

Appendix 2(a)

Report of Handling

Report dated 28 January 2011 by the Council's Authorised Officer under the Scheme of Delegation

Delegated Report

Report to: **Delegated Decision**
Date of Report: **28 January 2011**
Report by: **Area Manager (Planning & Building Control)**

Application No CL/08/0054
Planning Proposal: Conversion and alterations to outhouse to form residential dwelling

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Mr & Mrs P Burns
- Location : Moat House (Coach House)
Hawksland Road
Hawksland, ML11 9PY

2 Decision

2.1 Refuse detailed planning permission – based on the reasons stated.

2.2 Other Actions/Notes

None

3 Other Information

- ◆ Applicant's Agent: W J Speirs
- ◆ Council Area/Ward: 04 Clydesdale South
- ◆ Policy Reference(s): **South Lanarkshire Local Plan**
Policy STRAT 4: Accessible Rural Area
Policy CRE 1: Housing in the Countryside

◆ Representation(s):

- ▶ 0 Objection Letters
- ▶ 0 Support Letters
- ▶ 2 Comments Letters

◆ Consultation(s):

Environmental Services

Scottish Water

Roads and Transportation Services (Clydesdale Area)

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

Planning Application Delegated Report

1 Material Considerations

- 1.1 The applicant seeks detailed planning permission for the conversion and alteration of a non domestic outbuilding to form a new residential dwelling. The property sits within the rural area adjacent to the applicant's dwelling house and shares the rear access/courtyard area. The existing house and proposed development are accessed from the public road via a private access road owned by Moatmains Farm. The small outbuilding is traditional constructed with random rubble sandstone walls, dressed stone courses, lintels, sills and copings, timber windows and a slate roof
- 1.2 Policies STRAT 4 and CRE 1 of the South Lanarkshire Local Plan set out the policy criteria required when converting buildings in the rural area to residential use. The relevant criteria for this development are as follows; the building is of a size that is capable of being converted without the need for major extensions or alterations, alterations/extensions are sensitively designed in order to retain the traditional character of the building and that the proposed development meets access and parking standards.

2 Consultation(s)

- 2.1 **Roads and Transportation Services** – the Divisional Engineer has recommended refusal of the application on road safety grounds due to poor geometry of the junction in addition to the physical barriers to the visibility.
Response: Noted. The applicant will have to secure the permission of the land owner to improve the junction of the private road onto Hawksland Road. To date this permission is not forthcoming and therefore the necessary improvement cannot take place.
- 2.2 **SEPA** – no objections.
Response: Noted.
- 2.3 **Scottish Water** – no objections.
Response: Noted.

3 Representation(s)

- 3.1 Following the statutory neighbour notification of the application and advertisement of the application in the press as development potentially contrary to the Development Plan one letter of objection has been received. The grounds of objection are summarised as follows:
- (a) The existing access arrangements for both pedestrian and vehicle movements along the private access road are inadequate and the addition**

of a second residential unit will create problems in the normal running of the farm.

Response: Most of the points raised on the use of the private access are not within the remit of the planning legislation and are private legal arrangements to be agreed by the parties involved. The Roads and Transportation Service did not have any objections to the number or types of traffic using the private access but had grave concerns in relation to the junction of this access with the public road, recommending refusal unless changes can be carried out to improve the geometry of and visibility from the junction.

4 Assessment and Conclusions

- 4.1 The principle of converting this traditional cottage sized outbuilding to residential use is acceptable under the current planning policy; however the level of additions and alterations to the structure was considered excessive in terms of scale and insensitive to the character of the original stone built outhouse. After meeting and discussing the design options with the applicant it was agreed to scale down the proposed alterations and additions to the original building structure and new plans were to be submitted. These plans have never been submitted as the applicant did not want to pursue the design changes before the issue of access was resolved.
- 4.2 Following the consultation response from Roads and Transportation, several meetings were held to agree an appropriate design solution to improve the junction onto Hawksland Road. It was explained to the applicant that the geometry and visibility at the junction had to improve and that they had to secure agreement from the land owner prior to consent being granted to enable the appropriate condition to be properly imposed. The extent of the required visibility was to be determined by a speed survey to be carried out by the applicant this would determine the design speed of the road at this location.
- 4.3 The application has now been inactive for over 6 months and following a letter from the owner of the access road it would seem that no progress has been made in securing the necessary control to implement improvements. Unfortunately, as no positive progress has been made in resolving the issues with this application, I recommend that planning permission should be refused.

5 Reason for Decision

- 5.1 The proposal fails to comply with local plan policies STRAT 4 and CRE 1 of the South Lanarkshire Local Plan along with the Council's rural design guidance in that size and scale of the alterations and extensions are excessive and are not sensitively designed resulting in the loss of the traditional and indigenous architectural character of the existing building. In addition the applicant has failed to obtain the control necessary to implement the junction improvements required for road safety.

Signed:
(Council's authorised officer)

Date:

Previous References

- ◆ None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations

S.E.P.A. (West Region)	28/02/2008
Roads and Transportation Services (South Division)	28/02/2008
Scottish Water	26/02/2008

- ▶ Representations

Representation from : Gavin Struthers,
Moat Mains Farm
Hawksland
Lesmahagow
ML11 9PY,

DATED 26/02/2008 & 11/11/2010

Contact for Further Information

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

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Detailed Planning Application

PAPER APART – APPLICATION NUMBER: CL/08/0054

REASONS FOR REFUSAL

- 1 This decision relates to drawing numbers: 01, 02, 03, 04, 05, 06, 07 and 08.
- 2 The proposal is contrary to Policies STRAT 4 and CRE 1 of the South Lanarkshire Local Plan and the Rural Building Conversion and New House Design Guidance in that size and scale of the alterations and extensions are excessive and are not sensitively designed resulting in the loss of the traditional and indigenous architectural character of the existing building.
- 3 The proposal would intensify vehicular use of a substandard access to the detriment of traffic and public safety.
- 4 The applicant is unable to demonstrate control of sufficient land to enable the improvements required to the existing vehicular access to an acceptable standard.