

Report

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

Application no.	P/18/0171
Planning proposal:	Erection of two storey detached dwellinghouse

1 Summary application information

Application type: Detailed planning application

Applicant: Mrs Alexandria Raeburn
Location: East Overton House
Hamilton Road
Strathaven
ML10 6SZ

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: Riach Partnership Ltd
- ♦ Council Area/Ward: 05 Avondale And Stonehouse
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan (Adopted 2015):**

Policy 4 - Development management and placemaking

Policy 6 - General urban area/settlements

Residential Development Guide (2011)

Proposed South Lanarkshire Local Development Plan 2 (2018)

Policy 3 – General urban areas and settlements

Policy 5 – Development management and placemaking

◆ **Representation(s):**

▶	12	Objection Letters
▶	0	Support Letters
▶	0	Comment Letters

◆ **Consultation(s):**

Roads Development Management Team

Planning Application Report

1 Application Site

- 1.1 The application site is currently mature mixed woodland adjacent to the private access serving East Overton House. The site is accessed from Glassford Road, with the driveway up to East Overton House running along the eastern boundary of the site. East Overton House and two converted dwellings sit to the north-east of the site, a new housing development under construction is located to the east, an existing housing development (Flemington Court) sits to the west and the south of the site is bounded by more mature woodland. It is noted that, further to the south of the site, an application for a detached dwelling has been approved under reference EK/16/0412 but the consent has not been implemented. The site, which is relatively flat, contains a number of mature trees, of varying condition.

2 Proposal(s)

- 2.1 The applicant seeks detailed planning permission for the erection of a two storey dwelling at the site. The cruciform shaped dwelling would have an overall floor area of approximately 326 square metres over two levels. The ground floor would comprise a kitchen, dining area, 2no. living rooms and a bedroom with the upper level containing 5no. bedrooms with associated bathrooms/ensuites. The upper level also contains a south facing balcony accessed from one of the bedrooms. The proposal includes a walled parking area and garden to the north of the site. It is noted that an additional parking area to the south of the dwelling has been included on the plans. The materials proposed for the dwelling are white render finish to external walls, vertical timber cladding panels, fibre cement slates for the roof and black powder coated steel metalwork.
- 2.2 As the proposal will require the removal of a number of trees, the applicant has provided a tree survey and plan indicating the trees that require to be removed and their condition. In addition, a design statement detailing the design principles including the siting of the proposed dwelling has been included as a supporting document. The statement also provides details of the proposed materials. A bat survey has also been provided.

3 Background

3.1 Local Plan Status

- 3.1.1 In terms of the Adopted South Lanarkshire Local Development Plan (2015), the site is located within the settlement boundary and as such Policy 4 - Development management and placemaking and Policy 6 - General urban area/settlements are relevant. These policies require development within residential areas to take account of the local context and built form and should be compatible with adjacent buildings in terms of scale, massing, design with no significant adverse impact in the local environment.
- 3.1.2 In addition, the Proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy was approved at Planning Committee on 29 May 2018. As such, the SLLDP2 is now a material consideration in determining planning applications. In this case, the corresponding policies are Policy 3 – General urban areas and settlement and Policy 5 – Development management and placemaking. As above, these policies require

development within residential area to take account of and respect the local context and built form.

3.2 **Relevant Government Advice/Policy**

3.2.1 None relevant.

3.3 **Planning Background**

3.3.1 Planning permission in principle was granted in 2013 for the formation of two residential plots on land within the woodland in which the application site is situated under planning application EK/13/0071. It is noted that a detailed application for one plot adjacent to Glassford Road has already been submitted and approved under planning application EK/16/0412. The second lies immediately to the north of the current application site and there has not been any further applications in respect of this plot.

4 **Consultation(s)**

4.1 **Roads and Transportation Services** - No objection to the proposal subject to the attachment of conditions in relation to surfacing and drainage, implementation of passing places and the provision of wheel washing facilities during the construction period.

Response: Noted. Appropriate conditions can be attached to any consent granted.

5 **Representation(s)**

5.1 Following the statutory neighbour notification procedure undertaken by the Council and advertisement in the local press for non-notification of neighbours, twelve letters of objection have been received in relation to this proposal. The contents of the letters are summarised below:

a) **This proposal will result in a loss of a natural habitat for wildlife currently used by nesting/roosting birds, foxes, squirrels and deer. There is a brown owl that lives in the trees that will be felled as a result of this development. Should planning permission be granted, a condition should be attached to ensure the protection of flora and fauna within the site.**

Response: As is standard for applications involving the removal of trees, a bat survey has been submitted. This concluded that no evidence was found of the trees being used as roosts and there was negligible roost potential; only 3no. trees exhibited features for potential use. As such, whilst it is considered that bat activity surveys are not required at this time, a precautionary approach is recommended with a small number of bat roost boxes installed on trees that are to be retained. The trees should be inspected again prior to felling for any features which might provide an opportunity for roosting. Should planning permission be granted, an appropriate condition will be attached to any consent issued requiring all recommendations of the bat survey to be carried out throughout the construction process. Whilst the ecological survey did not include owls which are another protected species, an informative has been attached that advises the applicant that should an owl nesting location be discovered during works, then further advice should be sought from Scottish Natural Heritage (SNH).

b) **The application site sits substantially higher than the existing dwellings at Flemington Court therefore the construction of a two storey dwelling built in close proximity to the boundary fencing at Flemington Court would result in a loss of privacy to the existing dwellings. Windows on the side of the proposed dwelling will look down into the windows of the existing houses both on the ground and upper floors and the proposed balcony will reduce**

privacy. 11 Flemington Avenue will be most affected by the proposed balcony and windows on the north and south facing elevations.

Response: Whilst it is noted that the application site currently sits higher than the adjacent housing development, the sections provided indicate that the relationship of the proposed dwelling with adjoining houses in terms of eaves levels and ridge height would be acceptable. Furthermore, it is considered that the windows and balcony on the proposed dwelling have been carefully positioned to ensure no overlooking or loss of privacy to the existing dwellings. In particular upper floor windows in the elevation adjacent to the existing houses relate to bathrooms where opaque glazing would be provided. It is, therefore, considered there will no significant impact on amenity to 11 Flemington Avenue or the adjacent properties.

- c) This proposal may result in a considerable loss of light and overshadowing to the existing dwellings, particularly in the mornings.**

Response: An assessment of the impact of the proposal on light received by the adjoining house has been carried out which indicates the shadow cast as a result of the proposed development. This is shown for different times throughout the day and for different months of the year when the sun is at a higher or lower position. The findings of this demonstrate that as the sun rises in the east and sets in the west, the proposed dwelling will result in a small level of overshadowing in the morning. However, this does not create a significant level of additional overshadowing at that time of the day. There would be no impact the rest of the day and, therefore, it is not considered the proposed dwelling will create a significant level of overshadowing to justify refusal of the application.

- d) As the site sits higher than the adjacent dwellings at Flemington Court, this could result in drainage run off into these properties potentially causing flooding.**

Response: Prior to works commencing on site, the applicant will require to submit details of surface water drainage arrangements to the Council complying with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design criteria including the signed appendices. Should planning permission be granted, an appropriate condition will be attached.

- e) The woodland where the dwelling is proposed is protected through a Tree Preservation Order (TPO). The majority of trees are healthy and it is unclear from the planning application how many will be removed to accommodate the proposal. The loss of healthy trees is not good for the environment or the wildlife they support. It will also likely result in additional trees being felled due to the root spread. The trees provide a screen between the dwellings on Flemington Court and East Overton House as well as the housing development currently under construction.**

Response: The application and surrounding woodland are not protected by a TPO. However, a tree survey has been submitted as part of this application which identifies the trees proposed to be removed to accommodate the development as well as those to be retained and those that require to be removed due to poor condition. A substantial part of the tree cover would be maintained and should planning permission be granted, appropriate conditions can be attached to ensure that only the trees identified in the tree report can be removed and that those to be retained are fully protected during the construction process.

- f) Planning permission for an adjacent site (EK/13/0145) was limited to 1.5 storeys therefore this should be applied to the current application. The proposed dwelling is out of scale with the surrounding area.**

Response: Each application site is considered on its own merits. It is considered that the proposed two dwelling is of an acceptable size and scale and is comparable to the height and floor area of the adjacent dwellings.

- g) This proposal will result in a significant increase in traffic and access difficulties on the existing access lane into East Overton House. This will result in increased noise disturbance for adjacent residents.**

Response: The Council's Roads and Transportation Service were consulted as part of this application and have raised no objection to the proposal. Furthermore it is not considered an additional property using this access will result in significant disturbance to adjacent residents.

- h) The setting of East Overton House, a building of local historical significance will be compromised by this proposal due to its size and position.**

Response: The proposed dwelling will be located at the top of the driveway leading to East Overton House. Whilst the driveway is an attractive entrance to the former listed property, the proposed house would be set back enough to ensure no adverse impact on the setting of the building.

- 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 Detailed planning permission is sought for the erection of a two storey dwelling at East Overton House, Strathaven. The determining issues in the assessment of this application are compliance with local plan policy, its impact on the amenity of the adjacent properties and road safety matters.
- 6.2 The proposed development is sited partially on land that has the benefit of Permission in Principle for a dwelling granted under application EK/13/0071. In addition, the site is identified as being within the settlement boundary of Strathaven where policy in general states that residential development will be acceptable providing there would not be a significant adverse effect on the amenity and character of the area. It is, therefore, considered that the principle of the erection of a dwellinghouse at this site has already been established and, as such, this assessment relates to the detailed design and layout, infrastructure issues and impact on adjacent properties.
- 6.3 As noted above, Policy 4 – Development Management states that all development proposals will require to take account of, and be integrated with the local context and built form. Development proposals should have no significant adverse impacts on the local community and where appropriate should include measures to enhance the environment. Policy 6 – General Urban Area/Settlements is also relevant and states that within residential areas, development will not be permitted if it is detrimental to the amenity of residents in terms of visual impact, noise, smell, air pollution, disturbance, traffic or public safety.
- 6.4 In terms of the above policies, it is considered that the proposed dwelling is of a high quality design incorporating a high quality of materials which will complement the surrounding area. The proposed dwelling will sit approximately 5 metres from the boundary with the closest residential property. In terms of orientation; the windows on the proposal have been carefully positioned to ensure there is no adverse impact on the adjacent residential properties at Flemington Court. On the upper level, all windows on the west facing elevation are ensuite windows and, therefore, will be obscurely glazed. Whilst there are windows on the north and south facing elevations including a balcony, these do not directly face the adjacent properties. Furthermore,

the balcony does not project beyond the rear building line of the proposed dwelling therefore it is considered there will be no significant adverse impact on adjacent properties. As the proposal also includes a generous sized garden to the north and south of the site including an enclosed courtyard forming a walled garden to accommodate in-curtilage parking this proposal meets with the general requirements of the Council's Residential Development Guide.

- 6.5 As noted above, this proposal will require the removal of a number of trees. A tree report with plan has been submitted identifying the trees to be removed to facilitate the development as well as those being retained and those that require to be removed due to their poor condition. A significant number of trees will still be retained to preserve this woodland setting which will also provide a level of screening. In addition, a bat survey was submitted concluding there is no evidence of the trees being used as roosts with only 3no. trees exhibiting features for potential use. As such, a precautionary approach was recommended that a small number of bat roost boxes should be installed on trees that are to be retained. The trees should be inspected again prior to felling for any features which might provide an opportunity for roosting. Should planning permission be granted, appropriate conditions can be attached.
- 6.6 The Council's Roads and Transportation Services were consulted as part of this application and are satisfied the access is wide enough to accommodate two cars to ensure there is no queuing on the public road. However, they have requested that conditions be attached in relation to surfacing, drainage and the implementation of passing places along the access road. Should planning permission be granted, appropriate conditions can be attached.
- 6.7 As a result of publicity 12 letters of objection have been received the grounds of which are summarised in section 5 of the report. It has been concluded that the issues raised by objectors in particular the impact on residential amenity and the effect of the proposals on ecology do not merit refusal of the application.
- 6.8 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 3 and 5 in the Proposed plan.
- 6.9 In conclusion the proposal accords with the adopted Local Development Plan and, therefore, it is recommended that planning permission be granted.

7 Reasons for Decision

- 7.1 The proposal does not raise any amenity or road safety issues and complies with Policies 4 and 6 of the Adopted South Lanarkshire Local Development Plan (2015) and related supplementary guidance and with the Proposed South Lanarkshire Local Development 2.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

7 June 2018

Previous references

◆ EK/13/0071

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Neighbour notification letter dated

- ▶ Consultations
 - Roads Development Management Team

- ▶ Representations

	Dated:
Mrs Christine Smith, 11 Flemington Avenue, Strathaven, South Lanarkshire, ML10 6FJ	08.04.2018 08.04.2018
Susan Zlotos, 16 Flemington Avenue, Strathaven, ML10 6FJ	12.04.2018
Margot Macsween, 6 Flemington Court, Strathaven, South Lanarkshire, ML10 6FL	09.04.2018
Mr Peter Smith, 11 Flemington Avenue, Strathaven, South Lanarkshire, ML10 6FJ	08.04.2018 08.04.2018
Annabelle Meikle, 2 Flemington Court, Strathaven, South Lanarkshire, ML10 6FL	06.04.2018
Mr Adrian J Wood, 4 Flemington Court, Strathaven, South Lanarkshire, ML10 6FL	06.04.2018
Dr Leon Zlotos, 16 Flemington Avenue, Strathaven, South Lanarkshire, ML10 6FJ	12.04.2018
Mrs Sharon A Wood, 4 Flemington Court, Strathaven, ML10 6FL	06.04.2018
Joe Allan, 94 Franklin Place, East Kilbride , G75 8LS	07.04.2018
Mr Robert Macsween, 6 Flemington Court, Strathaven, Lanarkshire, ML10 6FL	10.04.2018
Ruaridh Macsween, 6 Flemington Court, Strathaven, ML10 6FL	10.04.2018
Lewis Macsween, 6 Flemington Court, Strathaven, Lanarkshire, ML10 6FL	10.04.2018

Contact for further information

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

Julie Pepper, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Ext: 5046 Tel (01698 455046)

Email: julie.pepper@southlanarkshire.gov.uk

Detailed planning application

Paper apart – Application number: P/18/0171

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

02. All external colours shall be agreed in writing with the Council as Planning Authority prior to the commencement of works.

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

03. That all trees to be retained within the site shall be fully protected during the period of construction and prior to any work commencing on the site, written details specifying the nature of such measures shall be submitted to and approved by the Council as Planning Authority.

Reason: To ensure that adequate steps are taken to protect existing trees on the site throughout the period of the proposed building operations.

04. 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: These details have not been submitted or approved.

05. That before 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 4 above, shall be erected and thereafter maintained to the satisfaction of the Council.

Reason: In order to retain effective planning control.

06. 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.

07. That no development shall commence until details of surface water drainage arrangements have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design Criteria and shall include signed appendices as required. The development shall not be occupied until the surface drainage works have been

completed in accordance with the details submitted to and approved by the Council as Planning Authority.

Reason: To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.

08. 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.

09. That any recommendations of the Nigel Rudd Ecology bat inspection report dated February 2017 shall be carried out in accordance with this document throughout the construction process.

Reason: To ensure that any species are protected and suitable mitigation measures are put in place.

10. That no development shall commence on site until the applicant provides written confirmation from Scottish Water to the Council as Planning Authority that the site can be satisfactorily served by a sewerage scheme designed in accordance with Scottish Water's standards.

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

11. That no trees within the application site shall be lopped, topped, pollarded, felled, or otherwise affected other than those identified in the Southcraig Forestry Services Tree Survey Report dated 9th January 2018 and thereafter all tree works shall be carried out in accordance with this document to the satisfaction of the Council as Planning Authority.

Reason: To ensure the protection and maintenance of the existing mature trees within the site.

12. That the first 10 metres of the access road shall be surfaced, trapped and sealed to prevent any deleterious material or water from leaving the driveway and entering the public road.

Reason: In the interest of traffic and public safety.

13. That prior to works commencing on site, a detailed plan showing passing places along the access road to the plot shall be submitted to and approved by the Council as Roads and Planning Authority. The approved scheme shall be implemented to the satisfaction of the Council before the house hereby approved is occupied.

Reason: In the interests of traffic and public safety.

14. 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 interest of public safety.

15. That during construction wheel washing facilities shall be installed at the entrance/exit to the site, in order that all vehicles leaving the site are kept clear and free of debris. The applicant or subsequent operator(s) shall at all times be responsible for the removal of mud or other materials deposited on the public highway by vehicles entering or leaving the site.

Reason: In the interests of traffic and public safety.

P/18/0171

East Overton House, Hamilton Road, Strathaven



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Scale:
1:10,000
Date:
04/08/2019



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development