

Report

Report to:	Clydesdale Area Committee
Date of Meeting:	13 February 2007
Report by:	Executive Director (Enterprise Resources)

Application No	CL/06/0439
Planning Proposal:	Erection of 4 Semi-Detached Houses, 1 Single House, Formation of Vehicular Access, Associated Parking Area and Landscaping

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : William Anderson
- Location : Land opposite 79 Vere Road
Kirkmuirhill

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 Listed)

2.2 Other Actions/Notes

The Area Committee has delegated powers to determine this application

3 Other Information

- ◆ Applicant's Agent: N/A
- ◆ Council Area/Ward: 04 Blackwood
- ◆ Policy Reference(s): Lower Clydesdale Local Plan (Adopted)
 - Policy RES1: Residential Areas

South Lanarkshire Local Plan (Finalised Draft)

- Policy RES6: Residential Land Use
- Policy ENV11: Design Quality
- Policy ENV29: New Development Design
- Policy ENV30: New Housing Development
- Policy DM1: Development Management

- ◆ Representation(s):

▶ 4 Objection Letters

◆ Consultation(s):

Environmental Services

Roads and Transportation Services (South Division)

Scottish Water

Planning Application Report

1 Application Site

- 1.1 The application site is located on a gap site situated to the side and rear of 82 Vere Road, Kirkmuirhill. The site contains two lock-up garages with vehicular access taken directly from Vere Road. The ground levels on the site are generally level and the site consists of overgrown grass with established trees and hedges along the side and rear of the site. Residential dwellings bound the site to the north, west and south. A bakery and bistro bound the site to the east.

2 Proposal(s)

- 2.1 The applicant seeks detailed planning consent for the erection of 4 semi-detached and one single dwellinghouse and the formation of a vehicular access. The submitted plans show one-and-a-half storey units, each containing 3 bedrooms. The proposals originally included the use of dormers on both elevations. However, following discussions with the applicant, the rear dormers on the semi-detached houses have been deleted. It is proposed to upgrade an existing vehicular access to form a private access road to serve the dwellings.

3 Background

3.1 Local Plan Status

The application site is covered by Policy RES1: Residential Areas of the adopted Lower Clydesdale Local Plan. The finalised draft South Lanarkshire Local Plan constitutes a material consideration in the determination of this application and Policy RES6: Residential Land Use, Policy ENV11: Design Quality, Policy ENV29: New Development Design, Policy ENV30: New Housing Development and Policy DM1: Development Management apply in this respect.

3.2 Relevant Government Advice/Policy

Scottish Planning Policy 3: Planning for Housing, affirms that the planning system should encourage the creation of attractive, sustainable residential environments. New residential development must make efficient use of resources, reusing previously developed land wherever possible, supporting the aim of reducing energy consumption, and being accessible by forms of transport other than the private car. The Scottish Executive looks to planning authorities to maintain the effectiveness of existing greenbelts, safeguard the character and amenity of the countryside and protect the setting of towns. SPP3 advocates that most housing requirements therefore, should be met within or adjacent to existing settlements, making efficient use of existing infrastructure and public services, helping to conserve natural heritage and protect rural amenity.

3.3 Planning History

Outline planning permission was granted for the erection of two dwellinghouses on the site in May 2000 (CL/00/0117). This consent expired and a further outline application for 2 dwellinghouses was then granted in February 2005 (CL/04/0893). Conditions were attached to the consent restricting the height of any houses to no more than one-and-a-half storeys, a prohibition on the use of dormers and the identification of a building zone. The applicant then submitted an application for 6 semi-detached dwellinghouses on the site in 2005, however the application was subsequently withdrawn (CL/05/0402).

4 Consultation(s)

- 4.1 **Environmental Services** – offer no objections subject to conditions attached to any consent in relation to the provision of a site investigation to establish if there is any contamination on the site.

Response: Noted. This can be covered by condition.

- 4.2 **Roads and Transportation Services** – offer no objections subject to conditions in relation to a suitable access, visibility splays, drainage, parking and turning facilities.

Response: Noted. These issues can be covered by condition.

- 4.3 **Scottish Water** – offer no objections, however they indicate that there is insufficient capacity at the Dunside Water Treatment Works to serve the development.

Response: Noted. For the avoidance of doubt, a condition can be attached to any consent to ensure suitable sewerage infrastructure is installed prior to the occupation of any of the dwellinghouses.

5 Representation(s)

- 5.1 Following the statutory neighbour notification procedure, four letters of objection were received. The contents of the objections and my comments thereon are summarised below:

- (a) **The neighbour notification failed to supply the necessary details, ie. no plan was attached.**

Response: The applicant was asked to re-issue neighbour notification correctly, which he subsequently carried out.

- (b) **Concerns over loss of privacy to adjoining houses and their garden areas.**

Response: The layout shows that a 19m window to window distance would be achieved at the closest point between the proposed houses and the existing properties in Westend Gardens. However the existing dwellinghouses are situated at an angle to the proposed dwellinghouses. Therefore I do not consider that the upper floor dormer windows will cause any overlooking issues within existing properties in this direction. In addition, there would be a minimum 11.6 metre distance between the new houses and the rear boundary of the garden areas of the adjoining houses, which is considered acceptable. The applicant originally proposed the formation of dormer windows on the rear elevation, however given that the normal guidelines of a minimum window-to-window distance of 20 metres would not be met, between the new houses and an existing house on Strathaven Road, the applicant was asked to delete the dormer windows on the two semi-detached blocks and replace with velux windows instead. The applicant agreed to carry this out.

- (c) **Concerns about overshadowing.**

Response: I do not consider that the proposed dwellinghouses will cause significant overshadowing issues.

- (d) **Concerns about noise nuisance from the proposed vehicular access.**

Response: I do not consider that the proposal will result in a significant increase in noise levels.

- (e) **The proposal represents over-development.**

Response: The outline consent at this site does refer to the formation of two plots. The applicant submitted a previous application for six units on the site, however as this was considered to be over-development of the site, he was advised to reduce the number of dwellings. This current application represents an amendment to the previous proposal whereby the applicant has reduced the proposal to 5 units. The proposal generally complies with the Council's Residential Development Guide and, as such, I do not consider it represents over-development.

(f) **Concerns about increased traffic and subsequent safety issues.**

Response: The Council's Roads Service were consulted on this proposal, and they offer no objections subject to conditions. I am satisfied that the applicant can meet the relevant conditions and do not consider that the proposal will result in significant traffic safety issues.

(g) **Concerns about stability and retention of the site to ensure no damage to adjacent property.**

Response: Any damage to neighbouring property by the applicant would be a civil matter between the two parties involved. Any issues of retention would be assessed under the subsequent Building Warrant for the proposal.

These letters have been copied and are available for inspection in the usual manner.

6 Assessment and Conclusions

- 6.1 The determining issues in consideration of this application are its compliance with local plan policy, the Council's Residential Development Guide and its impact on amenity.
- 6.2 The site is covered by Policy RES1: Residential Areas of the adopted Lower Clydesdale Local Plan which identifies that it is within a predominantly residential area. The development of dwellinghouses is therefore acceptable in principle providing the proposal does not adversely affect local character or amenity.
- 6.3 Similarly, Policy RES6: Residential Land Use of the finalised draft South Lanarkshire Local Plan identifies the site as being within a residential area. This policy states that the Council will oppose the loss of houses to other uses and will resist any development that will be detrimental to the amenity of those areas while each application will be judged on its own merit, with particular consideration given to the impact on residential amenity. It further states that all new development must comply with Council design policies as set out in Policy ENV11: Design Quality and Policy DM1: Development Management. Policies ENV29: New Development Design and ENV30: New Housing Development are also relevant.
- 6.4 Policy DM1: Development Management states that proposals will require to take account of the local context and built form and should be compatible with adjacent buildings and surrounding streetscape in terms of scale, massing, design, external materials and impact on amenity. Proposals require to meet certain criteria in order to comply with this policy. I am satisfied that the proposed layout and design are appropriate and consider, therefore, that the proposal complies with this policy.
- 6.5 Policies ENV11: Design Quality, ENV29: New Development Design and ENV30: New Housing Developments seek to promote quality and sustainability in a development's design and state that any new development should enhance and

make a positive contribution to the character and appearance of the urban environment in which it is located. It is considered that the proposal complies with these policies.

- 6.6 The proposal also complies with the general principles of the Council's Residential Development Guide and it is considered that, given the scale and the design of the dwellinghouses, there is no impact on the residential amenity of the area. In addition, there are no road safety or infrastructure implications.
- 6.7 I conclude that the proposal complies with the local plan policy and will result in a development that will integrate well with the existing residential area and the adjoining development and is at a sustainable location. I therefore recommend that planning permission be granted.

7 Reason for Decision

- 7.1 The proposal is consistent with Policy RES1 in the adopted Lower Clydesdale Local Plan and Policies RES6, DM1, ENV11, ENV29 and ENV30 of the finalised draft South Lanarkshire Local Plan. It is also generally compliant with the Council's Residential Development Guide.

Iain Urquhart
Executive Director (Enterprise Resources)
30 January 2007

Previous References

- ◆ CL/00/0117
- ◆ CL/04/0893
- ◆ CL/05/0402

List of Background Papers

- ▶ Application Form
- ▶ Application Plans

- ▶ Consultations
 - Roads and Transportation Services (South Division) 04/07/2006 & 0/01/2007
 - Scottish Water 18/07/2006
 - Environmental Services 06/07/2006

- ▶ Representations
 - Representations from : Peter M Simpson, 2 Westend Gardens, Kirkmuirhill
ML11 9QD, DATED 26/06/2006 & 30/05/2006
 - Representation from : Brian Head & Susan Wood, 1 Westend Gardens, Blackwood
MI11 9QD, DATED 14/06/2006
 - Representation from : Clydesdale Trading Society Limited, Western Buildings
80 Vere Road, Kirkmuirhill, DATED 24/06/2006

Contact for Further Information

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

Gail Rae

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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 no trees within the application site shall be lopped, topped, pollarded or felled, and no shrubs or hedges shall be removed from the application site without the prior written consent of the Council as Planning Authority.
- 3 That the existing trees to be retained must be protected in accordance with methods as set out in BS5837/1991 during and until completion of all site operations and building works.
- 4 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.
- 5 That no consent is hereby granted for the type and distribution of external finishes as shown on the approved plan, and no work shall commence on site until samples of alternative materials have been submitted to and approved in writing by the Council as Planning Authority.
- 6 That before any of the dwellinghouses hereby approved are completed or occupied, a 1.8 metre high screen fence shall be erected along the boundary marked BROWN on the approved plans.
- 7 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.
- 8 That no dwellinghouse shall be occupied until the site is served by a sewerage scheme and public water supply to the specification and satisfaction of Scottish Water as Sewerage Authority.
- 9 That before any of the dwellinghouses hereby approved are brought into use, a 5.0 metre wide dropped kerb footway crossing to the site shall be constructed in accordance with the specification and to the satisfaction of the Council as Roads and Planning Authority.
- 10 That before any of the dwellinghouses hereby approved are completed or brought into use, a visibility splay of 2.5 metres by clear sightline to the right and 2.5 metres by 60.0metres measured from the road channel shall be provided to the left of the vehicular access and everything exceeding 1.05 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 1.05 metres in height shall be planted, placed or erected within these sight lines.
- 11 That before any of the dwellinghouses hereby approved are completed or brought into use, the new vehicular access shall be constructed. This shall incorporate a 5 metre wide carriageway for the first 10 metres behind the heel of the existing

footway on Vere Road and thereafter shall be 3.2 metres. The first 2.0 metres of the access from the footway shall be paved, all to the satisfaction of the Council as Roads and Planning Authority.

- 12 That before any of the dwellinghouses hereby permitted are occupied, 2 car parking spaces shall be provided within the curtilage of each dwelling and outwith the public road or footway and shall thereafter be maintained to the specification of the Council as Planning Authority.
- 13 That before any of the dwellinghouses hereby approved are completed or brought into use, a turning space shall be provided within the curtilage of each dwelling to enable vehicles to enter and leave the application site in forward gears at all times.
- 14 That for the avoidance of doubt, no consent is hereby granted for the formal parking spaces shown in PURPLE on the approved plans, and that before any work commences on site a landscaping scheme shall be submitted to and approved by the Council as Planning Authority for this area of ground.
- 15 That the approved landscaping scheme shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of the building(s) or completion of the development hereby approved, whichever is the sooner, and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.
- 16 That before any of the dwellinghouses hereby approved are occupied, a drainage system capable of preventing any flow of water from the site onto the public road or neighbouring land, or into the site from surrounding land shall be provided and maintained to the satisfaction of the Council as Roads and Planning Authority.
- 17 That before development starts a fully intrusive survey shall be carried out and its findings submitted to and, approved in writing by the Council as Planning Authority. This survey shall investigate all aspects of potential contamination, indicated by a Phase 1 Investigation (Desk Study) of the site. The report of the investigation shall clearly document the methodology, findings and results. The risk posed by the presence of pollutants in relation to sensitive receptors shall be assessed to current guidelines and, where appropriate, recommendations for further investigations or remediation options to reduce the risks identified.
- 18 That before work commences on site, details of surface water drainage arrangements shall be submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design Criteria and requirements.
- 19 That the surface water drainage system, approved under the terms of Condition 18 above, shall be implemented simultaneously with the development hereby approved, to the satisfaction of the Council as Planning Authority and SEPA and shall be completed prior to the last dwellinghouse hereby permitted being occupied.

REASONS

- 1 To accord with the provisions of the Town and Country Planning (Scotland) Act 1997.
- 2 To ensure the protection and maintenance of the existing trees and other landscape features within the site.
- 3 To ensure that adequate steps are taken to protect existing trees on the site throughout the period of the proposed building operations.
- 4 In the interests of amenity and in order to retain effective planning control.
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- 7 These details have not been submitted or approved.
- 8 To ensure that the development is served by an appropriate effluent disposal system and public water supply.
- 9 In the interest of public safety
- 10 In the interest of road safety
- 11 In the interest of public safety
- 12 To ensure the provision of adequate parking facilities within the site.
- 13 In the interest of public safety
- 14 The dimensions of the car parking spaces shown do not comply with the Roads and Transportation Services Standards
- 15 in the interests of amenity
- 16 To ensure the provision of a satisfactory drainage system
- 17 To ensure the site is free of contamination and suitable for development
- 18 To ensure that the disposal of surface water discharge from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimum adverse impact on people, the environment and alleviate the potential for 'off-site' flooding.
- 19 To ensure the provision of a satisfactory land drainage system.

For information only

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