

Report

Report to:	Planning Committee
Date of Meeting:	10 March 2020
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/19/1180
Planning proposal:	Demolition of existing dwellinghouse, erection of replacement one and half storey detached dwellinghouse and ancillary detached vehicle storage and repair building

1 Summary application information

Application type:	Detailed planning application
Applicant:	Mr And Mrs Walter Henderson
Location:	The Manse Main Street Carnwath ML11 8JY

2 Recommendation(s)

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

- (1) Grant detailed planning permission (subject to conditions) based on conditions attached

2.2 Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application.

3 Other information

- ♦ Applicant's Agent: BHC Ltd
- ♦ Council Area/Ward: 03 Clydesdale East
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
Policy 4 - Development Management and Placemaking
Policy 6 - General Urban Area/Settlements

Supplementary Guidance 3: Development Management, Placemaking and Design
Policy DM13 - Development within General Urban Area/Settlement

**Proposed South Lanarkshire Development Plan
2**
Policy 3 - General Urban Areas
Policy 5 - Development Management and
Placemaking

♦ **Representation(s):**

▶	8	Objection Letters
▶	0	Support Letters
▶	0	Comment Letters

♦ **Consultation(s):**

Roads Development Management Team

WOSAS

Health & Safety Executive

Environmental Services

Planning Application Report

1 Application Site

- 1.1 The rectangular shaped application site consists of a vacant, single storey dwellinghouse and associated garden ground, located at the former manse, off Main Street, Carnwath. The existing site extends to approximately 0.21 hectare, with vehicular access taken directly from the Main Street via a private access road that serves one other residential property, Garmonie, the original Carnwath Manse. Historically, the site, enclosed by a high stone wall, formed part of the garden ground of the adjacent original manse, before that property was sold and the site thereafter used for the erection of a new manse dwelling (the vacant dwelling now occupying the site).
- 1.2 The western boundary of the application site adjoins the Carnwath Conservation Area and it is bounded by existing, modern residential properties to the north/north-east, and to the east. Garmonie, a large traditional, listed dwellinghouse, is located to the west. An established vehicle repair garage adjoins the site to the north/north-west and open agricultural land (within the applicant's control) adjoins to the south.

2 Proposal(s)

- 2.1 The applicants seek detailed planning permission for the demolition of the existing, vacant dwelling and associated domestic outbuildings on the site, to enable the erection of a replacement, modern, contemporary designed, energy efficient, one and a half storey dwellinghouse on the site, in the same general position of the existing, vacant dwellinghouse. Planning permission is also sought for the erection of an associated ancillary vehicle storage and repair building on the easternmost part of the site. Supporting documents submitted by the agent state that the building will only be used by the applicants and their immediate family, as a dual purpose storage and repair shed, to enable the applicant to continue his interests in the hobby of vintage car and agricultural machinery restoration. The ancillary building is also proposed to be utilised for occasional rally car storage and repair purposes, continuing the applicant's existing involvement in their family run motorsport hobby. It would also accommodate larger agricultural farm equipment, both as part of the hobby of agricultural machinery restoration and for in association with the welfare of the applicants' small herd of pedigree livestock (fodder/feed storage), and the associated 12 acres of adjoining agricultural land within the applicants' ownership.

3 Background

3.1 Local Plan Status

- 3.1.1 Within the adopted 2015 South Lanarkshire Local Development Plan, the application site lies within the settlement boundary of Carnwath. Policies 4 - Development Management and Place Making and Policy 6 - General Urban Area/Settlements, therefore, apply. The application also requires to be assessed against the guidance contained within the associated supplementary guidance documents, namely the Development Management, Place Making and Design SG. Collectively, these policies seek to promote the principles of sustainability in development and seek to make a positive contribution to the character and

appearance of the environment in which they are located, taking account of and being integrated with the local context and built form. Proposals which integrate successfully with their surroundings and which are well related to existing development, public transport, local services and facilities are also encouraged. Policy DM 13 – Development within general urban area/settlements of the Development Management, Place Making and Design SG provides specific guidance and criteria that any new development must also satisfy.

- 3.1.2 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 relevant policies in the proposed plan are specifically Policies 3 – General Urban Area / Settlements, and 5 – Development Management and Placemaking. In broad terms, the aims and objectives of these policies are similar to those within the adopted Local Development Plan.

3.2 **Relevant Government Advice/Policy**

- 3.2.1 Given the scale and nature of the proposals, there is no applicable Scottish Government advice or policy directly relevant.

3.3 **Planning Background**

- 3.3.1 Planning consent was first sought for the demolition of the existing dwelling on the site in 2012, under planning application CL/12/0571. That application sought planning permission in principle for the redevelopment of the site, the submitted plans indicating that 3 new dwellings could be constructed within the site. Following concerns raised by the Council over road safety issues, the plans were amended to indicate 2 new dwellings built on the site. Despite this proposed reduction in unit numbers, the application was refused on road safety grounds in May 2015.

4 **Consultation(s)**

- 4.1 **Roads Development Management Team** – No objections to the application, subject to the provision of an adequate vehicular access, parking provision and a turning space within the site.

Response: Noted, these issues can be covered by suitable conditions and informatives, should the Committee be minded to grant permission for the proposals.

- 4.2 **Environmental Services** – No objections to the proposals, subject to the attachment of various conditions and informatives to any consent, covering potential noise nuisance associated with the intended use of the vehicle storage and repair building, construction and demolition of the existing buildings and formal action may be taken should nuisance occur.

Response: Noted, these issues can be covered by suitable conditions and informatives, should the Committee be minded to grant permission for the proposals.

- 4.3 **Health and Safety Executive** – No objections to the proposals and consequently do not advise, on safety grounds, against the granting of planning permission.

Response: Noted.

- 4.4 **West of Scotland Archaeology Service** – No objections to the proposals, as, despite its proximity to the church, available cartographic evidence would suggest that the potential for ground disturbance within the plot to encounter remains associated with the earliest phases of occupation at Carnwath is likely to be reasonably low. Further, the ground to the western end of the site has already been disturbed by construction of the existing house.

Response: Noted.

5 Representation(s)

- 5.1 Statutory neighbour notification was undertaken, following which 8 letters of representation have been received. The issues raised can be summarised as follows;

- a) **The ancillary vehicle storage and repair building is of an industrial scale, with potential safety issues arising from large vehicles trafficking the area, with a large number of small children. The applicant should withdraw the application for this building, or the application must be denied.**

Response: These comments are noted, however, following a detailed assessment of the application, the scale of the ancillary building is considered acceptable for the site, noting that the applicant is proposing multiple uses for the building, as outlined in the submitted design statement and associated supporting documents/plans. The building is proposed to be utilised for hobby purposes, including vintage car and agricultural farm equipment restoration, personal rally car storage and repairs and in association with agricultural activities on the applicant's adjacent 12 acres of agricultural land. In terms of the size and type of vehicles trafficking the area, this will be physically restricted by the width and layout of the narrow site access from the Main Street. The comments relating to small children are noted, however, the application site is effectively surrounded by a high stone wall with no evident means of access from any of the surrounding properties to the north, south or east.

- b) **The application must be denied on the grounds of potential noise, light loss and safety concerns, as the applicant is seeking consent for a commercial building to aid in the running of a semi-professional rally car team.**

Response: The applicant has responded to these claims by providing the information discussed in a) above. It is considered that the rally car element of the proposed use of the building is of a scale and nature that is considered acceptable for the site, noting the proximity of all neighbouring residential properties. Issues of potential noise have been fully considered in the assessment of the application, with various discussions taking place with both the applicants' agent and the Council's Environmental Service. The potential for noise disturbance is acknowledged, however, this can be mitigated to an acceptable degree by the attachment of various planning conditions, restricting noise levels, requiring all external doors to be kept closed during repairs and requiring the submission of further details of noise reducing cladding for the proposed building. With regard to the potential loss of daylight to adjacent properties, the applicant has reduced the overall height of both the eaves and the ridge of the proposed ancillary storage

building. A site visit has been undertaken, considering the impact of the new buildings from both within the application site and from all surrounding properties, noting that the site itself is screened from many angles by the existing high stone wall. It is concluded that the proposed height and position of the new building will have no significant adverse impact on any of the adjacent residential properties, both in terms of noise or loss of light. The objector has failed to clarify what safety concerns he is referring to, however, all buildings are proposed to be contained within the applicants' site, and will require to accord with current building standards regulations.

- c) **Approval of the application would set a precedent that industrial sized buildings can be built anywhere, and that issues of noise, loss of light and safety concerns are of no consequence.**

Response: These comments are noted, however each application is assessed on its own individual merits. Issues of noise, loss of light and safety concerns would be considered on a case by case basis.

- d) **The proposed ancillary building could be relocated somewhere else within the applicants' 12 acre landholding, where it would have less impact on neighbouring properties.**

Response: The applicants have considered relocating the proposed ancillary building, however have discounted this suggestion and wish to have the application considered in its current form.

- 5.2 These letters have been copied and are available for inspection in the usual manner and on the planning portal.

6 Assessment and Conclusions

- 6.1 The applicants seek detailed planning permission for the erection of a modern, detached dwellinghouse and an associated, ancillary vehicle storage and repair building on the site. The site is a large plot of land on the south-western edge of Carnwath and is occupied by an existing, vacant, single storey dwellinghouse and associated ancillary outbuildings.
- 6.2 The main considerations in determining this application are the scale, siting and detailed design of the proposed buildings, their compliance with local plan policy, and the potential impact on both the visual and residential area, in particular the potential for noise nuisance and disturbance associated with the proposed vehicle storage and repair building.
- 6.3 Within the adopted 2015 South Lanarkshire Local Development Plan, the application site lies within the settlement boundary of Carnwath. Policies 4 - Development Management and Place Making and Policy 6 - General Urban Area/Settlements, therefore, apply. The application must also be assessed against the guidance contained within the associated supplementary guidance documents, namely that within the Development Management, Place Making and Design SG. Collectively, these policies seek to promote the principles of sustainability in development and seek to ensure that all forms of development make a positive contribution to the character and appearance of the environment in which they are located, taking account of and being integrated with the local context and built form. Proposals which integrate successfully with their surroundings and which are well

related to existing development, public transport, local services and facilities are also encouraged.

- 6.4 Policy DM 13 of the Development Management, Placemaking and Design Supplementary Guidance provides specific guidance for development within general urban areas and settlements. In general terms, this guidance aims to ensure that all development respects the context and built environment within which the development is located and resists development that would be out of context, scale and character. Proposed developments must relate satisfactorily to adjacent and surrounding development in terms of scale, massing, materials and intensity of use. Further, the character and amenity of the area must not be impaired by reason of traffic generation, parking, visual intrusion, noise or emission of gases or particulates, the development must be adequately serviced in terms of access, and there must be no adverse effect on public safety.
- 6.5 The existing, vacant dwelling on the site is not considered to be of an age or architectural style that warrants its preservation on the site. Following a detailed assessment, the proposed replacement dwelling is considered to represent an acceptable form of development for the site, in terms of its overall scale, mass and design. The application site is considered to be of a size that can accommodate the scale of the replacement dwellinghouse proposed and, further, the design will not result in any issues of overlooking or privacy for any of the existing adjacent dwellinghouses next to the site. Consequently, it is considered that the replacement dwellinghouse element of the proposals does comply with Policies 4 and 6 of the adopted South Lanarkshire Local Development Plan. On this basis, the proposed dwellinghouse is also considered to comply with the relevant policies and guidance contained in the Development Management, Place Making and Design SG.
- 6.6 The proposed ancillary vehicle storage and repair building is the only part of the application that has attracted objections. This additional building is proposed to extend to some 324 sq metres in size, with a total overall height of 5.4 metres and height to eaves level of 4.2 metres from existing ground levels. In contrast, the ridge height of the proposed house would be 6.6m while adjoining houses are two storey. The access doors, the only means of access, are proposed to be positioned on the west elevation of the building, facing towards the applicants' proposed new dwelling. A design statement submitted with the application provides the background and explains the reasons for the scale and design of the proposed ancillary building. The applicants are retired farmers, with an interest in vintage car and agricultural machinery restoration. Further, the building will be required for storing feedstuffs and equipment for managing the associated 12 acres of agricultural land that the applicants own to the immediate south of the application site. The applicants have also stated that the new ancillary building will be utilised for the storage, maintenance and repair of rally cars, advising that the involvement in this motorsport is purely undertaken as a hobby activity. Notwithstanding this, the information submitted by the agent states that the internal walls and roof of the new building will be lined in insulating cladding to minimise noise nuisance to the nearest surrounding properties.
- 6.7 Following a detailed assessment of the ancillary building element of the proposals, including the carrying out of various consultations and a sunlight/daylight assessment, the proposed ancillary building is considered to be of an acceptable scale, mass and design for the site. The sunlight/daylight assessment indicates that

whilst there will be some reduction in sunlight/daylight levels to existing surrounding properties, particularly during winter months, this is not to an extent that warrants refusal of the application. The various concerns raised in the letters of objection are also noted, however this Service is satisfied that appropriate planning conditions restricting the use and noise levels emitted from the building can adequately mitigate and address the concerns raised. It should also be noted that the application site is set notably lower than the finished ground levels for the gardens of the existing dwellings adjacent to the site, with the application site ground levels being some 1.3 metres lower in the north east corner of the site, the point closest to the adjacent, existing dwellings. In summary, the proposed ancillary storage building does not dominate either the proposed new dwellinghouse or the surrounding residential area to a degree and extent that is physically imposing and/or detrimental to the amenity of the area in general. Consequently, it is considered that in terms of scale, design and siting, the sheer physical presence of the proposed ancillary building and its resultant height does not have a detrimental impact on the amenity of the adjacent houses. Accordingly, it is once again considered that the proposal does comply with Policies 4 and 6 of the adopted South Lanarkshire Local Development Plan and the proposals are also considered to comply with the relevant policies and guidance contained in the Development Management, Place Making and Design SG.

- 6.8 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2). 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, therefore, follows that the application accords with Policies 3 and 5 of the proposed plan.
- 6.9 In view of all of the above, as the proposals represent an appropriate form of development for the site, in accordance with the policies and guidance of the adopted South Lanarkshire Local Development Plan and its associated supplementary guidance, I recommend that the application be approved by Committee.

7 Reasons for Decision

- 7.1 The proposals will have no significant adverse impact on either residential or visual amenity and comply with Policies 4, 6 and DM13 of the South Lanarkshire Local Development Plan (adopted June 2015) and the associated Supplementary Guidance. The proposals are also considered to comply with Policies 3 and 5 of the proposed South Lanarkshire Local Development Plan 2. Further, there are no additional material considerations which would justify refusing planning permission.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 20 February 2020

Previous references

- ◆ CL/12/0571

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Supplementary Guidance 3: Development Management, Placemaking and Design

- ▶ Neighbour notification letter dated 19 August 2019

- ▶ Consultations

Roads Development Management Team

WOSAS 29.08.2019

Health & Safety Executive 21.08.2019

Environmental Services 27.01.2020

- ▶ Representations Dated:
22.08.2019

Mr Fraser Young, 55 Allison Drive, Carnwath, Lanark, South
Lanarkshire, ML11 8HF

02.09.2019

Mrs Julie Waddell, 14 Cooper Court, Carnwath, Lanark,
South Lanarkshire, ML11 8HE

21.08.2019
19.09.2019

Mr Angus Barrie, 12 Cooper Court, Carnwath, Lanark, South
Lanarkshire, ML11 8HE

22.08.2019
01.09.2019
06.09.2019
26.09.2019

Contact for further information

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

Stuart Ramsay, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton,
ML3 6LB

Phone: 01698 453601

Email: stuart.ramsay@southlanarkshire.gov.uk

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. Between the hours of 08:00 and 20:00 the measured noise rating level emitted from the storage and repair premises (LAeq,1hr) shall not exceed the pre-existing background noise level (LA90,30 min) by more than 4dB when measured in accordance with British Standard BS 4142:2014 - Method for Rating and Assessing Industrial and Commercial Sound at the proposed development. Between the hours of 20:00 and 08:00 the noise rating level emitted from the premises (LAeq,15 min) shall not exceed the pre-existing background noise level (LA90,30min) by more than 4dB when measured in accordance with BS4142:2014 at the proposed development.

Reason: To minimise potential noise disturbance to adjacent occupants.

03. The internal noise levels at any residential property shall comply with BS 8233:2014 Guidance on sound insulation and noise reduction for buildings as follows-
- The scheme shall ensure that-
- a) The internal levels with windows open (or under exceptional circumstances closed) do not exceed an LAeq,16hr of 40dB daytime (07:00 - 23:00)
 - b) The internal levels with windows open (or under exceptional circumstances closed) do not exceed an LAeq,8hr of 30dB night-time (23:00 - 07:00).
 - c) The internal levels with windows open (or under exceptional circumstances closed) do not exceed an LA,max of 45dB night-time (23:00 - 07:00).
 - d) The external levels shall not exceed an LAeq,16hr of 50dB daytime in any garden areas, when measured free-field.

In addition, the Internal Noise Rating Values, within any residential property, when assessed with the windows open, and resultant from the development, shall not exceed-

- o NR25 between 23.00hrs and 08.00hrs
- o NR35 between 08.00hrs and 23.00hrs

Reason: To minimise potential noise disturbance to adjacent occupants.

04. That all external doors shall remain closed at all times when noise making equipment is being used within the ancillary detached building.

Reason: To minimise potential noise disturbance to adjacent occupants.

05. That before any development starts on site full details of the design and specifications, including the surface density, of the internal solid surfaces (walls and roof) of the ancillary detached building require to be submitted to the Planning authority for approval. The building shall not be brought into use until the approved details have been implemented.

Reason: To minimise potential noise disturbance to adjacent occupants.

06. That no trees within the application site shall be lopped, topped, pollarded or felled, or otherwise affected, without the prior written consent of the Council as Planning Authority.

Reason: In the interests of amenity and to ensure the protection and maintenance of the existing trees within the site.

07. 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.

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

08. That before the development hereby approved is completed or brought into use, the new vehicular access so far as it lies within the boundaries of the road abutting the site, shall be constructed in accordance with the specification of the Council as Roads and Planning Authority.

Reason: In the interests of traffic and public safety.

09. That before the development hereby approved is completed or brought into use, a turning space shall be provided within the site to enable vehicles to enter and leave the application site in forward gears at all times.

Reason: In the interests of traffic and public safety.

10. That before the development hereby approved is completed or brought into use, a private vehicular access or driveway of at least 12 metres in length shall be provided and the first 4 metres of this access from the heel of the footway/service strip shall be hard surfaced across its full width to prevent deleterious material being carried onto the road.

Reason: To prevent deleterious material being carried onto the road.

11. That before the dwellinghouse hereby permitted is occupied, 3 car parking spaces shall be provided within the curtilage of the plot and outwith the public road or footway and shall thereafter be maintained to the specification of the Council as Planning Authority.

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

12. That the use of the storage and repair building hereby permitted 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 building.

Reason: To safeguard the residential amenity of the surrounding area.

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The Manse, Main Street, Carnwath



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Scale:
1:2,500
Date:
17/02/2020



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development