to the layout and design of the units approved it does not require to be advertised as the principle of the conversion has already been approved.

- n) **When viewing the plans in the planning department we discovered a number of discrepancies with them and are concerned that there is not sufficient height within the existing building to form the second floor.**

Response: Noted. The discrepancies between the plans were identified by the Planning Service and amended plans were sought and subsequently submitted by the applicant. Building Standards Services have verbally confirmed that from the

plans submitted, there appears to be sufficient height within the building to form the second floor.

- o) The applicant has claimed to own areas of land which do not belong to him, particularly the common passageway between the application site and my land. The applicant does not own half of the passageway and this should be amended.**

Response: The applicant has clearly identified on the plans that he has access rights over the areas marked 'mutual access area' on the plans submitted and not ownership. Furthermore the applicant's solicitor has written to confirm this. However the applicant has amended the plans to clearly define the title restrictions over these areas.

- p) The passageway and area where we keep our livestock is not drawn accurately. The drawings should reflect all four doors that enter onto the passageway to reflect all the movement and activity that goes on within the passage.**

Response: Whilst it is acknowledged that the objectors' doors from the common access passageway into other parts of the objectors' property are not marked, it is proposed to block up the only existing doorway into the applicant's farm buildings from the common passageway (as detailed in the original approval) and it is clear from the plans the proximity of the farmholding to the site.

- q) Concern has been raised that the door from the common passageway to the proposed dwellinghouse will not be bricked up or that it may be opened at a later date.**

Response: Noted. This concern shall be safeguarded by condition, should planning permission be granted.

- r) The roof profile on the block plan is inconsistent with the ridgelines and pitches indicated in the elevation drawings.**

Response: Noted. The applicant was made aware of the discrepancies between the block plan and elevations. The plans have been amended by the applicant to show the correct roof profile on the block plan and I am now satisfied that the discrepancies mentioned have been rectified.

- s) The architects' illustration of the west elevation is misleading as it gives the false impression that the building will look similar to its unbroken appearance as it stands at the moment. It does not accurately show that the centre of the building will be stepped back.**

Response: I am satisfied that the elevations are accurate and are a true reflection of the proposed development. Furthermore the west elevation is not considered to be misleading, but should be considered in conjunction with the block plan to provide a full understanding of the proposed works.

- t) There are no details or exact locations of the boundary fences/walls. Fences across the frontage of the building would destroy the open aspect of the building.**

Response: Noted. The initial drawings submitted by the applicant contained no details of the proposed walls and fences around the site boundary and the amended plans have limited information regarding the boundary treatment. Conditions 5, 6, & 7 shall therefore be attached to the consent, requiring the applicant to submit further details of the boundary treatment to the Council, should planning permission be granted.

- u) **The applicant claims to use the original openings on the north and west elevations. If this claim is accurate then the drawings are inaccurate as the existing and proposed elevations do not match up.**

Response: Having reviewed the plans, I am satisfied that the plans are accurate and that the existing openings on the north elevation of the building will be used. The applicant intends to alter the existing west elevation, as the openings cannot be utilized in the new design. This point will be discussed further in section 6 below.

- v) **The applicant does not have sole ownership over the land to the north of the steading marked as “mutual access”. This access is a mutual access between the applicant and the objectors. The objector’s ownership issues would certainly have to be addressed if any construction work or access was intended for this area. Legally the wording of the title deeds state the applicant can only use this area for both the access to the field to the east and the steading. Also the occupants of the building would have no legal right to use this area without infringing on the objector’s rights.**

Response: The applicant’s solicitor has confirmed in writing that the right to the existing access way to North Crookedstone Farm can be conveyed to the purchasers of the proposed development whilst retaining a right of access for the applicant’s own use. This would not affect the title of the objectors’ who have a similar right of access by means of the existing roadway.

- w) **Within the Greenbelt there is a strong presumption against development, including change of use unless it is shown to be necessary for the furtherance of agriculture. There is no agricultural justification for development. The proposed development is purely for profit and not for the benefit of the Greenbelt. Furthermore it would be an isolated development on a road of solitary houses and would form a precedent.**

Response: This issue was examined in detail within the Committee Report for the previous planning application (HM/04/0922). The use of these buildings for residential use was approved at the Hamilton Area Committee on 11th May, 2005 and the principle of the conversion is now no longer a material consideration.

- x) **The stack yard to the west of the application site has not been incorporated into the application site, however the access to the stack yard has. Will the planning department guarantee that no further development takes place on this land. Are there plans to have this derelict ground cleaned up?**

Response: Whilst the applicant could apply for planning permission for the further development of the stack yard any proposal would require to be assessed in light of national, local plan and other Council policy and would be determined on merit. I am not aware of any plans to have this area developed or cleaned up.

- y) **Scottish Executive advice states that ‘wherever possible old farm buildings should be retained for agricultural use’. Furthermore Council policy states that it must be satisfactorily demonstrated that the building is no longer required, appropriate or marketable for agricultural purposes or other countryside uses. The proposed development is therefore contrary to this policy.**

Response: As detailed in the response to objection w) above.

- z) **When the applicant built a new cattle shed the objector’s commissioned a survey and offered a sum above the open market price suggested. This offer was refused. Clearly the applicant cannot demonstrate that the building is not marketable as an agricultural building. NPPG 18 states ‘the best viable use (of an existing building) is not necessarily the most profitable’ and Scottish**

Executive advice maintains that 'where possible their (local authorities) priority will be to retain farm steadings for their original function'. The proposed development would be contrary to this advice given the objectors' offer.

Response: As detailed in response to objection w) above.

- aa) **There is a stipulated distance of 400 metres for separating agricultural holdings and housing developments and a small holding should be treated in the same manner as a larger farm unit as it has to follow the same rules and regulations.**

Response: Noted. This distance forms part of a list of criteria for the erection of agricultural buildings that are required to be met by development if planning permission is not required. It does not mean that if this distance is not achieved planning permission cannot be approved.

- bb) **The objectors' animals are housed in two buildings through the wall to one of the proposed dwellings. There would be undoubted conflict by putting people next door. These animals generate considerable smell, noise and are a potential health hazard.**

Response: As detailed previously the conversion of the steading for residential use has already been approved by the Hamilton Area Committee for the previous scheme. The Hamilton Area Committee Report for application HM/04/0922 considered this issue and Environmental Services raised no objection to the proposed development. Any occupants of the proposed dwellings would be living at these properties through their own choice. Notwithstanding this, it is considered appropriate to impose a condition to ensure adequate wall insulation is used to divide these two areas, should planning permission be granted.

- cc) **The proposed window in the hay loft will overlook our midden. This will create privacy issues when we are 'treading' on top of our midden. Furthermore if the window is open it will be liable to farmyard smells and flies.**

Response: The proposed hay loft is located approximately 4.5m within the application site and overlooks the parking and turning area within the site. There is also an area of land (approximately 6 metres in width) located between the application site and the objectors property which provides a 'buffer' between the development. I am satisfied that there will not be an unacceptable privacy issue created by the use of the hayloft as an upper floor window. In terms of the impact of any odour or fly generation from the farm as stated above it is considered that any occupants of the proposed dwellings would be living at these properties through their own choice.

- dd) **The Scottish Executive guidelines are quite clear in stating that where 'there is potential conflict between a proposed development and a working farm, the local authority will support the existing agricultural use'.**

Response: The conversion of the steading for residential use was examined in detail in the report for planning application HM/04/0922 and was approved by the Hamilton Area Committee in May 2005. The principle has therefore been established.

- ee) **Sewerage from the proposed development would have to be dispersed into a small burn used by all the local farms. With the scale of the houses involved there would be a massive increase in the amount of effluent flowing into the waterways. Kitchens and bathrooms are to the front of this building and we**

would strongly object to the use of the mutual access for the installation of these services and any other services such as electricity.

Response: Neither Scottish Water nor SEPA objected to the proposed development. Should planning permission be approved, a condition will be attached to ensure drainage and electricity is installed before any of the proposed dwellings are occupied and that it is to each Authority's satisfaction. If this work involves access to ground within the objectors' ownership this will be a legal matter that will require to be resolved by the applicant. Notwithstanding this matter would be controlled through any Building Warrant lodged.

- ff) The building to be converted has a long history, pre-dating 1810. The building was a 'showpiece' building for the Duke of Hamilton. The Scottish Executive stresses 'the need for careful and sensitive treatment of historic buildings' which should be 'compatible with the fabric, setting and character of the building'. The proposed scheme shows no sensitivity to the public face of the building.

Response: Noted. This concern will be considered in detail in the Assessment and Conclusions section of the report.

- gg) The proposed development would alter the external appearance of the existing building to allow for the accommodation of the proposed units. Scottish Executive guidelines state that there should not be an 'inappropriate degree of rebuilding or alteration to its (the buildings) external appearance' and that 'alterations to the roof should be avoided'. Furthermore Council policy states that buildings should be 'capable of providing accommodation without the need for major extensions or alterations'.

Response: Noted. This concern will be considered in detail in the Assessment and Conclusions section of the report.

- hh) The original building was of a square shape with three prominent peaked roofs. The new building would look nothing like the original. PAN 39 states that 'care is required to ensure that additions or alterations are at sympathy with existing buildings'. Furthermore, the Scottish Executive advise that where change is inevitable, it should be restricted to non public elevations.

Response: Noted. This concern will be considered in detail in the Assessment and Conclusions section of the report.

- ii) The proposal does not use any of the original openings on the West elevation and shows six new windows on a wall that presently has only one bricked up door. Windows would be uncharacteristic and alien to the building.

Response: Noted. This concern will be considered in detail in the Assessment and Conclusions section of the report.

- jj) The development would create a significant impact to the ridgelines of the existing property, particularly on the public elevations of the building. The roofline can be seen from many locations across the countryside. Similarly the proposed car parking areas are located in a prominent position. SPP15 states that 'the impact of badly designed and sited houses is often particularly important in rural areas because of their visibility over large distances.'

Response: Noted. These concerns will be considered in detail in the Assessment and Conclusions section of the report.

- kk) The proposals would result in the destruction of local history.

Response: Noted. This concern will be considered in detail in the Assessment and Conclusions section of the report.

- ll) **The roof would require to be raised to accommodate the upstairs living accommodation. This is contrary to Scottish Executive guidance, which states that ‘raising the height of the existing roof in order to create adequate headroom should be resisted’.**

Response: The applicant has not included any proposals to raise the ridgeline of the property to accommodate the upper floor. It is proposed to use the existing hay loft as an upper window and install rooflights to provide natural light to the upper floor.

- mm) **A plastic or aluminium glass house stuck onto a traditional building is not acceptable. Furthermore as it is built to the West it would be exposed to strong winds and is unlikely to last.**

Response: Noted. It is proposed to attach a condition to the consent, ensuring the conservatory is constructed in timber to match the windows and doors. The orientation of the conservatory to the prevailing wind is not a material consideration.

- nn) **Without details of the materials proposed, the following conditions require to be placed on the consent:**

- i. **The roof should be clad in natural slate**
- ii. **No plastic or aluminum should be used**
- iii. **All windows and doors should be wooden**
- iv. **All rainwater goods should be cast iron**
- v. **The conservatory should be wooden construction with slate roof**
- vi. **No rendering or covering up of sandstone should be allowed**
- vii. **Roads, fencing, hard standing and car parking should be discrete**
- viii. **The communal area should be open**

Response: Noted. This concern will be considered in detail in the Assessment and Conclusions section of the report.

- oo) **The proposed fence will be located 8m from my boundary, leaving an area of disused land. The proposed fence, in conjunction with my fence will appear strange. Furthermore, no details of the fence have been submitted and it may, if too high reduce sunlight into my window.**

Response: Noted. The applicant has verbally stated that the reason for providing the 8m gap between the application site and the boundary of the objectors' property is to provide a 'buffer' between the development and the objectors' property, to reduce the impact of the development on the adjacent property. No details of the boundary treatment have been provided and it is therefore considered that if planning permission is granted, conditions shall be imposed to ensure these details are submitted and approved in writing by the Council.

- pp) **The proposed accesses are positioned on a blind corner, creating road safety issues. Many accidents have occurred.**

Response: The Roads and Transportation Service have raised no objections to the proposed development.

- qq) **The new entrance to 'Plot 2' relies on the inclusion of a piece of the adjacent field. This should not be incorporated into the application site given the large expanse of steading and stack yard to the west of the site.**

Response: Noted. The applicant has amended the site boundary of the application site. The application site is now located entirely within the boundary of the planning application originally approved (HM/04/0922).

- rr) **The planning department would be contradicting themselves if this application is approved as the report for application HM/04/0922 states that 'the applicant has retained the outer footprint of the structure including both walling and roofline without addition or extension' as well protecting the traditional design of the building.**

Response: Noted. This concern will be considered in detail in the Assessment and Conclusions section of the report.

- ss) **The survey carried out by Lawrie and Symington shows the building was in good condition and value. However since then the windows in the roof are now missing to the detriment of the supporting beams and the roof is in danger of caving in. It is the objectors' opinion that the applicant hopes this will happen to allow him to be able to change the roofline more easily.**

Response: Whilst the objectors' concerns are noted this is speculation and is not a material planning consideration. The proposed design of the proposal will be considered in the Assessment and Conclusions section of the report.

- tt) **The proposed building is used by swallows and potentially also by bats.**

Response: If planning permission is granted, conditions shall be imposed to ensure that swallows would be able to nest within the site. A bat survey has been carried out and SNH have confirmed that a licence will be required for the proposed development. The survey confirmed that no bats currently roost in the buildings, however there is a resting place, which is large enough for one bat. SNH have suggested that mitigating measures such as the inclusion of 'bat bricks' be incorporated into the design. I am satisfied that this can be addressed by way of condition, should planning permission be granted.

uu) **The applicant has no legal right to assume that he can carry out construction work within the common passageway without the objectors' consent. The objectors have been maintaining this area, including all the walls for twenty years. It is in the objectors favour and they object to this intrusion. Furthermore the face of the wall on the east side of the steading within the animal housing is within the objectors' sole ownership and the applicant cannot use this land legally for construction works.**

Response: Whilst the objectors' concerns are noted any dispute between the two parties would be a legal matter to be resolved between the two.

vv) **The presence of animal feeding within the farm attracts mice and rats and farm traffic passes immediately to the north of the proposed dwellings.**

Response: Whilst the objectors' concerns are noted the occupants of the proposed dwellings would be living at these properties through their own choice.

ww) **The building work may affect the objectors and their animals, particularly noise, traffic and dust etc and the objectors' human rights require to be protected.**

Response: Noted. If planning permission is granted a condition shall be imposed requiring the applicant to submit details for approval by the Council of the proposed construction programme.

xx) **If the applicant sells his access rights to the road adjacent to the north of the steading to plot 1 the householders would have access to the objectors' front yard, house and grounds as well as to areas where farm animals are housed and graze. This would destroy the objectors' privacy and may impede their farming activities. The access was only intended for farm traffic and a condition should be imposed to prevent any linkage of the development to this access.**

Response: The access is to the front of the objectors' property and therefore is not considered to be detrimental to their privacy. It is considered that the imposition of this condition would be unjust as it would prevent any householders from their ability to care and maintain their home.

yy) **Four out of the five households on this road object to the proposed development. With 80% of the people against this proposal their concerns should be upheld.**

Response: A full assessment of the proposal shall be carried out in section 6 of the report below.

zz) **The consideration of this planning application should be based on the building that exists at the moment of the application, rather than that which has been approved but not implemented.**

Response: Noted. The proposed development is assessed in relation to the existing building on site, but previous planning decisions are also material planning considerations. As such, the use of the building for residential use has been assessed previously by the Committee and was subsequently approved in May 2005.

aaa) How can the application be considered as an amendment, when the building being amended only exists on paper?

Response: Planning consents are granted for a certain period of time, generally 5 years. Although the previous consent has not been implemented, the consent is still valid and could be implemented by the applicant. The current planning application seeks to amend this valid consent, with a differently designed scheme.

bbb)The design initially approved is a courtyard U shape facing south. The current application shows a courtyard facing west and is of two L shapes which bear no likeness to the plans initially approved.

Response: The design of the proposed development will be considered in detail in the Assessment and Conclusions section of the report.

ccc) The building as it stands is an agricultural building which has never been lived in. The building should not therefore be treated as a residential building.

Response: Noted. This building has been granted planning permission for the conversion of the buildings to two residential units. Although this consent has not been implemented, it is still valid. The previous permission is therefore a material planning consideration which must be taken into account when determining this planning application.

ddd)If the building is a residential building, then the applicant should be paying council tax on two residential units. Furthermore, why, if the building is in residential use, is the applicant still using the midden, which is located 6ft from the building.

Response: The building is not in residential use, however a planning permission to convert the building into residential units does exist and is currently valid.

eee) It appears that the policies regarding the conversion of the agricultural building to residential units are strict but once planning permission is granted for the conversion to residential use, the developer is given free rein to alter the building to any shape and size desired.

Response: Any material changes to the design of the building requires the benefit of a further planning permission. Each application for planning permission will be considered in relation to local and national planning policies and a decision will be made in light of these planning policies.

fff) The developer will be able to reapply again in two years time to make more significant changes to the building, without ever changing the building as it stands today.

Response: Noted. The applicant currently has the right to apply for planning permission to alter the building any number of times. Each application for planning permission will be considered in relation to local and national planning policies and a decision will be made in light of these planning policies.

ggg)The applicant has not provided any reasoning as to why they have changed the design of the dwellinghouses.

Response: The applicant is not required to provide reasoning as to why the design changes are required.

hhh)These plans are inaccurate in that the internal walls around the common passage are not thick sandstone like the external walls but are only a single

brick wide. Animals are kept in this area and the walls are only six inches thick.

Response: These comments are noted and if planning permission is granted a condition shall be imposed to ensure satisfactory wall insulation is installed.

- iii) The proposed windows are out of character with those of the farmhouse. Conversions of agricultural buildings should reflect those of the original building.**

Response: Noted. This matter will be considered in the Assessment and Conclusions section of the report.

- jjj) The proposed kitchen for plot one has only one door in it. Two exits are normally required.**

Response: Building Standards Services have verbally confirmed that the proposed kitchen consists of an acceptable layout. Further details of the proposal will require to be submitted as part of a Building Warrant application but Building Standards Services see no reason why the kitchen layout and accesses would not be feasible.

- kkk) The proposal involves the installation of a new access road, across a field which is designated as Green Belt. There is no justification for this.**

Response: Noted. The applicant has amended the site boundary of the application site. The application site is now located entirely within the boundary of the planning application originally approved (HM/04/0922).

- III) The applicant has only a right of access over the area marked as 'Access to North Crookedstone Farm and Field' and has no right to stop, park, erect scaffolding etc and nor would anyone who bought the access from him.**

Response: Noted. The issue of access is a private legal matter which would require to be resolved between the two parties.

- mmm)Defending the objector's legal rights is costing a lot of money in the form of legal fees.**

Response: This planning application should be considered in relation to relevant local and national planning policy. Should any legal disputes result from this application, these require to be settled between the two parties.

- nnn) As the proposed access to plot one is so close to our property and given the goats we keep are considered to be 'dangerous animals' the objectors would have to carry out the following works to their property to protect their interests: erect a fence, put up signs and take out a hefty public liability insurance. This will cause a further financial burden.**

Response: General access to the proposed dwellings would be from main road and not from the access to North Crookedstone Farm and fields beyond. Should the objectors choose to erect additional fences, new signage or get additional insurance cover, this is not a material planning consideration.

- ooo) The proposed access to 'plot 1' of the converted building will create adverse impacts on our privacy and agricultural interests.**

Response: The access to Plot 1 will be taken straight from the main road. Windows from the converted building will overlook private garden ground owned by the new occupants or the access to the north of the building. I am satisfied that the proposed development will not create an adverse impact on the privacy currently enjoyed by the neighbouring property.

ppp) The roadside boundary to the north west of the application site does not appear to be a true reflection of the actual boundary lines of the applicants property. The application site incorporates an area of public road.

Response: The application site boundary reflects the previous approval. Furthermore, the applicant has confirmed that they are the owners of the land within the application form. This has been accepted in good faith by the Council. Having discussed the matter with the Divisional Roads Engineer he is of the opinion that the area identified is outwith the public adopted road. Any disputes over the ownership of this land would be a private matter.

qqq) The animals, particularly the cockerel and goats, which are housed in the neighbouring animal housing, approximately 2 feet away from the proposed bedroom, are creating noise levels which far exceed the World Health Organisation's level of sleep disturbance, which is currently 30 decibels. This would have a detrimental impact on the amenity of the neighbouring occupants.

Response: Noted. Environmental Services requested a condition be attached to the consent, should planning permission be granted, to ensure effective insulation is used within the development to mitigate the noise associated with the neighbouring agricultural activity. As such, condition 20 has been attached.

rrr) Other Local Planning Authorities have set a precedent on refusing planning applications for dwellinghouses which could be detrimentally affected by noise created by neighbouring animals. As the Planning Service cannot guarantee that noise nuisance would not occur to the future occupants of the proposed dwellinghouses, the application should be refused.

Response: The actions and decisions of other Local Planning Authorities are not a material planning consideration when determining this application and do not set a precedent within South Lanarkshire Council. Furthermore, the full details of the decision referred to by the objector have not been submitted. The Planning Service are unable to confirm that a noise nuisance will or will not occur, however a condition will be attached to the consent, should planning permission be granted, to ensure effective insulation is used within the development to mitigate the noise associated with the neighbouring agricultural activity.

sss) The Environmental Service Officer consulted regarding this application did not visit the site prior to making comments on this planning application or the previous application. The Officer is not therefore capable of making detailed comments with regards to the development, particularly due to the issues with regards to the neighbouring animals.

Response: Noted. It is standard practice within the Council for Environmental Services to comment on planning applications without conducting site visits. Environmental Services were contacted and were made aware of the proximity of the animals to the proposed dwellinghouses. Environmental Services suggested a condition be attached to the consent, should planning permission be granted, to ensure effective insulation is used within the development to mitigate the noise and smell associated with the neighbouring agricultural activity.

ttt) The proposed plan involves the erection of two gates and a number of small sections of walls, which will appear cluttered and aesthetically displeasing.

Response: Noted. The proposal involves the use of traditional materials for both the walls and gates. These materials are proposed to minimise the impact on the rural area. I am satisfied that these materials are acceptable for the rural location and that they will not look out-of-place in the locale.

uuu)Plot 1 will have no outlook, with cars and a road directly in front of the windows.

Response: I am satisfied that there is sufficient amenity space to serve both house plots and that the outlook is acceptable.

These letters have been copied and are available for inspection in the usual manner.

6 Assessment and Conclusions

- 6.1 The applicant seeks to amend consent to convert disused agricultural buildings to form two residential units to allow for an altered layout and design to the original approval under Planning Reference HM/04/0922. The determining factors in assessing this application relate to whether the proposed development is in accordance with national planning guidance and local plan policy and the impact of the proposed development upon the amenity of the area and its traffic implications.
- 6.2 The proposed development is located within the Greenbelt and is affected by SPP21, Policy EN1a of the adopted Hamilton District Local Plan, SLP1 of the South Lanarkshire Planning Policies and Policies STRAT3 and CRE1 of the Finalised South Lanarkshire Local Plan (after modifications) and development requires to be strictly controlled. Within these areas there will be a strong presumption against development, including changes of use, unless it is shown to be necessary for the furtherance of agriculture, forestry or other uses appropriate to the Greenbelt. Local plan policy however does allow for the approval of proposals for the rehabilitation or change of use for residential purposes of disused or redundant buildings if they meet the criteria listed in paragraph 3.1.1 under a to g. Given the principle of the conversion of the buildings to two dwellinghouses was fully considered within the previous planning application, HM/04/0922 and approved at the Hamilton Area Committee in May, 2005, it is therefore considered that as the applicant only seeks to amend the details of the proposed scheme the proposal would be in accordance with Greenbelt policy.
- 6.3 In terms of other national planning policy/advice the following are applicable to the proposal, National Planning Policy Guideline 18 – Planning and the Historic Environment “stresses the need for the careful and sensitive treatment of historic buildings if they are adapted to new purposes” and SPP15 – Planning for Rural Development that whilst traditional ways of living should remain new ones should be able to function alongside.’ Planning Advice Note 39 – Farm and Forestry Buildings also states that ‘care is required to ensure that new additions or alterations are at sympathy with existing buildings’ and advice provided by the Scottish Executive on the Conversion of Redundant Farm Steadings to Other Uses, states that ‘with careful design and proper control, the conversion to residential use can be a very successful means to securing the continued existence of steading buildings.’

- 6.4 In terms of other local plan policy applicable to the proposal, Policy DC1 of the adopted Hamilton District Local Plan, SLP6 of the South Lanarkshire Planning Policies and Policy DM1 of the finalised South Lanarkshire Local Plan require all planning applications to take due regard to the local context and built form of the area and to take cognisance of scale, position and materials of surrounding buildings and landscape. Therefore both the above national planning policy/advice detailed in paragraph 6.3 and these local plan policies require to be fully considered in the assessment of this proposal.
- 6.5 The applicant seeks planning permission to construct a small extension to the south of the steading. This section of the building has previously been extended with a brick extension and is now falling into disrepair due to neglect. The proposed extension would be primarily located on the footprint of the existing extension and would extend a further 3.8 metres to the south, providing approximately 24m² of additional floorspace. The size of the increased footprint of the building, is in accordance with permitted development rights for housing and does not represent a significant extension. It is not required to provide essential living accommodation and relates to a poorly designed extension to the original building which is falling into disrepair. Within this elevation two velux windows would be formed in the roof and other than the windows formed in the new extension the elevation's existing openings would be used to form windows and an access to one of the proposed dwellings. Furthermore it is noted that the original historic hayloft opening is now retained as a feature which was not within the previous approval.
- 6.6 Within the eastern elevation four new windows would be formed, two of which would be within the proposed extension and an access to one of the dwellings. This elevation is not visible to the public road.
- 6.7 Within the northern elevation only one additional window would be formed of dimensions comparable in size to that of two existing openings and is considered to integrate in the northern elevation with minimal impact.
- 6.8 In relation to the western elevation it is proposed to remove a central section of the building and to partially replace it with a glazed conservatory. Two new windows would be formed in the most southern of the three gable ends and four new windows within the proposed extension. This elevation would be considerably altered and would face the public road. However, given the existing building is not listed or in a conservation area it is considered that through the imposition of conditions to ensure that only traditional materials are used to form this elevation (as well as the others) and as the central gable of the three gables would only be partially removed, which would allow the signature roofline to be retained that the proposed design is acceptable and would not be significantly detrimental to the landscape as well as securing the continued existence of the steading buildings. If planning permission is granted these conditions shall be imposed.
- 6.9 With regard to boundary treatment and surfacing of the car parking and turning areas, insufficient detail has been provided and it is therefore considered that if planning permission is granted conditions shall be imposed to sure these details are submitted and agreed in writing with the Council if planning permission is granted.

- 6.10 In terms of consultation no objections were received and Roads and Transportation Services are satisfied that the proposed development would not be detrimental to road safety.
- 6.11 The principle of the conversion of the farm buildings for residential use has already been approved by the Hamilton Area Committee for a previous scheme. This amended planning application should therefore be considered in terms of its design and the impact on the traditional and architectural character of the building and the surrounding area. As explained above, the applicant has endeavoured to utilise the existing window and door openings wherever possible in the design, to maintain the character of the building. Although the applicant intends to remove a central section of the building and to extend the building, which was not in the previous application, SPP15 advises that opportunities to replace run down housing and steadings with designs using new materials should be embraced and Planning Authorities should not unreasonably constrain such modernisation and steading conversion unless there are compelling design or conservation reasons for doing so. The existing buildings are neither listed nor in a conservation area, therefore I am satisfied that if planning permission is approved that through the imposition of conditions to control the use of facing materials, fenestration treatment, boundary treatment and treatment of hardstandings that the conversion of the steading can be sensitively controlled and that it would be in accordance with national planning policy/advice and local plan policy.
- 6.12 Whilst seven letters of objection have been received in relation to this planning application, for the reasons detailed in paragraphs 6.2 to 6.11 it is not considered that these reasons justify refusal of the planning application and it is recommended that planning permission be granted.

7 Reasons for Decision

- 7.1 The proposal has no adverse impact on either the amenity of the area, the traditional character of the building or road safety. In terms of national planning policy/advice it complies with SPP21, SPP15, PAN39 and advice provided by the Scottish Executive on the Conversion of Redundant Farm Steadings to Other Uses. In terms of local plan policy it complies with Policies DC1, EN1a of the Hamilton District Local Plan, Policies STRAT 3, CRE 1 and DM 1 of the Finalised South Lanarkshire Local Plan (after modifications) and SLP1 & SLP6 of the South Lanarkshire Planning Policies.

Iain Urquhart
Executive Director (Enterprise Resources)
11 September 2007

Previous References

- ◆ HM/04/0922
- ◆ HM/04/0553

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ Bat Survey
- ▶ Consultations

Roads and Transportation Services (Hamilton Area) 06/12/2006

Environmental Services 14/12/2006

Scottish Water 08/12/2006

▶ Representations

Representation from : Robert Kirkland, Burnbrae Farm, Quarter, Hamilton, ML3 7XG, DATED 20/12/2006

Representation from : George & Linda Gibson, North Crookedstone Cottage, Quarter, ML3 7XG, DATED 21/12/2006

Representation from : Mrs J Kirkland, The Bungalow, Burnbrae Farm, Limekilnburn Road, Quarter, ML3 7XG, DATED 21/12/2006

Representation from : A Anne McEwan, North Crookedstone Farm, Quarter, Hamilton, ML3 7XG, DATED 20/12/2006

Representation from : Thomas & A Anne McEwan, North Crookedstone Farm, Quarter, Hamilton, ML3 7XG, DATED 29/01/2007

Representation from : Thomas & Anne McEwan, North Crookedstone Farm, Quarter, Hamilton, ML3 7XG, DATED 22/03/2007

Representation from : Thomas & A Anne McEwan, North Crookedstone Farm, Quarter, Hamilton, ML3 7XG, DATED 08/06/2007

Representation from : Thomas & A Anne McEwan, North Crookedstone Farm, Quarter, Hamilton, ML3 7XG, DATED 10/09/2007

Contact for Further Information

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

Donald Wilkins, Planning Officer, Brandon Gate, Hamilton
Ext 3513 (Tel :01698 453513)
E-mail: Enterprise.hamilton@southlanarkshire.gov.uk

CONDITIONS

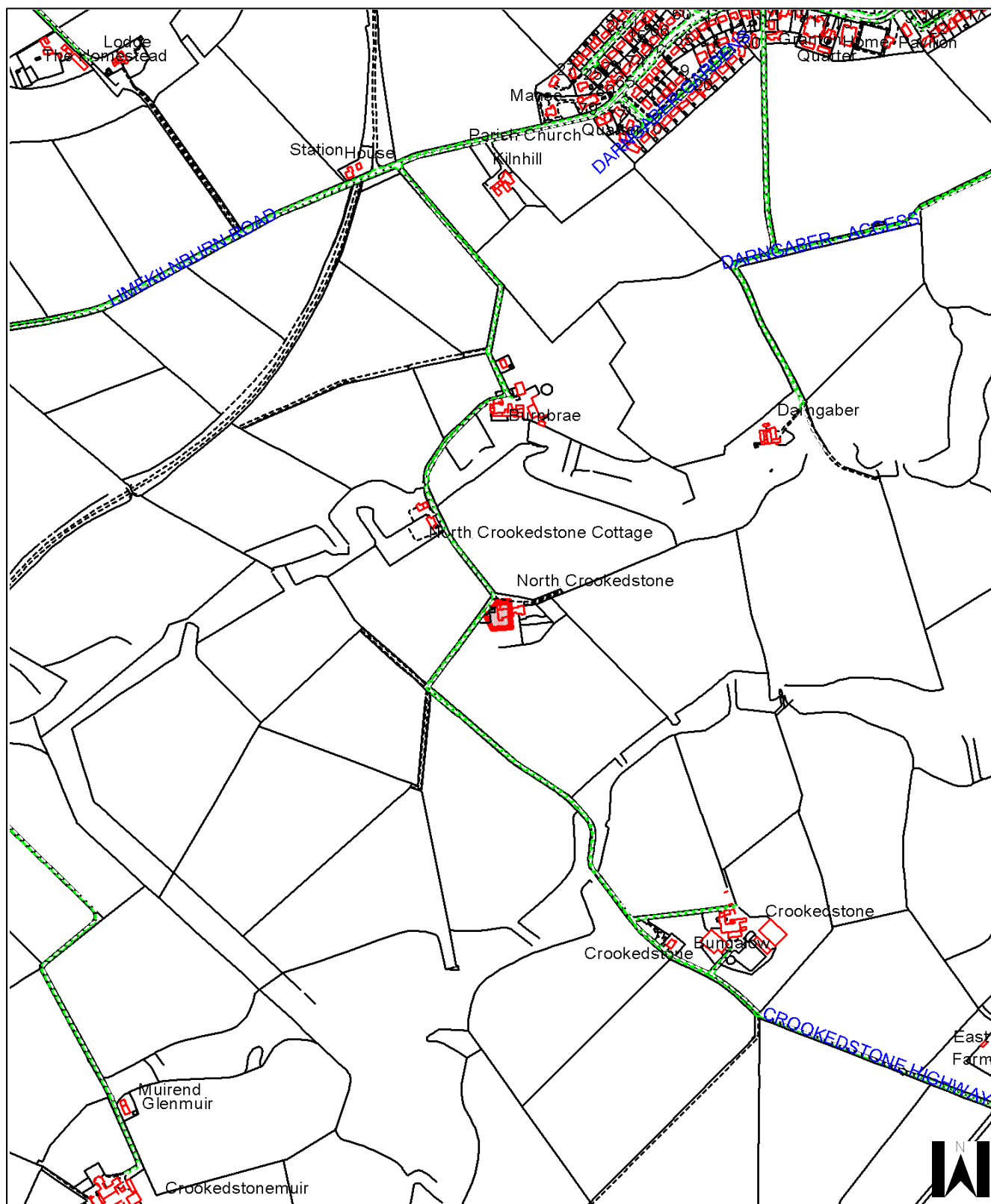
- 1 That the development hereby permitted shall be started within five years of the date of this permission.
- 2 That before any development commences on site or before any materials are ordered or brought to the site, details and samples of all materials to be used as external finishes on the development shall be submitted to and approved by the Council as Planning Authority.
- 3 That no consent is granted for the use of upvc within the development and all doors and window casings shall be constructed in timber.
- 4 That notwithstanding the terms of condition 2 above, a sample panel of the proposed external finish shall be provided and no further work on the site shall be commenced until the written approval of the Council as Planning Authority has been granted for this or other such finish as may be acceptable to the Council. The approved sample panel shall remain in place throughout construction.
- 5 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.
- 6 That before any of the dwellinghouses situated on the site upon which a fence is to be erected is occupied, the fence or wall for which the permission of the Council as Planning Authority has been obtained under the terms of Condition 5 above, shall be erected and thereafter maintained to the satisfaction of the Council.
- 7 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 Council prior to the development hereby approved being occupied or brought into use.
- 8 That notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 (or any such order revoking or re-enacting that order), no development shall take place within the curtilage of the application site other than that expressly authorised by this permission without the submission of a further planning application to the Council as Planning Authority.
- 9 That before development starts, details of the surface finishes to all curtilage parking areas shall be submitted to and approved by the Council as Planning Authority.
- 10 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 maintained to the entire satisfaction of the Council.
- 11 That no dwellinghouse shall be completed or occupied until the site is served by a sewerage scheme constructed to the specification of SEPA.
- 12 That before development starts details of an Action Plan to address the safe handling of any contaminated material encountered on the site shall be submitted to and approved by the Council as Planning Authority.
- 13 That before development starts details for the provision of nesting sites for swallows shall be submitted to and approved in writing by the Council as Planning Authority. These details shall also ensure that any building work is completed outwith the swallow nesting period of May to August (inclusive).
- 14 That before development starts the recommendations of the bat report shall be implemented to the satisfaction of the Council.
- 15 That the external rainwater goods shall be made of cast iron and painted black to

- the satisfaction of the Council as Planning Authority.
- 16 That before development starts, details of the proposed water supply, which must comply with the Water (Scotland) Act 1980 and the Regulations made thereunder, must be submitted to and approved in writing by the Council as Planning Authority.
- 17 That before the dwellinghouses hereby approved are occupied the door from the kitchen of Plot 1 to the common passageway shall be blocked up and shall not be reopened, to the satisfaction of the Council as Planning Authority.
- 18 The proposed development shall incorporate no less than 3 bat bricks into the extension hereby approved and 3 bat boxes within the application site boundary to the satisfaction of the Council as Planning Authority.
- 19 That before development starts details of the construction programme for the development shall be submitted to and approved by the Council as Planning Authority and thereafter implemented to the satisfaction of the Council.
- 20 That before any of the dwellinghouses hereby approved are occupied they shall be adequately insulated to ensure that any noise or odours associated with the adjoining agricultural activity shall not pervade the dwellinghouse hereby approved, to the satisfaction of the Council as Planning Authority.

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 In the interests of amenity and in order to retain effective planning control.
- 5 These details have not been submitted or approved.
- 6 In order to retain effective planning control
- 7 These details have not been submitted or approved.
- 8 In the interests of amenity and in order to retain effective planning control.
- 9 In the interests of amenity and in order to retain effective planning control.
- 10 To ensure the provision of adequate parking facilities within the site.
- 11 To ensure the provision of a satisfactory sewerage system.
- 12 In the interest of public safety
- 13 To ensure the protection of swallows.
- 14 To ensure the protection of bats.
- 15 In the interests of amenity.
- 16 To ensure the provision of a satisfactory water supply.
- 17 In the interests of amenity.
- 18 To ensure the protection of bats.
- 19 In the interest of amenity and in order to retain effective planning control.
- 20 In the interest of amenity and in order to retain effective planning control.

For information only



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