

Report

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Report to:	Clydesdale Area Committee
Date of Meeting:	18 November 2008
Report by:	Executive Director (Enterprise Resources)

Application No	CL/08/0471
Planning Proposal:	Erection of 1¾ Storey House and Domestic Garage with Associated Ground Works, 3 Heather Road, Nemphlar

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Mr and Mrs Struthers
- Location : 3 Heather Road
Nemphlar
ML11 9JG

2 Recommendation(s)

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

- (1) Grant Detailed Planning Consent (Subject to Conditions – Based on Conditions Attached)

2.2 Other Actions/Notes

- (1) A request for a hearing has been made. The Council's policy on hearings is that requests shall be assessed against the following criteria:
 - a) The majority of Committee Members present agree to hold a hearing.
 - b) Where, in the view of the Committee Chair, an applicant or objector wishes to present relevant new or additional information to Committee which has not been available previously to officers or members.
 - c) Where, in the view of the Committee Chair, an application has attracted a substantial body of objection and the officer's recommendation is to grant planning consent.

3 Other Information

- ◆ Applicant's Agent: Unit 5 Architects Ltd
- ◆ Council Area/Ward: 02 Clydesdale North
- ◆ Policy Reference(s): **Lower Clydesdale Local Plan (Adopted)**
 - Policy RES1: Residential Areas
 - Policy DC1: Development Advice General

Finalised South Lanarkshire Local Plan - (As Modified)

- Policy RES6 – Residential Land Use
- Policy ENV30 – New Housing Development
- Policy DM1: Development Management

◆ Representation(s):

▶	8	Objection Letters
▶	0	Support Letters
▶	0	Comments Letters

◆ Consultation(s):

Roads and Transportation Services (South Division)

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

Scottish Water

Planning Application Report

1 Application Site

- 1.1 The application site is located within Heather Road, Nemphlar. The streetscape consists mainly of single storey dwellinghouses erected along the northern side of the road with open agricultural land to the south. The dwellinghouses are a mixture of modern and traditional design and materials. The site extends to approximately 0.064 hectares and is square in shape. The plot is bounded to the front and rear by open agricultural land, and to the sides by existing single storey dwellings. The ground slopes downward from north-west to south east. Within the site itself there are varying ground levels, and the site slopes downwards from the road edge towards the rear of the site. The site is currently undeveloped land with no significant landscape features except for hedging around the border of the site. There is a vehicular access track along the north-western boundary of the site which provides access to the fields to the north.

2 Proposal(s)

- 2.1 The applicant seeks detailed planning consent for the erection of a 1 $\frac{3}{4}$ dwellinghouse and domestic garage with associated ground works at 3 Heather Road, Nemphlar. The main ground works to be carried out is the erection of a 2 metre retaining wall along the western boundary of the site. It should be noted that there is already a stepped ground level at this boundary. Within the site there will be minor ground works to provide level ground where the footprint of the house will be erected. The front garden of the house will remain at a higher level as existing.
- 2.2 The proposed dwellinghouse would contain 4 bedrooms, all of which would be located on the ground floor. The kitchen, dining and living areas would be sited on the first floor of the house to take advantage of the views of the surrounding rural area. The 1 $\frac{3}{4}$ storey house proposes terrace and dormer feature along the frontage of the first floor. The rear of house would also incorporate features of contemporary design through fenestration and materials. The side gables of the house would be of traditional design with a 40° roof pitch and would be clad in traditional material. The overall height of the house would be 6.9 metres. The rear garden depth proposed is approximately 9.0 metres with an overall useable area of 90m² (excluding the garage). The garage to the rear of the dwelling is single storey in height with a flat roof. The floor area of the development is approximately 136m².

3 Background

3.1 Local Plan Status

- 3.1.1 The application site is located within a residential area where policies RES1 and RES6 of the adopted Lower Clydesdale Local Plan and finalised South Lanarkshire Local Plan (as modified) apply. These policies aim to protect residential amenity and resist development which would have an adverse impact on the amenity of such areas.
- 3.1.2 The aims of policies DC1, DM1 and ENV30 of the adopted and finalised local plans respectively are to ensure that development respects the local context in terms of siting, design and materials and is of high quality design. In particular, policy ENV30 requires development to be appropriate to the character and topography of the site, and where local design is indistinct or of poor quality, then the development should be of an imaginative and innovative design which improves the visual quality of the area.

3.2 Relevant Government Advice/Policy

3.2.1 None.

3.3 Planning History

- 3.3.1 A previous planning application (CL/08/0356) for the erection of a 2 storey house at this site was withdrawn by the applicant before a final decision on the application was made. The 2 storey dwellinghouse was 7.4m in height with a floor area of 170m².

4 Consultation(s)

- 4.1 **Roads & Transportation Services** – have no objections to this application. Visibility splays of 2.5 x 35m are to be provided in both directions. This can be achieved and the boundary hedge is outwith the visibility splay. There is adequate parking space within the driveway for at least 3 vehicles plus sufficient maneuverability to access/exit the garage. A 2.0 metre grass verge should be provided along the frontage of the site.

Response: Noted. The applicant has amended the plans to include a 2.0 metre service strip area along the frontage of the site.

- 4.2 **SEPA** – have no objections to this application. The applicant has carried out a percolation test demonstrating that ground conditions are suitable for the proposed soakaway. However, the soakaway should be appropriately resized using the correct percolation value.

Response: This is not a planning issue, and the details of the soakaway system will be assessed through the submission of a building warrant.

- 4.3 **Scottish Water** - have no objections to this application. However they advise that there may be a requirement for the developer to carry out work on the local water and waste water network to ensure that there is no loss of service to existing customers, and that the developer should discuss this issue directly with Scottish Water.

Response: This is not a planning issue, and a copy of the comments from Scottish Water has been forwarded to the agent. Furthermore, an informative would be attached to any consent granted advising the developer to contact Scottish Water.

5 Representation(s)

- 5.1 Following the carrying out of statutory neighbour notification, 8 letters of objection (1 of which formed part of a request for a hearing) were received. The grounds of objection are summarised below:

a) The scale of the building is excessive and out of keeping with the character of the surrounding area and neighbouring single storey dwellings. The 2 storey roofline will be above other single storey dwellings within the streetscape, and the house would dominate the skyline.

Response: Disagree. The plans submitted demonstrate that the ridge height of the dwellinghouse will not be higher than the neighbouring property to the west of the site. The new house would be higher than the house to the east by 1.8 metres, however this is considered acceptable as the existing dwellings are stepped lower in the streetscape due to the sloping ground level. The proposed house would follow this pattern and visually integrate with the stepped appearance of houses within the street. Furthermore, the house would not dominate the skyline as it is not significantly higher than neighbouring houses, and the frontage will be partially obscured with higher ground levels within the site and the public road.

b) There is concern regarding the ability to provide sufficient drainage in terms of surface run off water and sewerage.

Response: Surface run off from the erection of a dwelling on this site will be assessed through the submission of a building warrant. It should be noted that the granting of planning permission does not over ride the requirements to comply with building standards regulations.

c) The septic tank is shown as being on land outwith the application site, and not on land within the applicant's ownership. This would lead to an extension of residential development into the Rural Area, and beyond the settlement boundary of Nemphlar.

Response: Disagree. The underground septic tank will be located outwith the boundary of the application site within land owned by the applicant. For planning purposes, the residential plot boundary is as per the red line of the application site and the installation of services outwith this does not represent an extension to the curtilage.

d) There is no 2 metre service strip provided along the frontage of the site.

Response: The applicant has amended the plans to include a 2.0 metre service strip area along the frontage of the site.

e) The rear garden depth does not meet the required 10 metres as stated in the Council's Residential Development Guide.

Response: The Council's Residential Development Guide recommends that new dwellings have a minimum rear garden depth of 10 metres. In this case, as there are no dwellings to the rear of the site and window to window distance would not be an issue, it is considered acceptable to reduce the garden depth to approximately 9 metres. The useable garden area is approximately 90m² and meets the minimum requirement of 70m² as stated in the guide.

f) The dwellinghouse would create overshadowing and overlooking issues to neighbouring properties.

Response: Disagree. There would be no overlooking to neighbouring properties as there are no windows proposed on the side elevation except for a narrow bedroom window at ground floor level on the east elevation. This window is obscured from the neighbouring property by existing mature hedging along the boundary. The first floor terrace will not create overlooking as only a partial view to neighbouring front gardens will be possible. It should be noted that the main useable garden ground is to the rear of the properties.

g) The large footprint of the house within the plot leaves limited space for sufficient car parking and appropriate access provision. Furthermore, the number of bedrooms proposed would require more car park provision than can be accommodated on site.

Response: Disagree. Sufficient car parking can be accommodated within the site.

h) The house being cut into the ground will create issues with regards to retaining walls, flooding and road issues.

Response: The issue of surface water run off and retaining walls will be assessed through the submission of a building warrant. There are already stepped changes in ground level within the site and the proposal has taken this into consideration and has worked with the topography of the site in terms of the design and siting of the house.

i) The plot is owned by a development company who is not concerned with the amenity of the area.

Response: Planning permission is tied to the land and not the owner of the land, and the plot can be sold on to a different owner without affecting the planning consent and any associated conditions of the consent. It is not a planning issue whether or not a private individual or company owns the land.

j) Access to the rear garage is not appropriate and would result in occupants parking on Heather Road and creating traffic and road safety issues.

Response: Disagree. See paragraph 4.1

k) Visibility leaving the site is constrained due to hedges and walls along the boundary of the site.

Response: Disagree. See paragraph 4.1

l) There has been little change from the previous application which was withdrawn, and this proposal is still not suitable.

Response: The previous planning application submitted (CL/08/0356) was for the erection of a 2 storey dwellinghouse. The application was withdrawn at the applicants request before a final decision on the application was made. The proposed house has been reduced in height from 7.4m to 6.9m and the floor area has reduced from 170m² to 136m². Furthermore the frontage has been reduced from 4.7m in height to 3.7m

m) The proposed house is urban in design and not appropriate for a rural location. The proposal therefore does not comply with policies ENV33 and DM1 of the finalised South Lanarkshire Local Plan (as modified).

Response: Disagree. In this case the site is located within the settlement boundary of Nemphlar, and policy ENV33 – Development in the Countryside of the Finalised South Lanarkshire Local Plan (as modified) is not relevant. An assessment of the proposal against policy DM1 has been carried out and referred to in paragraph 6.3.

n) The design of the house is not in keeping with neighbouring properties, and the cutting of the ground levels to lower the house exacerbates the urban nature of the house.

Response: Disagree. An assessment of the design and appropriateness of the house within the streetscape and in relation to neighbouring properties has been carried out and is referred to in paragraph 6.3.

o) There is confusion regarding the plans submitted as they use varying scales, which is misleading.

Response: The plans submitted are correct to the scale as stated on the plans. There are Planning Officers available to measure (to scale) the plans submitted for members of the public if they are unsure.

p) The neighbour notification is inaccurate. It does not show that 1 Heather Road owns half of the access track, and have full access over the whole access. It also states that Mr and Mrs Struthers own the application site; this is not correct as it is a company called Brownhill Developments and is not therefore for their own use.

Response: The red line of the application site includes the half of the access track which they own, and therefore there is no requirement to serve owner notification on 1 Heather Road. It should be noted that the ownership of the road and any access rights are a private legal matter. However notwithstanding this, neighbour

notification was served to 1 Heather Road and letters of objection have been received from the occupants of the house, and therefore they have been given the necessary opportunity to assess the proposal and to raise any concerns.

q) There is concern regarding the ability for retaining walls to support the access track and land at 1 Heather Road.

Response: The suitability of the retaining walls will be assessed through the submission of a building warrant.

r) The area given for the “floorscale” of the garage is incorrect according to that shown on the plans, as it scales at 36m².

Response: Disagree. The area of the garage is measured as 36m² on the site plan submitted.

s) Previous applications within Nemphlar have been restricted to single storey and this should apply here.

Response: Each application is assessed on its individual merits. In this case a 1¾ storey house is considered acceptable. An assessment of the design and scale of the house has been carried out and is referred to in paragraph 6.3.

t) The proposal constitutes over development of the site as only 20% of the site remains undeveloped for garden ground.

Response: Disagree. The Council's Residential Development Guide requires development to be comparable with the character of the surrounding area, but as a general guide the individual plot should have a garden to building ratio of 70:30. In this case the ratio of plot to dwellinghouse is 73:27 and complies with the above criteria. Notwithstanding this, the dwellinghouse follows the existing building line of dwellings to the east of the site, and has a similar rear garden depth. The proposal is therefore not out of character with existing neighbouring development.

6 Assessment and Conclusions

- 6.1 The applicant seeks detailed planning consent for the erection of a 1¾ dwellinghouse and domestic garage with associated ground works at 3 Heather Road, Nemphlar. The main considerations in determining this application are its compliance with local plan policy and, in particular, its impact on the residential and visual amenity of the surrounding area.
- 6.2 The site is located within an established residential area where policies RES1 and RES6 of the adopted and finalised local plan respectively apply, and the principle of residential development is considered acceptable. Nevertheless, the impact on the amenity of the area is critical and in that respect the proposal should be assessed against policies DC1 in the adopted local plan and policies ENV30 and DM1 in the finalised local plan as well as the Council's Residential Development Guide.
- 6.3 The aims of policies DC1, DM1 and ENV30 of the adopted and finalised local plans respectively are to ensure that development respects the local context in terms of siting, design and materials and is of high quality design. In particular, policy ENV30 requires development to be appropriate to the character and topography of the site, and where local design is indistinct or of poor quality, then the development should be of an imaginative and innovative design which improves the visual quality of the area. The neighbouring properties are modern in terms of design and materials. There is a mix of traditional and modern house types, although the storey height is mostly single storey within this area of Nemphlar. The proposed house is of high quality innovative and contemporary design and is considered acceptable within the settlement. The materials will be traditional with a slate roof and wet dash or smooth

cement render, with an element of timber cladding. Although the house is 1¾ storey in height, the ridge height will not be significantly higher than neighbouring properties and the frontage will be partially obscured due to higher ground levels and the public road. I consider that in this case, and in view of the site characteristics, a 1¾ storey house can be accommodated without appearing out of place within the streetscape. In view of the above, I consider that the proposal complies with the aims of local plan policies DC1, DM1 and ENV30 to achieve high quality design that creates character while not adversely affecting the visual amenity of the surrounding area.

- 6.4 The proposal complies with the relevant local plan policies and is an appropriate and innovative development for the site. I therefore recommend that planning permission be granted.

7 Reasons for Decision

- 7.1 The proposal would not have a detrimental impact on the residential or visual amenity of the surrounding area and complies with policies RES1 and DC1 of the adopted Lower Clydesdale Local Plan and policies RES6, DM1 and ENV30 of the Finalised South Lanarkshire Local Plan (as modified).

Iain Urquhart
Executive Director (Enterprise Resources)

11 November 2008

Previous References

- ◆ CL/08/0356

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations
 - Scottish Water 27/08/2008
 - Roads and Transportation Services (South Division) 15/08/2008
 - Roads and Transportation Services (South Division) 15/08/2008
 - S.E.P.A. (West Region) 19/09/2008
 - Roads and Transportation Services (South Division) 07/11/2008

► Representations

- Representation from : Janet Lyke, 1 Heather Road, Nemphlar, Lanark, ML11 9JG, DATED 22/08/2008
- Representation from : Michael Lyke, 1 Heather Road, Nemphlar, Lanark, ML11 9JG, DATED 22/08/2008
- Representation from : W J McNab, 19 Heather Road, Nemphlar, Lanark, ML11 9JG, DATED 22/08/2008
- Representation from : Mrs F Parlett, Forrest Field, Hall Road, Nemphlar, ML11 9JE, DATED 25/08/2008
- Representation from : Mr & Mrs W Cartwright, 11 Heather Road, Nemphlar, ML11 9JG, DATED 09/09/2008
- Representation from : Mrs P Mearns, 17 Heather Road, Nemphlar, ML11 9JG, DATED 27/08/2008
- Representation from : Donald Cartwright, 9 Heather Road, Nemphlar, ML11 9JG, DATED 29/08/2008
- Representation from : Michael & Janet Lyke, 1 Heather Road, Nemphlar, Lanark, ML11 9JG, DATED 06/11/2008

Contact for Further Information

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

Pamela McMorran, Planning Officer, Council Offices, South Vennel, Lanark ML11 7JT
Ext 3209 (Tel :01555 673209)

E-mail: Enterprise.lanark@southlanarkshire.gov.uk

CONDITIONS

- 1 That the development hereby permitted shall be started within five years of the date of this permission.
- 2 That notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 (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.
- 3 That no alterations to the finished floor level of the dwellinghouse or ground levels as shown on the approved plans shall take place without the prior written approval of the Council as Planning Authority.
- 4 That the development shall be carried out strictly in accordance with the plans hereby approved and no change to the design or external finishes shall take place without the prior written approval of the Council as Planning Authority.
- 5 That the type and distribution of external finishes shall be as shown on the approved plan, but prior to the commencement of any work on site, samples of the materials to be used shall be submitted to and approved by the Council as Planning Authority.
- 6 Notwithstanding the plans hereby approved, the areas of the dwellinghouse to be externally clad with render shall be done so with wet dash or smooth cement render to be painted off-white.
- 7 That the dwellinghouse hereby approved shall not be occupied until the site is served by a water supply constructed to the specification and satisfaction of Scottish Water.
- 8 That the use of the garage hereby permitted shall be restricted to private use incidental to the enjoyment of the dwellinghouse on the site and no commercial activity shall be carried out in or from the garage.
- 9 That before the dwellinghouse hereby approved is brought into use, a 4.8 metre wide dropped kerb verge crossing to the site to be constructed and the first 4.0 metres behind the edge of the public road to be hard surfaced in accordance with the specification and to the satisfaction of the Council as Roads and Planning Authority.
- 10 That before the dwellinghouse hereby approved is completed or brought into use, a visibility splay of 2.5 metres by 35 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.

- 11 That before the dwellinghouse hereby approved is completed or brought into use, 3 no. parking spaces (2.5m x 5m modules) shall be laid out and constructed within the confines of the site, and thereafter maintained to the specification of the Council as Roads and Planning Authority.

REASONS

- 1 To accord with the provisions of the Town and Country Planning (Scotland) Act 1997.
- 2 In the interests of amenity and to ensure that sufficient useable garden ground remains.
- 3 In the interests of amenity and in order to retain effective planning control.
- 4 In the interests of amenity and in order to retain effective planning control.
- 5 In the interests of amenity and in order to retain effective planning control.
- 6 In the interests of amenity and the character of the surrounding rural area.
- 7 To ensure the provision of a satisfactory water supply system.
- 8 To retain effective planning control and safeguard the amenity of the area.
- 9 In the interest of public safety
- 10 In the interest of road safety
- 11 To ensure the provision of adequate parking facilities within the site.

INFORMATIVES

- 1 This grant of 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 will be required in order 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.
- 2 Details of this application should be sent to SEPA for their consideration and comments, as they are the legal body responsible for some of the matters raised. Scottish Environment Protection Agency,
West Region Head Quarters,
5 Redwood Crescent,
Peel Park,
East Kilbride, G74 5PP
- 3 Scottish Water are the legal body responsible for some of the matters raised by this application. Details of this application should therefore be sent to them at the address below for their consideration and comment.
Scottish Water
Planning & Development Services
419 Balmore Road
Glasgow
G22 6NU
- 4 The applicant is advised that all works carried out on site must be carried out in accordance with BS5228 Parts 1-4 1984/1986, 'Noise control on construction and open sites'.
The applicant is further advised that audible construction activities should be limited to:
Monday to Friday 8.00am to 7.00pm, Saturday 8.00am to 1.00pm and Sunday - No audible activity. The applicant is advised that Environmental Services may consider formally imposing these hours of operation by way of statutory notice should complaints be received relating to audible construction activity outwith these recommended hours and should such complaints be deemed justifiable by Officers from this Service.
Further details of this may be obtained from South Lanarkshire Council, Environmental Services, Atholl House, East Kilbride, G74 1LU. Telephone (01355) 806915
- 5 A road opening permit and dropped kerb is required before any construction commences on site. Please contact the Council's Roads and Transportation Services for further details.
- 6 An application for a building warrant should be submitted for assessment to the Council as Building Standards Authority and the development should not commence until the relevant building warrant has been approved.

For information only

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