

Report

| | |
|------------------|----------------------------------------------------------------|
| Report to: | Planning Committee |
| Date of Meeting: | 1 December 2020 |
| Report by: | Executive Director (Community and Enterprise Resources) |

| | |
|--------------------|--------------------------------------|
| Application no. | P/20/0971 |
| Planning proposal: | Erection of a detached dwellinghouse |

1 Summary application information

| | |
|-------------------|-----------------------------------------------------------------------------------|
| Application type: | Detailed planning application |
| Applicant: | Mr and Mrs John and Carol Cuthell |
| Location: | Land 75M West of Woodend Cottage Mousebank Road Lanark South Lanarkshire |

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: Burrell Design Studio
- ◆ Council Area/Ward: 02 Clydesdale North
- ◆ Policy Reference(s): South Lanarkshire Local Development Plan: Policy 2
Climate change
South Lanarkshire Local Development Plan: Policy 3
Green belt and rural area
South Lanarkshire Local Development Plan: Policy 4
Development management and placemaking
South Lanarkshire Local Development Plan: Policy 14
Green network and green space
South Lanarkshire Local Development Plan: Policy 15
Natural and historic environment
Supplementary Guidance 2: Green Belt and Rural Area
Policy GBRA5 Development of gap sites

Supplementary Guidance 9: Natural and historic environment Policy NHE16 Landscape
 Proposed SLDP2: Policy 2 Climate change
 Proposed SLDP2: Policy 4 Green Belt and Rural Area
 Proposed SLDP2: Policy 5 Development Management and Placemaking
 Placemaking
 Proposed SLDP2: Policy 13 Green Network and Greenspace
 Proposed SLDP2: Policy 14 Natural and Historic Environment
 Proposed SLDP2: Policy GBRA8 Development of Gap Sites
 Proposed SLDP2: Policy NHE16 Landscape

◆ **Representation(s):**

| | | |
|---|----|-------------------|
| ▶ | 10 | Objection Letters |
| ▶ | 0 | Support Letters |
| ▶ | 0 | Comment Letters |

◆ **Consultation(s):**

SEPA Flooding

SP Energy Network

Roads Development Management Team

Roads Flood Risk Management

Roads Development Management Team

Planning Application Report

1 Application Site

- 1.1 The application site (0.135ha) is situated amongst a group of three existing dwellings (one of which is traditional and the other two are relatively recent additions having been built after Planning Permission CL/05/091 was granted in 2005), 500 metres to the north of Lanark, close to the bridge which crosses the Mouse Water. The site is relatively flat and comprises an outdoor horse exercise area, surrounded by a wooden fence.
- 1.2 The site is bounded to the west by Glenburnie a modern house and gardens and the mutual access road serving Glenburnie and Woodend House to the rear. The western boundary is defined by a line of mature trees. To the east is Woodend cottage, a traditional rural cottage with large garden and grounds consisting of mature landscaping and maintained grassland – immediately adjacent to the site, the maintained grassland rises steeply up to the access to Woodend Cottage which is lined with a belt of mature trees and shrubs. To the north is the remaining maintained grassland and Woodend House, a modern contemporary dwelling, built in the last ten years. To the south, the site fronts Mousebank Road and beyond by agricultural fields.

2 Proposal(s)

- 2.1 The applicant seeks Planning Permission for a one and three quarters storey detached dwelling (4 bedrooms) and associated garden, access and parking (minimum of 3 spaces). The proposed house would be finished in wet dash render with reconstituted stone window surrounds. The property would have its own private access and driveway.

3 Background

3.1 Local Plan Status

- 3.1.1 The application site is identified in the adopted South Lanarkshire Local Development Plan as being within the rural area where Policy 3 - Green Belt and Rural Area applies. Policies 2 – Climate Change, 4 - Development Management and Place Making, 14 Green Network and Greenspace, and Policy 15 -Natural and Historic Environment Natural are also relevant. The associated Supplementary Guidance on Development Management, Placemaking and Design, Green Belt and Rural Area, Natural and Historic Environment, Green Network and Greenspace and Sustainable Development and Climate Change are also applicable.

3.2 Relevant Government Advice/Policy

- 3.2.1 Scottish Planning Policy (SPP) advises that within rural areas, the planning system should promote a pattern of development which is appropriate to the character of a particular rural area.

3.3 Planning Background

- 3.3.1 Planning Permission CL/05/0668 was granted for two detached dwellings on land adjoining the application site in December 2006. Planning Permission CL/10/0018 was granted to amend the design of the house on Plot 2 in April 2010.

4 Consultation(s)

- 4.1 **SEPA Flooding** – no objection, however, it is noted that the site lies adjacent to the 1:200 year fluvial flood extent. Recommend that the Flood Unit is consulted.

Response: Noted. The Flood Unit has been consulted.

- 4.2 **Roads Flood Risk Management** – No objection subject to a condition requiring a Flood Risk Assessment.

Response: Noted. An appropriate condition has been attached.

- 4.3 **Roads and Transportation Services** – No objection subject to conditions covering access, parking, visibility, construction traffic and a dilapidation survey.

Response: Noted. Appropriate conditions have been attached.

- 4.4 **Scottish Power** – No objection, however, they have advised that Scottish Power have infrastructure in the vicinity of the site which they reserve the right to protect or deviate at the applicant's expense.

Response: A condition has been attached to cover this requirement.

5 Representation(s)

- 5.1 Following the carrying out of statutory neighbour notification and the advertisement of the application in the Lanark Gazette for the non-notification of neighbours, 10 objections were received (7 of these representations were from individuals who do not neighbour or reside near to the site). The issues raised are summarised as follows:

- a) **The proposed house has no justification and is out of proportion. It is not in keeping with the local area, no real garden, size and location to the existing properties and is too close to the boundaries.**

Response: The house has been assessed under the terms of the current local plan policies which take account of the established character within the immediate vicinity of the site where two modern houses have been built within the last ten years. The size of the house is proportionate to the allocated curtilage and it sits a reasonable distance back from existing dwellings. The distance from boundaries varies, with the minimum distance being 2.5m which is acceptable. The garden size complies with the guidance contained in the Residential Development Guide.

- b) **The applicant already has an application in to build 25 houses on part of his land.**

Response: This point is not relevant to the assessment of the application under consideration.

- c) **Can appropriate sight lines be achieved?**

Response: After the applicant submitted the results of a speed survey, Roads confirmed that the achievable sight lines are acceptable.

- d) **During heavy rainfall there is considerable water runoff from the site and causes flooding at times.**

Response: A condition has been attached requiring a Flood Risk Assessment.

- e) **A large house could impact upon the beautiful character of the area and its setting.**

Response: The proposed dwelling is visually well contained in the context of its wider setting, is smaller than existing neighbouring dwellings which have been built in recent years and will not result in the loss of any significant landscape features.

- f) **The applicant has a large piece of land so could propose another location that they may place out of general sight.**

Response: The application submitted has been assessed on its individual merits and compliance with local plan policy. The location of the proposed house is considered to be acceptable.

- g) **Could affect the Lanimers Walk.**

Response: The proposed development will not impact upon the route of the Lanimers walk.

- h) **Inappropriate development in the Greenbelt which it is adjacent to a reserve.**

Response: The proposed development is not located within designated Green Belt nor will it impacted upon protected species or habitats. Furthermore, it does not adjoin the National Nature Reserve, it sits a reasonable distance back from it.

- i) **Will affect the public right of way.**

Response: The proposed development will not impede the route of an identified public right of way.

- j) **Overhead electricity cables going right through the horse area which would be too close to the house so it would have to be moved.**

Response: Noted. The overhead cable would have to be diverted at the applicant's expense.

5.2 These letters are available for inspection on the planning portal.

6 Assessment and Conclusions

6.1 The determining issues in considering this application are its compliance with the policies of the adopted South Lanarkshire Local Development Plan and associated Supplementary Guidance

6.2 Policy 3 Green Belt and Rural Area generally expects houses to be accommodated within identified settlements other than in particular circumstances, including where a proposal is for limited development within clearly identifiable gap sites and existing building groups. In the associated Supplementary Guidance Green Belt and Rural Area, Policy GBRA5 development of gap sites outlines criteria which should be adhered to in order for a proposal on a gap site to be favourably considered; the salient criteria are as follows:-

- 1) The building group should form a clearly identifiable nucleus with strong visual cohesion. The site should be bounded on at least two sides by habitable houses or other buildings that are either in use or capable of being brought back into use.

- 2) The distance between the buildings should be no more than that needed to allow the formation of a maximum of two plots of a size in keeping with the curtilage and frontage of the existing group. The garden area of an existing property can be included providing sufficient amenity space is retained to serve that property and the size of the resulting plot is in keeping with that of the existing group.
- 3) An extension to a building group will not normally be acceptable where it would result in ribbon development or coalescence with another building group. Exceptionally, the layout of the existing group of houses may allow the infill of a small area up to a natural boundary, for example, an established tree belt or other landscaping feature, a physical feature such as a boundary wall or road, or the land form.
- 4) New housing should be well related in scale and siting to the existing adjoining development, reflect the local distinctiveness and respect the existing built form, the landform and local landscape character.
- 5) The location, siting and design of the new houses should meet existing rural design guidelines and advice.
- 6) Provision must be made for a private amenity space for the house comparable to adjoining properties in the built frontage.
- 7) The house size to plot ratio and separation distances between houses should be comparable to adjoining properties in the built frontage
- 8) The landscape of the area must not be compromised by the development and proposals should have regard to the landscape backdrop, topographical features and levels. Trees, woodland and boundary features such as hedgerows, particularly beech and hawthorn, and stone dykes should be retained.
- 9) Proposals should be readily served by all necessary infrastructure and be able to comply with all required parking and access standards.
- 10) Proposals should have no adverse impact on biodiversity, including Natura 2000 sites and protected species, or features which make a significant contribution to the cultural and historic landscape value of the area.

6.3 There is an existing nucleus of buildings comprising three detached dwellings which bound the application site on two sides. The site is bounded to the west by Glenburnie, a detached dwellinghouse and associated curtilage – the western boundary is defined by a line of mature trees. To the east, the site is bounded immediately by embanked maintained grassland rising to Woodend Cottage, an historic rural property, and associated driveway lined by mature trees and landscaping. Although not strictly within the garden curtilage of Woodend Cottage the maintained grassland is nevertheless within the wider grounds of the cottage and the distance between the site boundary and the garden boundary is short. The rising embankment represents a physical topographical feature which bounds closely to the site. Therefore, in considering point 3 in para 6.2 which refers to the infill of an area bounded by tree belts, physical features or roads, it is considered that the definition of gap/infill site has been met. The proposed house is similar in style and design to two of the neighbouring dwellings built within the last 15 years and although smaller in size, it is proportionate to the allocated curtilage – it will integrate with and accord with the established character of the building group and the pattern of development within the wider rural area. Conditions have been

attached to ensure the retention and protection of existing boundary trees. In view of this, the proposal is considered to comply with policies 3 and GBRA5.

- 6.4 Policy 2 Climate Change seeks to minimise and mitigate against the effects of climate change. This application relates to a single house development situated close to Lanark and in consideration it is not envisaged that there would be any negative impacts which would undermine the objectives of this policy.
- 6.5 Policy 4 - Development Management and Place Making advises that all development proposals should 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. This objective is reinforced by the associated Supplementary Guidance Development Management, Place Making and Design. The design of the dwelling reflects a mix of traditional and contemporary with steep pitched roof, prominent vertical fenestration to the front and rendered walls. Notwithstanding, the details shown on the proposed plans which indicate a concrete roof tile, a condition will be attached which requires the use of natural slate or a suitable alternative. The proposed dwelling will integrate with an existing building group and be visually contained by the presence of mature woodland to the north. In consideration, the proposal is an appropriate form and scale of development for this location and, therefore, complies with Policy 4 and associated supplementary guidance.
- 6.6 The site is also identified as forming part of the Green Network. Policy 14 supports the protection and enhancement of local green networks identified on the proposals map of the local plan. Access to the wider countryside will remain unimpeded and there will be no harmful and irreversible impacts upon green or wildlife corridors. In view of these circumstances, the policy will not be compromised.
- 6.7 The site falls within a designated Special Landscape Area where Policies 15 and NHE16 seek to conserve those features which contribute to local distinctiveness. All proposed development should take into account the detailed guidance contained in the South Lanarkshire Landscape Character Assessment 2010. The site falls within the Incised River Valley Landscape character type where settlement encroachment and suburban residential development is discouraged. The character of these areas would be very sensitive to any measures which resulted in the loss of natural river landscapes, or the introduction of modern, engineered structures. The proposed development reflects elements of traditional rural architecture and avoids engineered solutions. A woodland backdrop ensures visual containment in the context of the wider area and the development will use an existing horse exercise area. In terms of the impact on landscape character, there are similar low density residential developments nearby and, as such, this proposal can be integrated without appearing out of place. In view of these circumstances, the proposal complies with policies 15 and NHE16.
- 6.8 On 17 August 2020, the Directorate for Planning and Environmental Appeals issued its report of the Examination of the proposed South Lanarkshire Local Development Plan 2. A number of amendments to policy have been recommended which will be carried through to the adoption stage. For the purposes of determining planning applications the Council will assess proposals against the policies contained within the proposed South Lanarkshire Local Development Plan 2, alongside the Reporters amendments. Whilst the Reporters amendments have yet to be ratified

by South Lanarkshire Council they are nevertheless a material consideration. 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 adopted South Lanarkshire Local Development Plan. It is considered that the proposals accord with Policies 2, 4, 5, 13, 14, GBRA8 and NHE16 in the Proposed plan.

- 6.9 In summary, the proposal has no adverse impact on residential and visual amenity, landscape character or road safety. The location, layout, design and proposed finishing materials are all acceptable and it is, therefore, considered that planning permission be granted.

7 Reasons for Decision

- 7.1 The proposal will have no adverse impact on residential amenity or landscape character and raises no road safety concerns. The development complies with Policies 2, 3, 4, 14, 15, GBRA5 and NHE16 of the adopted South Lanarkshire Local Development Plan together with the relevant Supplementary Guidance.

Michael McGlynn

Executive Director (Community and Enterprise Resources)

20 November 2020

Previous references

- ◆ CL/05/0668
- ◆ CL/10/0018

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated 30 July 2020

- ▶ Consultations
 - SEPA Flooding 11.09.2020
 - SP Energy Network 05.10.2020
 - Roads Development Management Team 18.08.2020
 - Roads Flood Risk Management 03.09.2020
 - Roads Development Management Team 08.10.2020

| ► Representations | Dated: |
|-------------------------------------------------------------------------|--------------------------|
| Mrs Margaret Scott, 63 Westport, Lanark, ML11 9HE | 18.09.2020 07.09.2020 |
| Miss Morgan Russell, 87 Elderslie Road, Carluke, ML8 4LH | 07.09.2020 |
| Mr Sam Diamond, Woodend House, Mousebank Road, Lanark, ML11 7TD | 26.08.2020 |
| Mr Stephen Diamonds, Woodend House, Mousebank Road, Lanark, ML11 7TD | 26.08.2020 26.08.2020 |
| Miss Nicola Stevenson, 7 Market Road, Carluke, ML8 4BL | 07.09.2020 07.09.2020 |
| Ms Michelle Harkness, 8 grampian way, cumbernauld, glasgow, G68 9JZ | 26.08.2020 |
| Mrs susan diamond, Woodend House, Mousebank Road, Lanark, ML11 7TD | 26.08.2020 |
| Mr G Alexander, Huntlygate Farm, Lanark, ML11 7SB | 18.09.2020 18.09.2020 |
| Mr Jordan Scott, 87 Elderslie Rd, Carluke, ML8 4LH | 07.09.2020 |
| Mr John Coccozza, 63 Westport, Lanark, ML11 9HE | 07.09.2020 |

Contact for further information

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

Ian Hamilton, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB
 Phone: 01698 455174
 Email: ian.hamilton@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. That the roof of the dwelling shall be clad externally in natural slate or a slate substitute which closely resembles natural slate.

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

03. 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.

04. That before the dwellinghouse hereby approved is occupied, the fence or wall for which the permission of the Council as Planning Authority has been obtained under the terms of Condition 3, shall be erected and thereafter maintained to the satisfaction of the Council.

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

05. That the dwellinghouse shall not be occupied until the developer provides a written agreement from Scottish Water and SEPA that the site can be served by a water supply and sewerage scheme in accordance with relevant standards and regulation

Reason: To ensure that the development is served by an appropriate effluent disposal system and water supply.

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. Prior to the commencement of the development hereby approved (including any demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Council as Planning Authority. Specific issues to be dealt with in the TPP and AMS are as follows:

- a) Location and installation of services/ utilities/ drainage.
- b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
- c) Details of construction within the RPA or that may impact on the retained trees.
- d) A full specification for the installation of boundary treatment works.
- e) A full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.
- f) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
- g) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- h) A specification for scaffolding and ground protection within tree protection zones.
- i) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- j) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires
- k) Boundary treatments within the RPA
- l) Methodology and detailed assessment of root pruning
- m) Arboricultural supervision and inspection by a suitably qualified tree specialist
- n) Reporting of inspection and supervision
- o) Methods to improve the rooting environment for retained and proposed trees and landscaping
- p) Veteran and ancient tree protection and management.

The development shall thereafter be implemented in strict accordance with the approved details.

Reason: To ensure that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality.

08. That no development shall commence until a flood risk assessment has been carried out in accordance with the latest industry guidance, including a completed and signed copy of Appendix A 'Flood Risk Assessment Compliance Certificate' of the Council's Developer Design Guidance (May 2020) to be submitted and approved by the Council as Planning and Flood Authority.

Reason: In order to ensure the risk of flooding to the application site from any source is at an acceptable level as defined in the Scottish Planning Policy and there is no increase in the future of flood risk to adjacent land as a result of the proposed development.

09. That before any dwellinghouse hereby approved is brought into use, access to the site shall be constructed in accordance with Drawing 1154/01 and to the satisfaction of the Council as Roads and Planning Authority, unless otherwise agreed in writing.

Reason: In the interest of road safety.

10. That, before any dwellinghouse hereby approved is completed or brought into use, the first six metres of the access to the dwellinghouse from the carriageway, as per Drawing 1154/01, shall be hard surfaced across its full width to prevent deleterious material being carried onto the road.

Reason: In the interest of road safety.

11. That before the development hereby approved is completed or brought into use, a visibility splay of 2.5 metres by 50 metres to the left and 2.5 metres by 80 metres to the right measured from the road channel shall be provided on both sides of the vehicular access as indicated on Drawing 1154/01 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.

Reason: In the interests of traffic and public safety.

12. That before any dwellinghouse within the development hereby approved is completed or brought into use, all of the parking spaces as shown on drawing 1154/01 of the approved drawings shall be laid out, constructed and thereafter maintained to the specification of the Council as Roads and Planning Authority.

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

13. That, for the duration the construction phase associated with the development hereby approved, appropriate parking facilities, turning facilities and cleaning facilities for construction vehicles shall be put in place within the site. Details of the proposed facilities shall be submitted to and approved by the Council as Roads and Planning Authority prior to commencement of works on site.

Reason: To ensure adequate construction parking and turning facilities are provided and to ensure that mud and debris is not deposited on the public road.

14. That, before any works commence on site, a dilapidation survey shall be undertaken by the applicants, in accordance with the requirements of the Council's Roads and Transportation Services, of Mousebank Road, unless otherwise agreed in writing with the Council as Roads and Planning Authority. Thereafter, any subsequent repair works to the road in question shall be undertaken by the applicants, to the satisfaction of the Council's Roads and Transportation Services,

before any dwellinghouse is occupied on site, unless otherwise agreed in writing with the Council as Planning Authority.

Reason: In the interests of road safety.

15. 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.

P/20/0971

Land at 75m West of Woodend Cottage, Mousebank Road, Lanark



© Crown copyright and database rights 2019 OS 100020730. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.



Scale:
1:2,500
Date:
10/11/2020



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development