

Report

Report to:	Clydesdale Area Committee
Date of Meeting:	26 June 2018
Report by:	Executive Director (Community and Enterprise Resources)

Application no:	CL/18/0308
Planning proposal:	Erection of 2 Storey House (Amendment to CL/16/0413) at Sabinhay, Lindsaylands Road, Biggar

1 Summary application information

Application type:	Detailed planning application
Applicant:	Mr and Mrs McGarry
Location:	Sabinhay Lindsaylands Road Biggar South Lanarkshire ML12 6NR

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 Area Committee has delegated powers to determine this application.

3 Other information

- ◆ Applicant's Agent: DTA Chartered Architects Ltd
- ◆ Council Area/Ward: 03 Clydesdale East
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan**
Policy 2 Climate change
Policy 3 Green belt and rural area
Policy 4 Development management and placemaking
Policy 15 Natural and historic environment
Supplementary Guidance
1: Sustainable Development and Climate Change
2: Green Belt and Rural Area
3: Development management, Placemaking and Design
9 : Natural and Historic Environment

- ◆ **Representation(s):**

▶	9
▶	0
▶	0

Objection Letters
Support Letters
Comment Letters

◆ **Consultation(s):**

None required

Planning Application Report

1 Application Site

- 1.1 The application site, extending to approximately 0.47 hectares, is situated within the countryside to the west of Biggar. It consists of undeveloped grassland with mature trees running along the entire frontage of the site (north boundary). Mature trees and natural foliage also exists along the east boundary of the site. It is relatively flat and low lying, with open views across the countryside along the rear (south and south west) boundary. A small burn runs along the southern boundary.
- 1.2 The site is bounded by the properties and grounds of Lindsaylands Estate on the opposite side of the road which is comprised of Category B listed buildings including a country house, stables and gate house. The site sits between two existing residential properties, the 2 storey property along the west boundary (South Lindsaylands) being of traditional design and the property on the east boundary (Tweedsmuir House) consisting of a modern bungalow. Open countryside extends along the rear (south). Further to the east/south-east lies Biggar Park House and its associated stables and outbuildings which are also Category B listed buildings. Lindsaylands Road is lined with trees and hedgerows; heavy foliage also exists around the grounds of Lindsaylands Estate. The A72 tourist route sits approximately 580m away from the rear boundary of the site.

2 Proposal(s)

- 2.1 The applicant seeks detailed planning permission for the erection of a detached two storey house with integral garage on one of two plots previously approved under planning application ref CL/13/0382 which granted detailed permission for two large detached houses with detached triple garages. The two approved plots share a vehicular driveway off Lindsaylands Road which has been formed in accordance with that approval and involved the removal of two mature trees in order to achieve the required visibility splay. A 10m deep landscape buffer is further proposed along the rear boundary of the site adjacent to the open fields beyond. The remaining trees and shrubbery in and around the boundaries of the site are to remain. An amended house design for plot 2 was approved under planning application ref CL/16/0413.
- 2.2 The current application entails an alteration to this approved house design for the same plot which slightly increases the size of both the side wings of the house. The proposed house type is still considered to be of a traditional design with hipped roofs and roof dormers, stone mullions, deep eaves and with traditional window styles together with external finishes such as slate and timber.

3 Background

3.1 Local Plan Status

- 3.1.1 The adopted South Lanarkshire Local Development Plan identifies the application site as being within the Rural Area where Policies 2: Climate Change and 3: Green Belt and Rural Area apply. Policy 2 states that proposals for new development must, where possible, seek to minimise and mitigate against the effects of climate change while Policy 3 advises that the focus for new developments should be within settlements. Notwithstanding this guidance, it states that scope may exist in the wider countryside to allow housing on gap sites within existing building groups providing the scale and design are appropriate for that part of the rural area. Policy 4: 'Development Management and Place Making' states that development proposals require to take account of and be integrated with the local context and built form and should have no significant adverse impact on the local community.

- 3.1.2 The site is also located within the Upper Clyde Valley special landscape area and as such Policy 15: Natural and Historic Environment applies.
- 3.1.3 The Supplementary Guidance on Development Management Place Making and Design, Green Belt and Rural Area, Sustainable Development and Climate Change and Natural and Historic Environment are also relevant.
- 3.1.4 On 29 May 2018 the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance Policies 2, 4, 5 and 14 are relevant.

3.2 Planning History

- 3.2.1 Planning permission was granted for two large detached houses with garages and a new access in November 2013 under application ref CL/13/0382. Given that development has commenced (by virtue of the access construction) that consent is now valid in perpetuity. The current application involves a second change of house type for plot two only and retains the plot dimensions and shared access arrangement as approved in 2013.

4 Consultation(s)

- 4.1 As this application is for the amendment of house type on a plot that already has detailed approval no further consultation was required in this instance.

5 Representation(s)

- 5.1 In response to the carrying out of neighbour notification and the advertisement of the application in the local press due to the non notification of neighbours, 9 letters of objection have been received. The issues raised are summarised as follows:

- a) **Objections have been raised regarding the principle of the development of large dwellings on this site and its non compliance with current and past planning policy. The objections relate to its rural location, scale of development, definition of a gap site, size of the plots, impact on privacy, overlooking/overshadowing, visual impact from the surrounding road network and area, and the proximity to listed buildings.**

Response: The principle and scale of development for this site has already been established by virtue of a previous consent. This application is for a change in the design of the house on plot 2 of approved application CL/13/0382 and therefore the principle of accepting residential development on this site is not a consideration in the assessment of this application.

- b) **Since the original consent was approved the number of mature trees within the site has been reduced; the existing trees within the site should be protected from being removed.**

Response: As mentioned above, two of the mature trees on the road frontage have been removed to facilitate the new access as per the terms of the approval granted under application ref CL/13/0382. However, in order to retain the existing mature trees on site a condition controlling any tree work will be imposed should the application be approved, as it was on the existing consent. In addition, a landscaping plan for the site will be required; this is to include a 10m landscape buffer along the rear boundary of the site.

- c) **The size of the proposed house is greater than that of adjacent properties. The proposed development will therefore not integrate with or compliment the scale or character of the existing adjoining properties.**
Response: The scale of development for these plots has already been established and therefore the assessment of this application is based on the design and scale of the new proposal. The new house design is of a similar scale to the previous approvals with only a minor increase in the overall dimensions in terms of length and height. The main section of the dwelling is the same as the previous approval while the alterations to both side wings are considered minor and do not increase the impact on the wider landscape. This results in a building with a similar mass to the design previously approved under application ref CL/16/0413. In addition, the overall increase in the footprint of the house still results in the overall development footprint on this plot being less than the original approval for the plots under application ref CL/13/0382.
- d) **The proposed development will be located close to a number of listed buildings and will be visible from two of these listed buildings and as such will adversely affect the built heritage interests of the area.**
Response: The impact of the proposed development on the listed buildings at Lindsaylands Estate was assessed as part of the previous application. As the massing, scale and location of the new house is very similar to the approved house for this site, and the new design is also considered appropriate for its location, it is still considered that the proposed development would not impact on their setting or architectural merit. Hedging and mature trees also intervene and separate the sites/buildings and these aspects further negate concerns regarding potential impact on the character of the listed buildings.
- e) **The proposed development, the changes in development activity around the Lindsaylands area and the recent resurfacing have resulted in an increase in traffic in the area and would have a detrimental impact on road safety and on an important amenity for non-vehicular users.**
Response: As previously mentioned, the development of two houses on this site has already been approved and raised no road safety concerns. The change of house design on plot 2 will not increase the level of activity generated by this development and therefore no additional assessment is required on the issue of site access or in relation to traffic movement along Lindsaylands Road.
- f) **The introduction of additional side windows will impact on the privacy of adjacent property.**
Response: The proposed dwelling is to be located 17.5m from the side boundary with the adjoining house at South Lindsaylands and will be 30m from the gable of the existing house. At this distance there is considered to be adequate distance so as not to cause overlooking of the neighbouring dwelling or its garden. In addition, as the new windows on the side elevation of the proposed house are on the ground floor, and with the existing boundary treatments and landscaping along this section of the boundary, the privacy of the occupants of South Lindsaylands is not materially affected by the proposed design or location of this house. Any first floor windows are located on the front or rear elevation and do not overlook the neighbouring houses.

6 Assessment and Conclusions

- 6.1 The applicant seeks detailed planning permission for the erection of a two storey detached house on plot 2 of a development previously approved under planning permission ref CL/13/0382 and later amended under planning permission ref CL/16/0413 on land at Lindsaylands Road just outside Biggar. The determining issues in the assessment of this proposal are its compliance with adopted local plan policies and in particular its impact upon the amenity and the character of the area.
- 6.2 The adopted South Lanarkshire Local Development Plan identifies the application site as being within the Rural Area where Policy 3: Green Belt and Rural Area applies. This policy directs that the focus for new developments should be within settlements or at the settlement edge. It also states that scope may exist to allow housing on gap sites and on sites which consolidate existing building groups. In this respect, assessment was carried out as part of the original application and as this application is only for the change of house design for one of the approved plots there is no requirement to re-assess the principle of the development. The only considerations in the assessment of this application are the acceptability of the design and scale of the proposed house and its impact on the amenity of the area. The policy also refers to Policy 4: Development Management and Place Making and associated supplementary guidance in assessing the design impact of development in rural areas.
- 6.3 Policy 4: Development Management and Place Making and its supplementary guidance states that development proposals will require to take account of and be integrated with the local context and built form and should have no significant adverse impact on adjacent buildings or streetscape in terms of layout, scale, massing, design, external materials or amenity. Again, the scale and form of residential development deemed acceptable for this site has been established through application CL/13/0382. The current proposal is an alteration to the approved house design with the changes to the design focused around both wings of the house. The main section of the house is as per the design approved under planning ref CL/16/0413. The single storey side projection is the same width but has been increased in its depth resulting in a 250mm increase in its ridge height. The main change to the house design is the increase in size of the 1½ storey side projection on the opposite side which has been widened by 500mm as viewed from the front elevation and has also been increased in depth by 2.8m. However, the ridge height of this element of the house design has remained unchanged by reducing the pitch of the roof over this section, thus maintaining the massing of the house when viewed from the road. In total, the alterations have resulted in an increase in footprint of only 30m² which means that while the alteration to the design represents an increase from the last approved design, the overall development footprint is still some 20m² less than the originally approved scheme. The proposed changes have no impact on the residential amenity of neighbouring properties by virtue of physical impact or overlooking.
- 6.4 In terms of design, the alterations to the fenestration and in particular the increase in footprint are considered to be minor changes which will not adversely impact on the area's amenity or character. The design contains elements such as hipped roofs, wall head and roof dormers, mullions, deep eaves, and window styles and finishes that are traditional and will complement design elements of the houses in the area. It should be noted that the introduction of new or additional openings such as windows could have been implemented without planning approval once the original house had been built.
- 6.5 The site is also identified as lying within the Upper Clyde Valley Special Landscape Area and as such Policy 15: Natural and Historic Environment and supplementary guidance 9: Natural and Historic Environment applies. These state that care should

be taken to conserve special landscape areas. Again, this assessment was carried out in detail as part of application CL/13/0382 and it was concluded that as views of the site are restricted due to mature trees within and adjacent to the site along Lindsaylands Road, combined with heavy foliage around the grounds of Lindsaylands Estate, the proposed development would not significantly impact on the special qualities or character of the landscape. In addition, due to the distance between the site and the A72 tourist route the development would not command significant public attention and would not impinge on local views of significant landscape value. Furthermore, the proposed 10m landscape strip along the rear boundary of the site would mitigate views of the houses from the surrounding countryside and the A72. In relation to the change of house design, this is not considered to be significant and would not have any additional affect on the natural and historic environment around the site.

- 6.6 Policy: 2 Climate Change of the adopted South Lanarkshire Local Development Plan states that proposals for new development must, where possible, seek to minimise and mitigate against the effects of climate change by meeting a number of criteria, including being sustainably located, maximising the reuse of vacant and derelict land, avoiding areas of medium to high flood risk and having no significant adverse impacts on the water and soils environment, air quality and biodiversity. The application site is considered to be in close proximity to local amenities, including educational and recreational facilities. It does not lie in a medium or high flood risk area and a sustainable urban drainage system will be incorporated into the development. The proposal will not have any significant adverse impacts on the water and soils environment, air quality, biodiversity or green networks. Connection to the public water supply is also envisaged. As a result the proposals satisfactorily comply with Policy 2 and the associated Supplementary Guidance.
- 6.7 On 29 May 2018 the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan 1. It is considered that the proposals accords with Policies 2, 4, 5 and 14 in the proposed plan.
- 6.8 Objections have been received from a number of local residents who are concerned about the principle of the development on the site, density of the proposed development, the impact on flooding/drainage of the area, overlooking/loss of privacy, the rural character of the area and road safety. These matters have all been fully assessed through the previous detailed approval for this site. The change of house design has been assessed against the current adopted local development plan and is considered acceptable.
- 6.9 In view of the above it is considered that the proposed house design is acceptable. It is therefore recommended that planning consent be granted.

7 Reasons for Decision

- 7.1 The proposed development will have no adverse impacts on residential or visual amenity and is considered to comply with Policies 2, 3, 4 and 15 of the adopted South Lanarkshire Local Development Plan (2015) and with the SGs on development in the Sustainable Development & Climate Change, Green Belt and Rural Area, Natural & Historic Environment and Development Management Place Making & Design.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

1 June 2018

Previous references

♦ None

List of background papers

▶ Application form	
▶ Application plans	
▶ South Lanarkshire Local Development Plan 2015 (adopted)	
▶ Neighbour notification letter dated	
▶ Consultations	
▶ Representations	Dated:
Mr David Miller, 28b Stenhouse Drive, Edinburgh, EH11 3NN	07.04.2018
Mr George Weir, Received Via -mail	06.04.2018
Mr T Harper, Tweedmuir House, Lindsaylands Road, Biggar, South Lanarkshire, ML12 6NR	10.04.2018
Mrs J Harper, Tweedmuir House, Lindsaylands Road, Biggar, South Lanarkshire, ML12 6NR	10.04.2018
Mr & Mrs Thorp, Received Via -mail	09.04.2018
Mr Cameron Sutherland, South Lindsaylands, Lindsaylands Road, Biggar, South Lanarkshire, ML12 6NR	14.04.2018
Angela Bush, Received Via -mail	13.04.2018
Mrs Sarah Harper, Tweedmuir House, Lindsaylands Road, Biggar, South Lanarkshire, ML12 6NR	14.04.2018
S Kane, Received Via -mail	16.04.2018

Contact for further information

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

Steven Boertien, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB
Phone: 01698 455116
Email: steven.boertien@southlanarkshire.gov.uk

Detailed planning application

Paper apart – Application number: CL/18/0308

Conditions and reasons

01. 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.

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

02. That the roof of the house shall be clad externally in natural slate or high quality slate substitute.

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

03. That notwithstanding the terms of the Town and Country Planning (General Permitted Development) (Scotland) Order 2011 or (or any such order revoking or re-enacting that order), no fences, walls or other means of enclosure shall be erected on the site other than post and wire fences up to 1 metre in height or those expressly authorised by this permission without the prior written permission of the Council as Planning Authority.

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

04. That no trees within the application site or along the road verge shall be lopped, topped, pollarded or felled, and no shrubs or hedges shall be removed from the application site without the prior written consent of the Council as Planning Authority.

Reason: To ensure the protection and maintenance of the existing trees and other landscape features within the site.

05. That before any work commences on the site, 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 trees, shrubs, grass mix, etc., including, where appropriate, the planting of fruit/apple trees; (c) details of any top-soiling or other treatment to the ground; (d) sections and other necessary details of any mounding, earthworks and hard landscaping; (e) proposals for the initial and future maintenance of the landscaped areas; (f) details of the phasing of these works; and no work shall be undertaken on the site until approval has been given to these details.

Reason: To ensure an appropriate planting scheme is put in place in the interests of the visual amenity of the area.

06. That the landscaping buffer as shown on the drawing L (0-) 01 C and planting details approved through condition 5 above shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of the dwelling hereby approved, whichever is the sooner, and shall

thereafter be maintained and replaced where necessary to the satisfaction of the Council.

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

07. That before the development hereby approved is brought into use, a 5.5m wide dropped kerb access to the site shall be constructed with the heel of the kerb laid flush to the rear of the 2m verge and the first 4m surfaced in hardstanding in accordance with the specification and to the satisfaction of the Council as Roads and Planning Authority.

Reason: In the interest of public safety.

08. That no gates shall be erected within the first 6 metres of the rear of the verge and any gates erected shall open inwards.

Reason: In the interest of public safety.

09. That before the dwellinghouse hereby approved are occupied, a visibility splay of 2.5 metres by 90 metres measured from the road channel shall be provided on both sides of the vehicular access and everything exceeding 1m in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 1m in height shall be planted, placed or erected within these sight lines.

Reason: In the interest of road safety.

10. The surface of driveway serving the dwellinghouse shall be so trapped and finished in hardstanding as to prevent any surface water or deleterious material from running onto or entering the highway.

Reason: In the interest of public safety.

11. That the developer shall arrange for any alteration, deviation or reinstatement of statutory undertakers apparatus necessitated by this proposal all at his or her own expense.

Reason: In order to retain effective planning control.

12. That before the dwellinghouse hereby approved is occupied, a septic tank and soakaway designed and constructed in accordance with the current code of practice BS6297:1983 shall be provided.

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

13. That prior to the commencement of development on site, details of the provision of flood prevention works, together with subsequent management and maintenance arrangements shall be submitted to and approved by the Council as Planning Authority. The works will require to comply with the Council's Sustainable Drainage Design Criteria and requirements.

Reason: To ensure that there will be no increased risk of flooding to land and properties either on-site or downstream due to impedance of flood flows, increased surface water run off and/or reduction of flood storage capacity.

14. That the dwelling unit shall not be occupied until the flood prevention measures required under Condition 13 above have been completed in accordance with the approved scheme.

Reason: To ensure that there will be no increased risk of flooding to land and properties either on-site or downstream due to impedance of flood flows, increased surface water run off and/or reduction of flood storage capacity.

15. That notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011 (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.

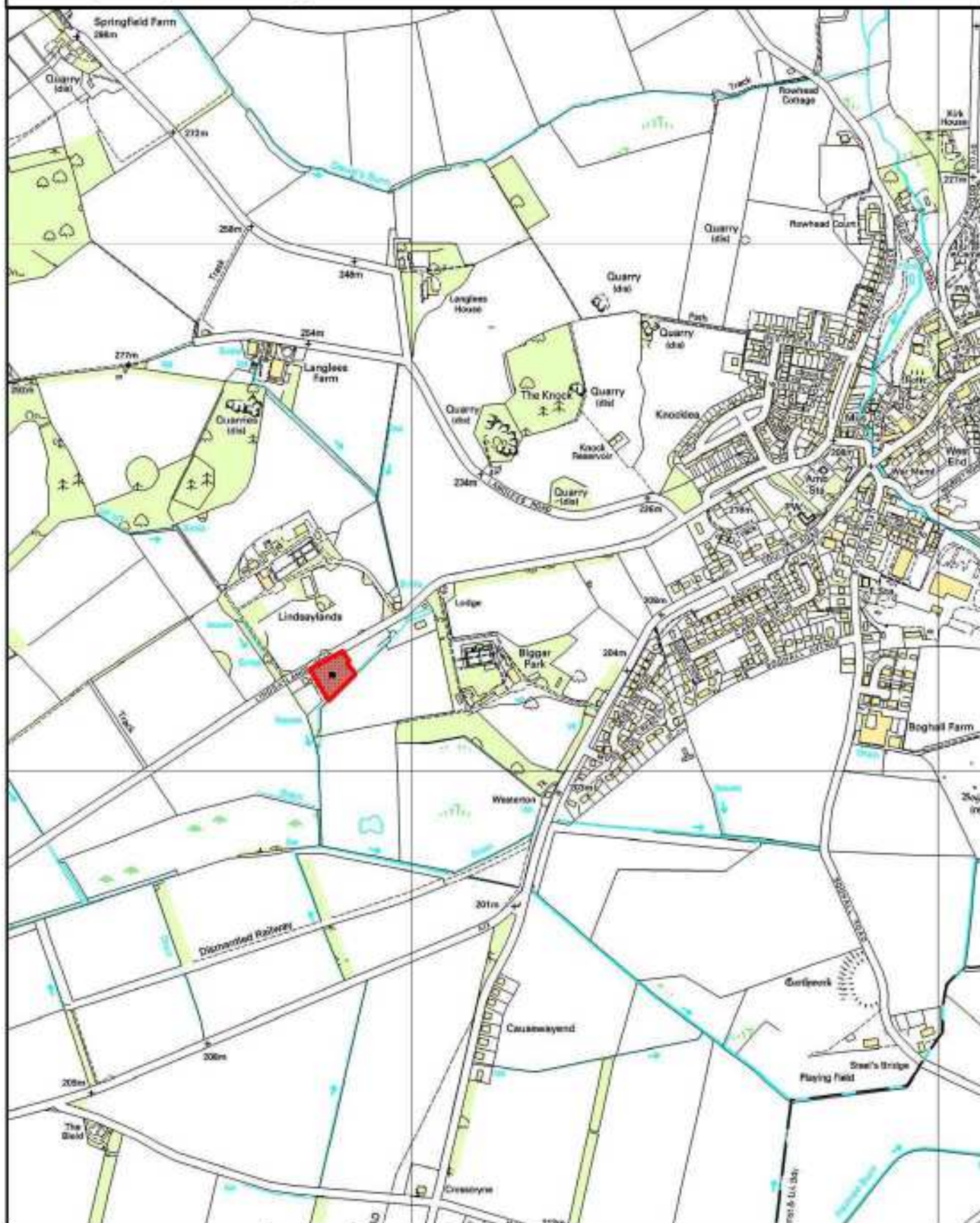
Reason: In the interests of amenity and in order to retain effective planning control.

16. That the use of the garage hereby approved shall be restricted to private use incidental to the enjoyment of the dwellinghouse on the site and no commercial activity shall be carried out in or from the garage.

Reason: To retain effective planning control and safeguard the amenity of the area.

P/18/0308

Sabinhay Lindsaylands Road Biggar



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Scale:
1:10,000
Date:
18/08/2018



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

