

Report

Report to:	Planning Committee
Date of Meeting:	11 May 2021
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/20/1790
Planning proposal:	Erection of boundary walls and associated alterations (Amendment to consent P/18/1157)(retrospective)

1 Summary application information

Application type:	Householder
Applicant:	Mr George Georgien
Location:	6 Strawfrank Road Carstairs Junction Lanark ML11 8PP

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: 03 Clydesdale East
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2021 (SLLDP2):**
Policy DM2 House Extensions and Alterations
Policy 3 General Urban Areas
Policy 5 Development Management and Placemaking

◆ Representation(s):

▶	1	Objection Letters
▶	0	Support Letters
▶	5	Comment Letters

♦ **Consultation(s):**

Estates Services - Housing and Technical Resources

BS Hamilton

Roads Development Management Team

Planning Application Report

1 Application Site

- 1.1 The application site relates to the parking area related to flatted development within the former Station Hotel at 6 Strawfrank Road. The proposal seeks retrospective planning permission for a wall which has been erected to 3m high with coping. The wall has been erected without the benefit of planning permission. To the north of the application site and directly adjacent to the erected wall lies neighbouring property 6A Strawfrank Road. A derelict building without a roof with high walls remaining which has an extant planning permission (CL/17/0467) for the permanent siting of a portable building for use as a hot food takeaway. To the south of the site lies open land with a garage erected which has an extant planning permission for the erection of a dwellinghouse, garage and erection of 2 flatted dwellinghouses. The dwellings have not been erected, however, the garage has. To the east of the site lies adjacent neighbouring property. To the west of the site lies the park and ride for nearby Carstairs train station.

2 Proposal(s)

- 2.1 The proposal seeks retrospective planning permission for a wall within the grounds of 6 Strawfrank Road, a former hotel which has been converted to 5 residential flatted dwellings. The wall is sited on the boundary of the property with 6A Strawfrank Road. The applicant has advised that the wall was erected to screen the derelict building from their development. Initial plans show the wall erected at 3m in height. However, amended plans have been submitted following discussion with the agent to reduce the wall to 2.7m in height.

3 Background

3.1 Local Development Plan Status

3.1.1 South Lanarkshire Local Development Plan 2 (SLLDP2)

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 (SLLDP2), a number of modifications to the proposed plan were recommended. At the Planning Committee on 1 December 2020, members agreed to the approval of all of the modifications in the examination report, the publication and public deposit of the Plan, as modified and the submission of the Plan to Scottish Ministers. The Plan was adopted on 9 April 2021.

- 3.1.2 The application site is on land identified as General Urban Area within the adopted South Lanarkshire Local Development Plan 2 (SLLDP2) 2021. The proposed development requires to be assessed against the following policies:-

- ◆ Policy 2: Climate change
- ◆ Policy 3: General Urban Areas
- ◆ Policy 5 Development Management and Placemaking
- ◆ Policy DM2 House Extensions and Alterations

3.2 Relevant Government Advice/Policy

- 3.2.1 Scottish Planning Policy advises the policy principles of placemaking should take every opportunity to create high quality places by taking a design-led approach. Planning should direct the right development to the right place and support development that is designed to be of the quality and which demonstrates the six qualities of a successful place.

3.3 Planning Background

- 3.3.1 The former Station Hotel at 6 Strawfrank Road has been the subject of various planning applications. In 1999, the site was granted outline planning permission for residential development (CL/99/0287). In 2015, a planning application was approved to convert the use of the former hotel to 4 flatted dwellings, which was in part retrospective, (CL/15/0492). In 2018, planning permission was sought to amend the previous planning approval, to increase the flat numbers to 5 residential flats (P/18/1157). Also, in 2018, planning permission was granted for the erection of a dwellinghouse and garage and erection of 2 flatted dwellings to the rear of the former Station Hotel, however, utilising the same access (P/18/1407).
- 3.3.2 Directly adjacent to the application site lies 6A Strawfrank Road. The premises were formerly a bookmakers and fell into disrepair. The roof has now been removed and the walls of the building remain. In 2017, planning permission was granted for the siting of a portable building for a hot food takeaway within the walls of the derelict building (CL/17/0467). During the handling of that application, it was agreed and approved that the remaining walls of the building would be reduced to 2.7m in height. A notification of initiation to implement this planning permission has been received. Pre-start conditions have been discharged and the owner has submitted correspondence to confirm works have begun.

4 Consultation(s)

- 4.1 **Building Standards** - A wall over 2m in height requires a building warrant. There is a building warrant present for a garage and carport, corresponding application on the same site.
Response: Noted.
- 4.2 **Roads and Transportation Services** – No objections as erection of walls would have no adverse impact on public road network.
Response: Noted.
- 4.3 **Estates** – No objection
Response: Noted, Estates were consulted on this application in error. A further consultation on the corresponding application P/20/1793 has been conducted.

5 Representation(s)

- 5.1 Statutory neighbour notification was undertaken. A total of 6 representations have been received from one representee. The letters submitted refer to issues with this application and P/20/1973 which refers to the erection of a carport and garage which has been assessed separately under delegated powers. The concerns in relation to the wall proposal will be responded to in this report.

(a) Raised concerns at whether other developments on the site have planning permission including signage on gable wall, use of premises as estate agent and car trading company.

Response: This matter has been passed to Planning Enforcement.

(b) Queries in relation to building warrant – the building warrant has been approved is this possible without checks from planning. In addition, no warrants are visible on the portal.

Response: The issue of a building warrant is a separate legislative process which does not require the grant of planning permission to be issued. However, there is some cross working with departments to ensure plans and developments correspond. A planning consultation was sent to Building Standards in relation to P/20/1790. The response on 22 December 2020 was that a building warrant had been submitted for

the carport and garage but that a boundary wall over 2m would require a building warrant. The agent had advised in relation to the wall application, they intended to apply for the building warrant once planning permission had been achieved. The plans shown on the building warrant for the carport and garage (B/20/2236) satisfactorily match that submitted to Planning. This query has been passed to Building Standards to respond in relation to the visibility of the warrant on the portal.

(c) Concerns in relation to the wall height of the proposed retrospective wall will prevent ability to reduce and comply with planning permission CL/17/0467 and prevent ability to maintain. If the Council approves this makes it a legal matter.

Response: Planning permission does not grant any right of access over any adjoining property or land required for the purpose of constructing or maintaining the development. The consent of the appropriate land owner would be required to carry out building work or future maintenance that requires access to a neighbour's ground. Any disputes which arise over access or boundaries are not a planning matter. These are civil matters to be resolved between the parties involved. However, in this case, the erection of the wall at 3m retrospectively is at odds with the request within CL/17/0467 planning permission to reduce the wallhead height to 2.7m to match the portable building it approved. The applicant of the wall on 6 Strawfrank Road has submitted plans to show the wall being reduced to 2.7m to match the adjacent approved application. The representee and owner of 6A has since been in email correspondence to confirm the wall of the derelict building has been reduced to 2.7m. A condition requiring the works to reduce the height of the retrospective wall to 2.7m are completed within 1 month of the expiry of CL/17/0467 shall be imposed on any permission granted.

(d) Queries regarding whether there has been a planning approval for the concrete yard which is over 100sqm. Corresponding concerns in relation to drainage and flooding, this has raised levels adjacent to 6A Strawfrank Road.

Response: This issues do not relate to this application. However, the area referred to was previously a gravel area used by the former Hotel. The change of a gravel area to hardstanding is not considered to be development and therefore planning approval is not required.

(e) Concerns and queries regarding the accuracy of plan in relation to the erection of the wall

Response: This has been raised with the agent and the plans have been amended.

(f) Concerns regarding loss of light to window and overshadowing from the wall.

Response: Loss of light is assessed in the case of habitable rooms within dwellings. The adjacent premises is not a dwelling. The approved scheme for the adjacent premises consists of a temporary building for use as a hot food takeaway which is sited within the remaining walls of a derelict building. Sufficient light would be achieved from the fact there is no roof and the walls of the derelict building are removed from the front of the building. The wall has been reduced in height to 2.7m to match the height of wall approved for 6A Strawfrank Road

(g) Concerns the wall has been erected on the boundary foundations of 6A Strawfrank Road and this wall has to come down, which will result in a requirement to show how the rest of the wall has been supported.

Response: The agent has submitted in writing that buildings have been erected upon boundaries but not over the boundary. The matter of ownership is a private legal matter. The matter of how the wall has been erected is part of the assessment of the Building Warrant.

(k) How many bins should there be for the properties, the bins are overflowing and put outside my property

Response: Refuse collection and grounds maintenance deal with the refuse collections for residential properties. During the assessment of the previous planning application (P/18/1157), it was identified there was sufficient space for bins to the east of the entrance way, this space remains free from development. No planning condition was imposed on the permissions as any further developments would require planning permission in the case of flatted developments.

(l) Are the properties paying Council tax?

Response: The Scottish Assessors website shows Council tax bands for different properties. However, whether a particular property is in arrears is a private matter between the property owner and the Council tax department. This matter is part of separate legislation and has no bearing on Planning decisions.

(m) Have the properties got completion certificates

Response: This matter has been passed to Building Standards. This matter is part of separate legislation and has no bearing on Planning decisions.

(n) Concerns that no longer can access the other side of the wall of 6A Strawfrank Road and unable to maintain and can no longer access rain water pipes, sewage pipes and soil stack as the erected wall is now blocking access. Would planning permission be given which blocks access to services.

Response: The representee has provided an excerpt of titles showing access was to be provided for maintenance. Access for maintenance and for access to services, in particular, where this requires access to another's land is a private legal matter.

(o) With the amount of changes and retrospective builds, builds on boundaries and added submissions etc should there not be more neighbourhood notifications

Response: Neighbour notification is required to be carried out on receipt of a valid planning application to all neighbouring properties within 20m. Neighbour notification can be carried out again if there is a significant change to plans during the handling of the application. In the case of this application, the neighbourhood notification was carried out on receipt of the application. Any amended plans were to seek clarification or amend inaccuracies and are not considered a significant change which would warrant re-neighbour notification.

(p) Concerns in relation to the accuracy of plans which do not show the chimney stack of 6A Strawfrank Road and the 200mm separation between the rear wall of 6A Strawfrank Road.

Response: The plans have been amended to correct this inaccuracy. The Section A-A refers to a section on the side walls not the rear walls. The plans are sufficient for the purposes of the planning assessment.

(q) Concerns raised that neighbours have not received neighbourhood notification on any previous application.

Response: The details of neighbourhood notification were provided to the representee and they confirmed they had no ability to receive post at the address neighbouring the site.

(r) Concerns the erection of the wall will reduce the width of the driveway.

Response: Roads have been consulted on the application and have no objection to the erection of the wall.

(s) Queries whether Planning follow the guidelines of party wall guidance

Response: Planning applications are determined in accordance with the approved development plan, unless material considerations indicate otherwise. The guidelines or legislation in relation to party walls is separate legislation to Planning and is not part of the approved development plan. The guidance on party walls relates to legal issues relating to ownership, a matter which is not a Planning matter.

(t) Queries whether all comments and departments consulted are available to view on the portal. The portal states 11 consulted and 3 comments (date 22.01.2021)

Response: All comments received as representations and consultations from other departments are made available to view on the portal. Building Standards, Roads and Estates were consulted on the application and their responses are available view online via the planning portal. The comments on the portal show 9 comments, 6 public comments and 3 consultee comments. The number of comments may change as comments are received.

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

6 Assessment and Conclusions

6.1 Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the approved Glasgow and the Clyde Valley Strategic Development Plan 2017 (GCVSDP), and the Adopted South Lanarkshire Local Development Plan 2021 (SLLDP 2). Other material considerations to be taken into account include whether adjacent planning permission CL/170467 can still be implemented.

6.2 In the Adopted South Lanarkshire Local Development Plan 2021 (SLLDP 2), the application site is located on land designated as being in the General Urban Area of Carstairs Junction. Policy 3 General Urban Area seeks to ensure proposals do not adversely affect the amenity and character of predominately residential areas. The proposal relates to a wall within the parking and amenity area for use by adjacent flatted dwellings. It is considered a suitable use and type of proposal for the surrounding area. The height of the wall is not considered to be excessive at this location and it will not be overbearing or have an unacceptable visual impact on the amenity of the surrounding area.

6.3 Policy 2: Climate Change seeks to minimise and mitigate against the effects of climate change. The proposal avoids areas of medium to high flood risk, has no significant adverse impacts on the water and soils environment, air quality, biodiversity and/or green networks. Therefore, taking into account the scale of the proposed development, it is considered the proposal meets the terms of Policy 2 of the adopted SLLDP2.

6.4 Policy 5 'Development Management and Placemaking' states that development proposals should take account of and be integrated within the local context and built form. New development should also have no significant adverse impacts on the local community. The proposed wall is sited on a boundary and suitable access, parking and services for the flatted development at the former Station Hotel remain achievable. Concerns had been raised on suitability of the proposal adjacent to approved application CL/17/0467 (portable building for a hot food takeaway). During the handling of CL/17/0467, it was requested the wall head of 6A Strawfrank Road was reduced to 2.7m to be in line with the height of the portable building. The objector raised concerns that the proximity of the proposed wall would limit their ability to reduce the wall to 2.7m and with the proposed wall at 3m, the two walls would be at odds. The applicant

has agreed to reduce the wall to 2.7m to match the intended height of 6A Strawfrank Road. Since submitting representations, the objector has emailed confirming they have been able to reduce the height of their wall (6A Strawfrank Road) to 2.7m. All other concerns raised by the objector have been considered and responded to above. The proposed wall reduced to 2.7m is considered suitable for the surrounding area and adjacent uses. The proposal meets the terms of Policy 5.

6.5 The representations received have raised concerns over other works on the site, drainage and legal ownership issues. The responses to these concerns are detailed above and are not considered to warrant refusal of the proposal.

6.6 Therefore, it is recommended that retrospective planning permission is granted.

7 Reasons for Decision

7.1 The proposal seeks retrospective planning permission for erection of a boundary wall (amendment to P/18/1157). The proposal retains sufficient parking for the flatted development and the adjacent development at 6A Strawfrank Road can also be implemented. The siting, form, scale and design is suitable for the surrounding area. The proposal is acceptable and meets the terms of Policy 2, 3 and 5 of the adopted South Lanarkshire Local Development Plan 2.

Michael McGlynn

Executive Director (Community and Enterprise Resources)

Date: 9 April 2021

Previous references

- ◆ P/18/1157 - Change of use of ground floor of former hotel to form 2 no. 2 bedroom flatted dwellings, erection of car port, access and parking (amendment to CL/15/0492) -Approved
- ◆ CL/17/0467 - Permanent siting of a portable building for use as a hot food takeaway. – Approved
- ◆ P/18/1407 - Erection of a 1 1/2 storey detached dwellinghouse and detached domestic garage together with the erection of 2 flatted dwellings with associated vehicular access and parking (in part retrospective) –Approved
- ◆ CL/15/0492 - Change of use of hotel and public bar (Class 7) to form 4 no. residential flatted dwellings (Class 9) with associated alterations, access and parking (in part retrospective) -Approved

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 18 December 2020

- ▶ Consultations
 - Estates Services - Housing And Technical Resources 22.12.2020
 - BS Hamilton 24.12.2020
 - Roads Development Management Team 04.03.2021

► Representations	Dated:
Alan Chekansky, Received Via E-mail	18.01.2021
Mr Alan Chekansky, 24 Main Street, Braehead, Lanark, ML118EZ	22.01.2021
Mr Alan Chekansky, Received Via Email	17.03.2021
	12.03.2021
	26.03.2021
	19.03.2021

Contact for further information

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

Fiona Bailie, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455271

Email: fiona.bailie@southlanarkshire.gov.uk

Detailed planning application

Paper apart – Application number: P/20/1790

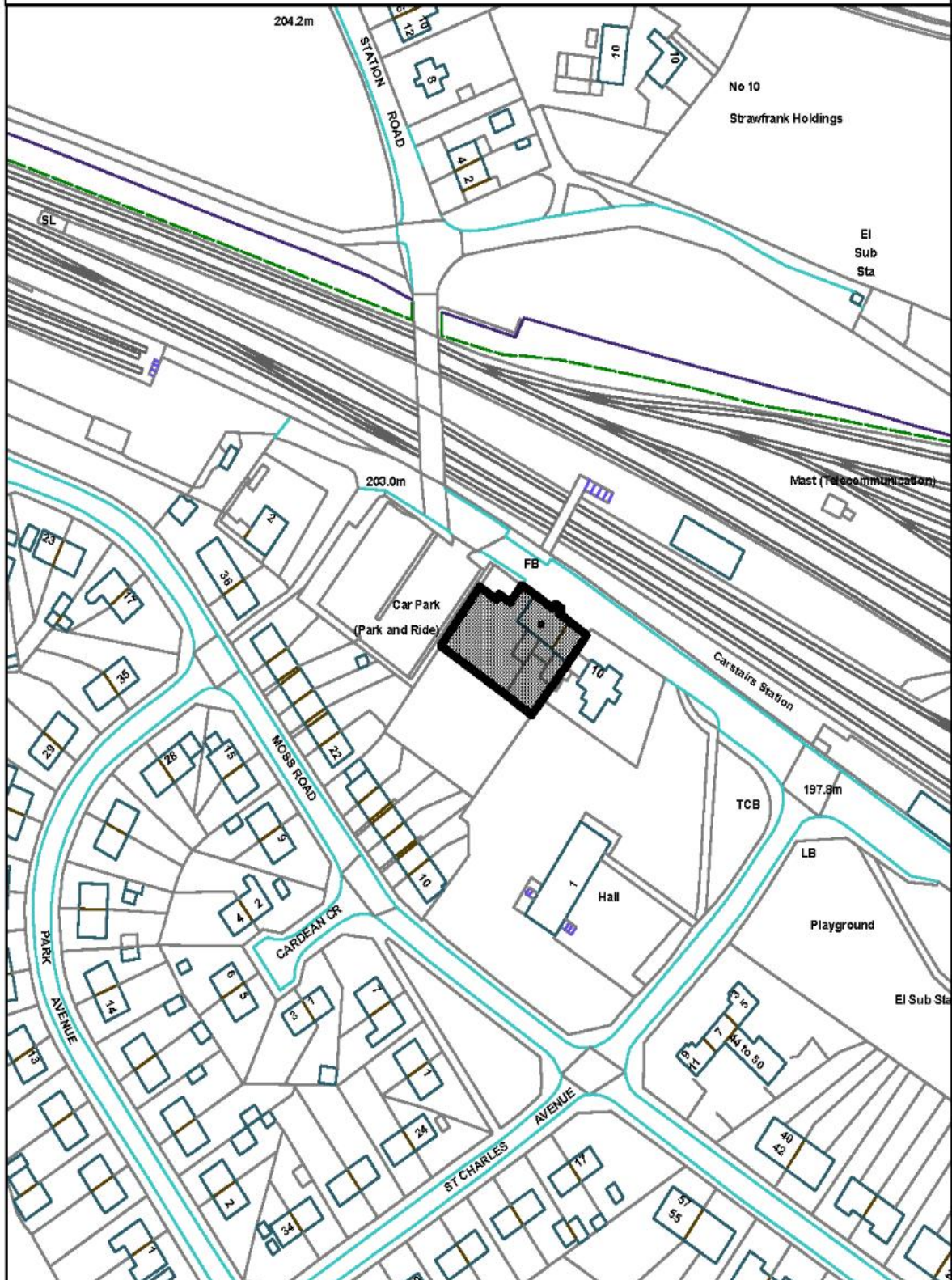
Conditions and reasons

01. That within 28 days of the date of this permission the wall, hereby approved, shall be reduced in height to 2.7m in overall height and thereafter remain at that height.

Reason: To retain effective planning control and safeguard the amenity of the area.

P/20/1790

6 Strawfrank Road, Carstairs Junction, Lanark



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Scale:
1:1,500
Date:
15/04/2021



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development