

Report

3

| | |
|------------------|--|
| Report to: | Cambuslang and Rutherglen Area Committee |
| Date of Meeting: | 26 September 2006 |
| Report by: | Executive Director (Enterprise Resources) |

| | |
|--------------------|---|
| Application No | CR/05/0374 |
| Planning Proposal: | Revocation of Condition No. 11 of Consent CR/04/0280 Requiring a 1.8 Metre High Screen Wall to be Replaced by a 1.8 Metre High Wall With Brick Piers and Timber "Infill" Panels |

1 Summary Application Information

- Application Type : Deletion of Condition(s)
- Applicant : Regency Homes
- Location : Former Council Depot Adjacent to Drumsagard Hamilton Road, Cambuslang

2 Recommendation(s)

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

- (1) Grant detailed permission subject to conditions – (based on the conditions attached)

2.2 Other Actions/Notes: None

3 Other Information

- ◆ Applicant's Agent: CRGP Ltd
- ◆ Council Area/Ward: 62 Hallside
- ◆ Policy Reference(s): Cambuslang/Rutherglen Local Plan 2002, Policy IND 1 (Industrial Land Use) applicable. In the South Lanarkshire Local Plan (Finalised Draft) the site is identified as a residential development opportunity, Policy RES 2 (proposed Housing Site) being relevant.

- ◆ Representation(s):
 - ▶ 6 Objection Letters
 - ▶ 0 Support Letters
 - ▶ 0 Comments Letters

- ◆ Consultation(s): None

Planning Application Report

1 Application Site

- 1.1 At the southern end of the Drumsagard residential development, immediately to the rear of the Dawn built houses of Larch Place and Larch Close (and the Persimmon Homes dwellings at Nos. 112 to 124 Laburnum Avenue inclusive and associated play area) this application relates to the northern boundary of the flatted development presently being erected by Regency Homes.
- 1.2 Prior to the site being developed by Regency Homes it was a redundant roads depot, previously owned by the Council. In this regard, the northern boundary consisted of chain mesh fencing, which has been supplemented by timber screen fencing that has been erected in association with the neighbouring houses. Due to the existing topography of the area, and site regrading works by Dawn Homes, the properties at Larch Square and Larch Place are at a lower level than the site. These at Laburnum Avenue however do not have such a profound change in level and are separated by a narrow row of self seeded trees and bushes.
- 1.3 Planning consent was issued to HJ Banks in March 2005 for the erection of 60 flats with associated parking and landscaping (Consent CR/04/0280). In addition, the original site was increased in size with the issue of Consent CR/05/0360 in July this year for the erection of an extra 9 flats. Both of these consents required by condition, the erection of appropriate boundary treatment along the site's northern boundary, and will result in car parking spaces being formed adjacent to this boundary.

2 Proposal(s)

- 2.1 It is now proposed to replace the 1.8 metre high screen wall required by the previous planning Consent CR/04/0280 with a 1.0 metre high wall with brick piers (450 mm wide) and 825mm high timber infill panels, each timber panel being 1800 mm in length. This wall/fence will run the full length of the northern boundary, excluding a pedestrian link to the neighbouring open space/play area. The wall will be finished (both sides) with facing brick, the timber fence being double sided with a light coloured 'stain' finish.
- 2.2 When the application was first lodged the applicant proposed to erect a 1.8 metre high timber fence as they were of the view that the erection of a brick wall was unnecessary, impractical, and to a certain degree, difficult due to the changes in level and the impact this would have in the foundation design.

3 Background

- 3.1 The site is within an industrial land use area in terms of the adopted Cambuslang/Rutherglen Local Plan, this land identification being superseded by the issue of Consent CR/04/0280. In this connection the Finalised Draft of the South Lanarkshire Local Plan 2006 identifies the site as being a residential development opportunity.
- 3.2 **Government Advice/Guidance:** None directly applicable given the relatively minor nature/scale of the proposal.
- 3.3 There have been two planning applications of relevance to the present submission, namely:

CR/04/0280 "Erection of 60 flats (5 blocks, 4, 3 and 2 storeys high) associated parking and landscaping." Approved March 2005

CR/05/0360 "Erection of 9 flats with associated access, car parking and landscaping." Approved July 2006

4 Consultation(s)

None

5 Representation(s)

5.1 Statutory neighbour notification was undertaken following which six letters of objection (3 of which are identical) were received. Furthermore, following receipt of revised drawings those that lodged a representation were contacted again and two responses have been received confirming that the wall/fence is acceptable to them.

5.2 The issues raised in the six representations originally received can be summarised as:

(a) Fence will not provide adequate screening from the car park at the rear of the existing houses, especially given the difference in height.

Response: It is acknowledged that car parking spaces will be at the rear of the existing houses and this in part was the original justification for requiring substantial boundary treatment with the issue of Consent CR/04/0280. As a result the applicant was advised that it would be difficult to support their original proposal (a timber fence) as this was considered not substantial enough given the difference in levels and the fact that vehicles would be parked against it. In return, the applicant revised the proposal to offer a "compromise" solution which will result in the greatest part of the boundary being of brick construction.

(b) Fence will not stop car headlights or noise penetration.

Response: Again, it was realised when application CR/04/0280 received consent, a fence would not be the most appropriate treatment given its potential for noise/light penetration. In this regard however the applicant did suggest that a "solid" timber fence be erected in order to address headlight and noise nuisance and this was the basis for the original proposal. Notwithstanding this, for aesthetic and other reasons, the erection of a fence would not be the most robust boundary, and therefore the applicant was encouraged to re-consider their proposal. In this respect, the erection of a wall, one metre high, with brick piers and timber panels will be more substantial, help prevent noise and headlight intrusion and in visual terms, be more pleasing.

(c) Developer should not be allowed to alter previously agreed requirements.

Response: It is not unusual for the developers to amend/revise their proposals once consent has been issued and the appropriate planning legislation makes provision for this by allowing "amendments to consent".

(d) Existing timber fence is not owned by Regency Homes and has been erected on land outwith their ownership/control.

Response: Given that the fence was erected in conjunction with neighbouring house building operations, I am confident that the existing timber fence will be owned by neighbouring proprietors. In a similar manner, the fence should also be erected on land that was owned by the respective house builders and sold to the present residents. Consequently the fence should not be positioned on land owned by Regency Homes.

(e) Safety concerns regarding the possibility of cars crashing through fence into rear gardens at a lower level, when children are about.

Response: Hopefully the above scenario would never arise, but as accidents can happen, it is acknowledged that a timber fence would not provide the best retention for any vehicle that hit it at speed. In this connection, the revised proposal will result in a one metre high wall, 300mm wide, which should provide a greater degree of resistance should any vehicle hit it. However, there can be no guarantee that the wall will be safer than a fence.

- 5.2 Overall, it is acknowledged that a number of the concerns raised did have a degree of substance in relation to the original proposal, i.e. timber screen fence. The revised application however, (wall with fence panels) will, to a large degree, address in a satisfactory manner, the concerns that have been raised.

6 Assessment and Conclusions

- 6.1 With the issue of consent CR/04/0280 it was acknowledged that the boundary treatment between the site and the neighbouring houses would have to be more than the 'normal' timber screen fence given the differences in height and the fact that vehicles would be parked adjacent to it. As a result, a condition requiring a screen wall was imposed and this was accepted by the original grantee of consent (HJ Banks).
- 6.2 With the change in site ownership, the applicant (Regency Homes) exercised their right to request that the requirement for a wall be replaced by a solid timber screen fence. Notwithstanding the financial aspects associated with such a change, the applicant was advised that a timber screen fence was considered unsuitable for a number of reasons, primarily relating to long term integrity, visual aspects/amenity considerations, headlight intrusion etc. and therefore they were advised that support for the proposed timber fence would not be forthcoming.
- 6.3 In response to the timber fence being unacceptable, the agent examined alternative options and eventually proposed the wall with timber infill panels as an acceptable solution. In this regard, I am of the view that from a planning perspective this revision/change can be viewed favourably as it will:
- a) Provide a robust boundary treatment;
 - b) Will provide a solid wall, one metre high, which will prevent significant light spillage from vehicles entering or leaving the adjoining parking bays during hours of darkness;
 - c) Will help reduce/absorb noise from vehicles parking/leaving, and
 - d) Will provide a solid structure which should afford a greater degree of protection/safety for those neighbouring the site.
- 6.4 The representations received generally expressed concerns relative to issues (a) to (d) above, and in response to the revised wall/fence proposal, two of the original six objectors have written acknowledging the revised wall/fence as an acceptable alternative/compromise. Walls/fences similar to that now proposed exist elsewhere in Drumsagard, and afford rear garden areas an acceptable level of amenity and protection from adjacent traffic. On this basis, I am persuaded that the wall/fence now proposed will achieve the same outcome as the wall originally required by condition and on this basis, there are no sound or justifiable reasons for refusing

consent. Consequently, the issue of planning permission, subject to the recommended conditions, would be appropriate.

7 Reasons for Decision

- 7.1 The proposal complies with the applicable provisions of the South Lanarkshire Local Plan (Finalised Draft) 2006. In this connection, the impact on the amenity of neighbouring residents will be within acceptable limits, and the revised proposal will be satisfactory in addressing the reasons for the imposition of Condition No 11 of Consent CR/05/0374. In addition, the amended proposal is now acceptable to some of the neighbours who originally lodged a representation.

Iain Urquhart

Executive Director (Enterprise Resources)

18 September 2006

Previous References

- ◆ None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ Neighbour notification certificate dated 11 November 2005
- ▶ Cambuslang/Rutherglen Local Plan 2006
- ▶ South Lanarkshire Local Plan (Finalised Draft) 2006
- ▶ Previous applications CR/04/0280 and CR/05/0360
- ▶ Letter dated 9th November 2005 from CRGP
- ▶ Letter dated 7th December 2005 to CRGP
- ▶ Letter dated 23rd June 2006 from CRGP
- ▶ Letter dated 27th July to all those who lodged a representation
- ▶ Letter dated 14th August from Mr. T Farrell
- ▶ Letter dated 14th August 2006 from Mr. W Taylor
- ▶ Representations
 - Representation from : A Grant, Address Unknown, DATED 23/12/05
 - Representation from : Mr and Mrs Taylor, 6 Larch Place
Cambuslang G72 7BP, DATED 06/12/05
 - Representation from : Mr and Mrs J S Eardley, 9 Larch Place
Cambuslang G72 7BP, DATED 07/12/05
 - Representation from : Owner/Occupier, 8 Larch Place
Cambuslang G72 7BP, DATED 07/12/05
 - Representation from : Mr McDonald, 7 Larch Place
Cambuslang G72 7BP, DATED 07/12/05
 - Representation from : Tom Farrell, 5 Larch Place
Cambuslang, DATED

Contact for Further Information

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

Steven Clark

(Tel : 0141 613 5140)

E-mail: Enterprise.cam-ruth@southlanarkshire.gov.uk

Deletion of Condition(s)

PAPER APART – APPLICATION NUMBER : CR/05/0374

CONDITIONS

- 1 That the development hereby permitted shall be started within five years of the date of this permission.
- 2 That the development shall be carried out strictly in accordance with the plans hereby approved and no change to the design shall take place without the prior written approval of the Council as Planning Authority.
- 3 That for the avoidance of doubt, the wall element of the development hereby approved shall be fair faced both sides to the satisfaction of the Council as Planning Authority.
- 4 That before any development commences on site or before any materials are ordered or brought to the site, details and samples of the facing brick to be used as external finishes on the wall shall be submitted to and approved by the Council as 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 in order to retain effective planning control.
- 3 In the interests of the visual amenity of the area in general ,and the adjoining houses in particular.
- 4 In the interests of amenity and in order to retain effective planning control.

For information only

For information only

