

Report to: **Planning Committee**  
 Date of Meeting: **1 November 2011**  
 Report by: **Executive Director (Enterprise Resources)**

Application No EK/10/0436  
 Planning Proposal: Demolition of Existing Outbuildings and Stable Block and Erection of 2 Dwellinghouses (Planning Permission in Principle)

## 1 Summary Application Information

- Application Type : Permission in principle
- Applicant : Mr Bertie Auld
- Location : Newtonside  
Newton Road  
Strathaven  
ML10 6PA

## 2 Recommendation(s)

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

- (1) Grant Planning Permission in Principle – 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: Block Architects
- ◆ Council Area/Ward: 05 Avondale and Stonehouse
- ◆ Policy Reference(s): **South Lanarkshire Local Plan (adopted 2009)**  
 STRAT 3 - The Green Belt and Urban Settlements In The Green Belt Policy  
 CRE 1 - Housing in the Countryside Policy  
 DM 1 - Development Management Policy  
 ENV 30 - New Development Design Policy  
 ENV 31 - New Housing Development Policy  
 ENV 34 - Development in the Countryside Policy  
 ENV 36 - Foul Drainage and Sewerage Policy

- ◆ Representation(s):

- ▶ 0 Support Letters
- ▶ 3 Comments Letters

◆ Consultation(s):

Scottish Water

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

Roads and Transportation Services (East Kilbride Area)

## **Planning Application Report**

### **1 Application Site**

1.1 The application site relates to land close to the southern edge of Strathaven. The site extends to 0.3 hectares and consists of the access to the applicant's property, surrounding curtilage and part of an adjacent field. At present there are four outbuildings within the application site, which are included for demolition as part of this application. The applicant's dwellinghouse is semi-detached, therefore a neighbouring property lies immediately adjacent to the application site, which also shares the vehicle access to the site. The application site is bounded by open countryside to the south, east, west and north-east.

### **2 Proposal(s)**

2.1 The application relates to the demolition of the existing outbuildings within the site and provision of two dwellings with the vehicle access point remaining as existing. The application is for planning permission in principle although an indicative site plan shows some proposed details. The two dwellings are to be positioned at right angles to each other in order to form a courtyard type setting with the existing dwellings forming one wing of the courtyard. The indicative plans provided with the application show one and a half storey dwellings with attached double garages. The existing outbuildings consist of a 6 horse stable block, a small hay shed and two other smaller outbuildings. The total area of the outbuildings to be demolished is 218 square metres and the two dwellings are proposed to have a combined footprint of 216 square metres, not including integral garages.

2.2 The application was originally submitted for three dwellings, in a similar courtyard setting layout. Following discussions with the Council, revised plans were submitted for the two dwelling layout currently under consideration.

### **3 Background**

#### **3.1 Relevant Government Advice**

Scottish Planning Policy (SPP) states that opportunities to replace rundown housing and steadings, and to provide limited new housing along with converted rehabilitated buildings, should be supported where the development is designed to fit in the landscape setting and will result in a cohesive grouping. SPP also states that Green belt designation should be used to direct development to suitable locations, not to prevent development from happening. Development within the Green Belt should be of a high design quality and a suitable scale and form. In this instance, it is considered that the proposal will not have an adverse impact on the landscape setting of the area and will result in a similar level of built development to the existing situation on site. The proposal is therefore deemed to comply with the relevant guidance contained in the SPP.

#### **3.2 Local Plan Status**

In terms of Local Plan policy, the site is located within the Green Belt and Policy STRAT 3 of the adopted Local Plan states that the Council will resist the encroachment of urban uses within the Green Belt unless it relates to the rehabilitation of a disused traditional building and where this consolidates existing building groups. Any housing development within the Green Belt must conform to Policy CRE 1 and this states that new houses will only be permitted in the circumstances outlined in Parts 1-5 of the policy and sets out criteria where new houses will be acceptable. Policies DM1, ENV30, ENV31, ENV34 and ENV36 all relate to detailed design, amenity, infrastructure and road safety matters.

#### **3.3 Planning History**

EK/10/0230 – Erection of three dwellinghouses and re-location of stable block (planning permission in principle) – withdrawn

#### **4 Consultation(s)**

4.1 **Scottish Water** – have no objection to the application.

**Response:** Noted.

4.2 **SEPA** – have not responded to date.

**Response:** Noted.

4.3 **Roads and Transportation Services (East Kilbride)** – have no objections, subject to conditions relating to surfacing, parking spaces, sight lines and surface water trapping.

**Response:** Noted, appropriate conditions can be imposed on any consent issued.

#### **5 Representation(s)**

5.1 Statutory neighbour notification was undertaken and the application was advertised as Development Contrary to the Development Plan in the East Kilbride News (12/01/11 and 28/09/11). Following this publicity 5 letters of representation were received. The contents of the letters are summarised below:

a) **The proposal is contrary to the Local Plan. The area is designated as green belt. I assume that the proposal to replace the demolished structures with the new dwellings is to claim that the ‘environmental footprint’ is the same. The existing structures are not substantial, permanent buildings. This is not the same ‘footprint’ as three dwellings.**

**Response:** The applicant has provided detail that the footprint of the existing buildings to be demolished is similar to the proposed footprint of the dwellings. It is considered that, in visual terms, the demolition of the buildings is a relevant factor that can be given weight in the assessment of this application. It is agreed that the proposed dwellings would have greater degree of permanence than the existing outbuildings however this does not necessarily make the proposal unacceptable.

b) **The existing access road is a single track road and is not capable of coping with considerable extra traffic that will result from the development. The proposed access is through a shared access. The neighbouring property is responsible for 50% of the maintenance costs.**

**Response:** No objections have been received from Roads and Transportation in respect of the principle of development. The proposed access arrangements are considered acceptable, subject to conditions. The shared nature of the access is a private legal matter between the relevant parties.

c) **The existing drainage system is shared between the applicant’s property and the neighbouring property. This is in the form of a septic tank, which is clearly unable to cope with additional drainage. The area to the rear of the applicant’s property is subject to flooding during periods of heavy rain and this problem would be exacerbated by additional dwellings.**

**Response:** The application is for planning permission in principle, therefore full details of drainage arrangements have not been provided. An appropriate planning condition can be imposed to ensure that details are submitted for agreement at the detailed planning stage.

- d) **This is an agricultural area and is used by walkers and horse riders. Any additional dwellings and related traffic would seriously damage the environment.**  
**Response:** It is acknowledged that the property lies in a rural location and as such any development requires to be sensitively located and designed. It is considered that two dwellings would not result in a significant increase in traffic, to the detriment of the local environment.
- e) **Are any of the buildings related to the application listed buildings or worthy of listing? Is the site in a Conservation area?**  
**Response:** The application site lies within the Green Belt but is not within a conservation area. None of the buildings at the site are either listed or considered to be worthy of protection/listing.
- f) **Concern over what measures will be taken to protect nesting birds or other protected species.**  
**Response:** The applicant has provided a protected species survey (including bats and birds survey). This survey will require to be updated prior to any work commencing on site. This can be required by a planning condition imposed on any consent issued.
- g) **Would it not be more appropriate to restore the existing buildings rather than demolish them.**  
**Response:** The buildings to be demolished are not, individually, substantial structures of historic or architectural significance. It is therefore not considered appropriate to require that the buildings are retained.
- h) **I have no objections to the construction of two dwellings as long as this complies with the green belt requirements applicable to this area.**  
**Response:** The issue of compliance with the greenbelt is addressed in section 6, below.

These letters of representation have been copied and are available for inspection in the usual manner and on the Planning Portal.

## **6 Assessment and Conclusions**

- 6.1 The determining issues in consideration of this application are its compliance with development plan policy and any other material considerations.
- 6.2 In terms of assessing the proposal against Local Plan policy, whilst Policy STRAT 3 resists the encroachment of urban uses, it is considered that in this instance there are mitigating factors in support of the proposal, as follows:
- The overall footprint of the proposed buildings is similar to the existing footprint of the buildings to be demolished.
  - The application site lies in a gap between existing buildings and as such it is considered that the proposal will not have an adverse visual impact.
  - The proposed site layout will take the form of a traditional steading, which conforms to the rural appearance of the site.
- 6.3 Policy CRE 1 sets out a list of criteria to assess all new housing proposals against. Whilst these criteria generally relate to detailed planning applications, they are also considered relevant in this instance to the layout of the site and position of the proposed dwellings. In this regard, it is considered that, whilst the principle of the

proposal does not comply with Policy CRE1, the positioning of the dwellings and site layout conform to the criteria set out in CRE 1 (section 1 – New Houses) in that:

- a. The development will not intensify or expand the site to the detriment of local amenity or traffic safety as the layout is designed in a traditional manner and the dwellings are positioned with sufficient regard to privacy. Roads and Transportation have raised no objections to the proposals.
- b. The design and location of the proposal will not adversely affect the character and amenity of its surroundings as the local area has the character of individual or small groups of dwellings scattered in the landscape. Furthermore, the site lies in a gap between existing buildings and as such the proposal will be visually contained to some degree by the surrounding features.
- c. The proposed position and scale of the dwellings reflect the existing site characteristics.
- d. The proposed development complements the scale and nature of the existing properties as the layout of the scheme takes elements from the existing dwelling orientation and layout, and develops this arrangement to form building positions that reflect a traditional steading.
- e. The proposal meets access and parking standards and can be provided with services.
- f. The proposal complies with Policy ENV 34 – Development in the Countryside Policy as the site layout reflects traditional rural developments.

6.4 In summary, although the proposed development does not fully comply with Local Plan policy, specifically in relation to Policy STRAT3 and CRE1 of the adopted South Lanarkshire Local Plan, it is considered that, in this instance, there are sufficient material considerations, as outlined above, to support the proposal.

6.5 The proposal was advertised as Development Contrary to the Development Plan in the East Kilbride News. The proposal has been fully assessed and it is recommended that planning permission is granted contrary to the adopted Local Plan for the following reasons:

1. The proposal includes demolition of existing buildings and replacement with dwellings of a similar footprint.
2. The proposal develops the existing pattern of development on site to form a traditional, steading layout.
3. The proposal is acceptable in terms of layout, amenity and road safety. It therefore complies with Policies DM1, ENV30, ENV31, ENV34 and ENV36 of the South Lanarkshire Local Plan.

## **7 Reasons for Decision**

7.1 For the reasons stated in paragraph 6.5, above.

**Colin McDowall**  
**Executive Director (Enterprise Resources)**

**25 October 2011**

## **Previous References**

◆ EK/10/0230

## List of Background Papers

- ▶ Application Form
- ▶ Application Plans
  
- ▶ Consultations
  - Scottish Water 05/01/2011
  
  - Roads and Transportation Services (East Kilbride Area) 07/10/2011
  
- ▶ Representations
  - Representation from : William Noble, Strathnewton, Newton Side, Newton Road, Strathaven, ML10 6PA, DATED 11/01/2011
  
  - Representation from : Mr J Allan, 94 Franklin Place, Westwood, East Kilbride, DATED 03/02/2011
  
  - Representation from : Mr Joe Allan, 94 Franklin Place, Westwood, East Kilbride, G75 8LS, DATED 17/02/2011
  
  - Representation from : Bill Noble, Strathnewton, Newton Side, Newton Road, Strathaven, ML10 6PA, DATED 03/10/2011
  
  - Representation from : Mr Joe Allan, 94 Franklin Place, Westwood , East Kilbride, DATED 04/10/2011

## Contact for Further Information

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

Alan Pepler, Planning Officer, Civic Centre, East Kilbride  
Ext 6652, (Tel :01355 806652 )  
E-mail: [planning@southlanarkshire.gov.uk](mailto:planning@southlanarkshire.gov.uk)

Permission in principle

PAPER APART – APPLICATION NUMBER : EK/10/0436

## CONDITIONS

- 1 This decision relates to drawing numbers:  
  
Location plan  
Drawing No. 09-155-GA 001 - Existing & Proposed  
Drawing No. 09-155-GA 002 - Indicative Plans/Elevation
- 2 Prior to the commencement of development on site, a further application(s) for the approval of the matters specified in this condition must be submitted to and approved by the Council as Planning Authority. These matters are as follows:  
  
(a) the design and external appearance of all building(s) and any other structures, including plans and elevations showing their dimensions and type and colour of external materials;  
(b) detailed cross-sections of existing and proposed ground levels, details of underbuilding and finished floor levels in relation to a fixed datum, preferably ordnance datum.  
(c) the means of access to the site and car parking details;  
(d) the design and location of all boundary treatments including walls and fences;  
(e) the landscaping proposals for the site, including details of existing trees and other planting to be retained together with proposals for new planting specifying number, size and species of all trees and shrubs;  
(f) the means of drainage and sewage disposal.  
(g) details of the phasing of development (covering all relevant aspects of development detailed in (a) above);
- 3 Unless development commences, planning permission in principle expires 2 years from approval of the specified matters being granted, or if different matters are approved on different dates, then 2 years from the date of the last approval.
- 4 The application(s) for approval of these further matters must be made to the Council as Planning Authority before whichever is the latest of the following:
  - (a) expiry of 3 years from when permission in principle was granted
  - (b) expiry of 6 months from date when an earlier application for approval was refused, and
  - (c) expiry of 6 months from date on which an appeal against the refusal was dismissed.  
Approval of the further specified matters can be made for -
  - (i) different matters, and
  - (ii) different parts of the developmentat different times.  
  
Only one application for approval of matters specified in conditions can be made after 3 years from the grant of planning permission in principle.
- 5 That no demolition works shall commence on site until a further bat survey has been submitted to and approved in writing by the Planning Authority to determine the presence of bat roosts. Should evidence of bat roosts be found, no demolition



works shall begin until the Planning Authority receives written confirmation that a license has been obtained from the Scottish Government to deal with the presence of bats within the site.

- 6 That before the development hereby approved is completed or brought into use, a private vehicular access or driveway of at least 10 metres in length shall be provided and the first 10 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.
- 7 That before the development hereby approved is completed or brought into use 3no. car parking spaces (2.5m x 5m modules) per dwelling shall be laid out, constructed and thereafter maintained to the specification of the Council as Roads and Planning Authority.
- 8 That before the development hereby approved is completed or brought into use, a visibility splay of 2.5 metres by 70 metres measured from the road channel shall be provided on both sides of the vehicular access and everything exceeding 0.9 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.

## **REASONS**

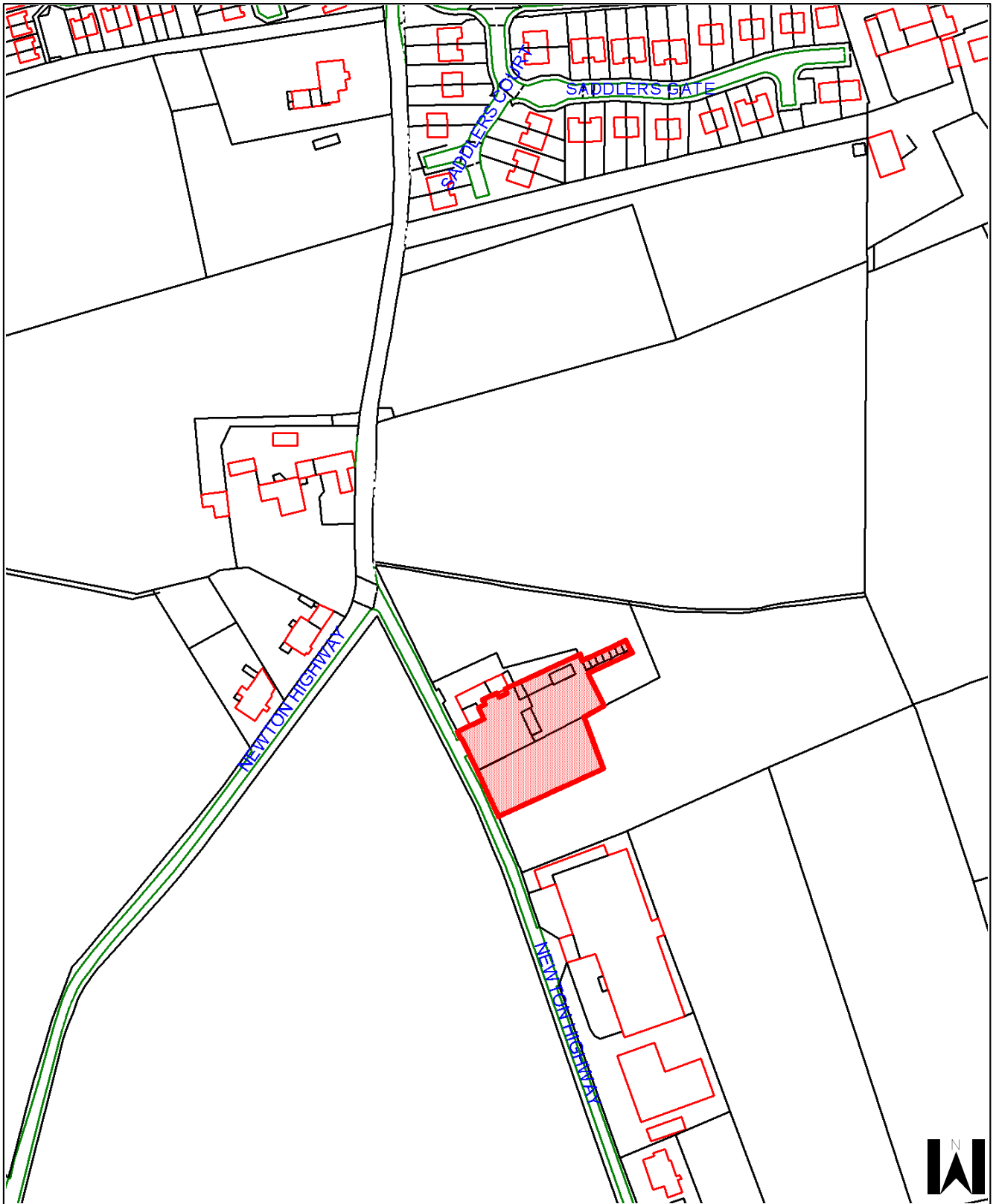
- 1 For the avoidance of doubt and to specify the drawings upon which the decision was made.
- 2 To comply with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 3 To comply with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 4 To comply with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 5 To ensure that all bats on site are protected and suitable mitigation measures are put in place.
- 6 To prevent deleterious material being carried into the highway
- 7 To ensure the provision of adequate parking facilities within the site.
- 8 In the interest of road safety.

EK/10/0436

Newtonside, Newton Road, Strathaven

Planning and Building Standards Services

Scale: 1: 2500



For information only

For information only