

Report

Report to:	Clydesdale Area Committee
Date of Meeting:	24 October 2006
Report by:	Executive Director (Enterprise Resources)

Application No	CL/06/0565
Planning Proposal:	Erection of Raised Timber Deck to Rear of House (Retrospective)

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Mr & Mrs Paterson
- Location : 7 Lodge Cottages
Elvanfoot

2 Recommendation(s)

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

- (1) Refuse Detailed Planning Permission (for Reasons Stated)

2.2 Other Actions/Notes

- (1) The Area Committee has delegated powers to determine this application
- (2) If Committee agree to refuse the application, I recommend that enforcement action be initiated to remedy the breach of planning control and, in particular, to ensure the raised timber deck is removed and the land restored to its original condition within 3 months of the date of the notice.

3 Other Information

- ◆ Applicant's Agent:
- ◆ Council Area/Ward: 07 Duneaton/Carmichael
- ◆ Policy Reference(s): Upper Clydesdale Local Plan (Adopted)
 - Policy 76: Scenic Area
 - Policy 99: Environment
 South Lanarkshire Local Plan (Finalised Plan)
 - Policy STRAT 5: Rural Investment Area Policy
 - Policy ENV4: Protection of the Natural and Built Environment
 - Policy ENV 11: Design Quality Policy
 - Policy ENV 12: Flooding Policy
 - Policy DM 1: Development Management Policy
 - Policy DM 4: House Extensions and Alterations Policy

◆ Representation(s):

- ▶ 1 Objection Letter
- ▶ 1 Support Letter

◆ Consultation(s):

Roads & Transportation Services H.Q. (Flooding)

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

United Clyde Angling Protection Association Ltd

Planning Application Report

1 Application Site

- 1.1 The application site is located at 7 Lodge Cottages, Elvanfoot and comprises of a traditional cottage dwelling with associated garden ground. This garden ground slopes down to the edge of the River Clyde. The site is bounded to the north east by the River Clyde, to the north and west by residential properties, by a suspension footbridge (Category B Listed) over the Clyde to the east and by open fields to the south.

2 Proposal(s)

- 2.1 Retrospective planning permission is sought for the erection of raised timber decking and associated steps to the rear of the dwellinghouse. The decking covers 78 sq metres and projects out into the River Clyde, constructed on supporting posts. The decking is finished with a natural woodstain.

3 Background

3.1 Local Plan Status

The application site is located within the rural area where Policy 76: Scenic Area and Policy 99: Environment of the adopted Upper Clydesdale Local Plan applies. The site is identified in the replacement South Lanarkshire Local Plan (Finalised Plan) as being within the Rural Investment Area, subject to Policy STRAT 5: Rural Investment Area Policy, Policy ENV4: Protection of the Natural and Built Environment, Policy ENV 11: Design Quality Policy, Policy ENV 12: Flooding Policy, Policy DM 1: Development Management Policy and Policy DM 4: House Extensions and Alterations Policy.

3.2 Relevant Government Advice/Policy

SPP7: Flooding, states that the Scottish Executive expects developers and planning authorities to err on the side of caution in decision-making whenever flooding is an issue. Flood risk will be a material consideration in a range of cases. New development should not take place if it would be at significant risk of flooding from any source or would materially increase the probability of flooding elsewhere. The Policy in the SPP is based on the following principles:

- ◆ Developers and planning authorities must give consideration to the possibility of flooding from all sources;
- ◆ new development should be free from significant flood risk from any source; and
- ◆ new development should not materially increase the probability of flooding elsewhere.

3.3 Planning History

There are no records of any previous applications for the site.

4 Consultation(s)

- 4.1 **Roads and Transportation Services – Network Engineering** – recommend refusal of the application as it is likely that the structure has not been designed to withstand a 1 in 200 year storm event. They consider that a flooding event would submerge the decking area, contrary to advice contained in SPP7: Planning and Flooding. This relevant policy advice states that new development should be free from significant flood risk from any source. Due to the nature of the structure there is concern that during flood events the deck may be uplifted from its supports and washed

downstream, causing potential damage to property together with a risk of flooding should a blockage occur further downstream.

Response: Noted and agreed. I share concerns that the decking area may become detached and cause further damage to property downstream of the site. I also agree that the proposal conflicts with the guidance contained in SPP7: Flooding.

- 4.2 **United Clyde Angling Protection Association Ltd** – object to the application on the grounds that legal access along the riverbank is being denied, there may be damage to fish spawning areas and invertebrates, no ecological surveys have been carried out, severe flooding may result due to debris being held back, a SEPA licence is required for in-stream works and the platform is not suitable for the river system. They recommend complete removal and restoration of the riverbed.

Response: Noted. The approval of the decking platform may present future issues, particularly in respect of resultant flood damage in the area.

- 4.3 **SEPA** – object to the application on the grounds that it could place buildings and persons at flood risk as there is a potential for the decking to impede river flow as a result of debris and therefore adversely impact flood risk at the site or elsewhere, contrary to SPP7. They also state that there may be a risk to its structural integrity from high velocities during storm flows and a risk of erosion at deck piers which could impact on the overall stability of the structure. If the Council is minded to grant consent, the application must be referred to Scottish Ministers.

Response: Noted. The concerns raised by SEPA are shared by this Service.

5 Representation(s)

- 5.1 The application was advertised due to non-notification of all neighbours. Following statutory neighbour notification and the advertisement period one letter of objection and one letter of support have been received. The grounds of the representations are as follows;

- (a) **The proposal spoils views of the River Clyde.**

Response: Agreed. The scale and position of the decking results in a visually prominent structure that detracts from views of the river and the wider rural area in which the site is located.

- (b) **Access to the river will be prevented.**

Response: Noted, however this is a legal matter outwith the remit of this Service.

- (c) **The decking will create an obstruction to the river flow in wet weather.**

Response: Agreed. Consultation responses indicate that the potential exists for the structure to impede the river flow at the site.

- (d) **Approval would create a precedent for further similar applications.**

Response: Agreed. Approval would, in my opinion, create a precedent in this area of high landscape character.

- (e) **It should be welcomed that the applicants are taking an interest in their property and the village. The applicant's decking enhances the beauty of the lower village.**

Response: Noted, however the improvement of their property should not be to the detriment of the visual amenity of the wider area nor the potential for flood risk at the site or elsewhere.

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

6 Assessment and Conclusions

- 6.1 The determining issues in this instance are the proposal's compliance with the policies of the adopted Upper Clydesdale and the replacement South Lanarkshire Local Plan.
- 6.2 The application site is identified in the Upper Clydesdale Local Plan as lying within the Remoter Rural Area. Policy 73 is applicable although not relevant in this case as it applies to new residential development. The site also lies within the Scenic Area where Policy 76: Scenic Area of the Upper Clydesdale Local Plan applies. This policy states that within the Scenic Area the Council shall exercise strict control over development to ensure that the special quality of the countryside such as the River Clyde Valley is maintained. I consider the structure that has been constructed is of a scale, design and position that adversely affects the landscape character and special quality of the countryside. The proposal is therefore considered to be contrary to Policy 76.
- 6.3 Policy 99: Environment of the Upper Clydesdale Local Plan states that the Council will seek to prevent or minimise damage to the environment and to conserve and enhance the environment of the local plan area through the development control system and positive action. This retrospective application is considered to be an inappropriate form of development that visually damages the environment by virtue of its size, scale, massing and siting. The decking in this instance is not considered to enhance the surrounding environment and is therefore considered to be contrary to Policy 99.
- 6.4 The site is identified in the South Lanarkshire Local Plan (Finalised Plan) as being within an area subject to Policy STRAT 5: Rural Investment Area Policy. This policy aims to support sustainable communities through various measures and also states that all development should seek to enhance the environmental quality of the area. Following a detailed assessment I consider the decking in this instance would detract from the environmental quality of the area, due to its scale and position. The proposal is therefore contrary to Policy STRAT 5.
- 6.5 Policy ENV 4: Protection of the Natural and Built Environment Policy of the South Lanarkshire Local Plan (Finalised Plan) applies to the proposal. This policy states the Council will assess all development proposals in terms of their effect on the character and amenity of the natural and built environment. The Council will seek to safeguard sites defined in table 9.1 'Hierarchy of Natural and Built Heritage Sites'. This includes the Regional Scenic Area in which the site is located. In areas of local/regional importance, development which would affect these areas will only be permitted where the integrity of the protected resource will not be undermined. In this instance, I consider the character and amenity and the natural heritage of the designated Regional Scenic Area would be adversely affected by approval of the proposal, primarily due to the degree of visual impact. The proposal is therefore contrary to Policy ENV 4.
- 6.6 Policy ENV 11: Design Quality Policy of the South Lanarkshire Local Plan (Finalised Plan) applies to the assessment of the application. This policy states that the quality of the design and layout of new developments must be such that they can demonstrate the application of the principles of sustainable development and make a positive contribution to the character and appearance of the urban or rural

environment in which it is located. I consider this proposal makes no positive contribution to the character of the rural environment of the area in which it is located due again to scale, design and siting and therefore the proposal is contrary to Policy ENV 11.

- 6.7 Policy ENV 12: Flooding Policy of the South Lanarkshire Local Plan (Finalised Plan) also applies to the assessment of the application. This policy states that in accordance with the precautionary principle, the Council will seek to avoid increasing the flood risk by refusing permission for new development where it would be at risk from flooding or increase the risk of flooding elsewhere. Both SEPA and the Council's Flooding Unit have advised that the proposal represents a flood risk and therefore object to the application. I consider there is a high probability that this proposal would result in an increased flooding risk and therefore for this reason the proposal should be refused, in line with the guidance of Policy ENV12 of the local plan and SPP7.
- 6.8 The South Lanarkshire Local Plan (Finalised Plan) also identifies that the proposal is subject to Policy DM 1: Development Management Policy. This policy states that all planning applications 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. Development will require to enhance the quality and appearance of the local environment and when assessing applications, the Council will require proposals to comply with a number of criteria including respecting the local context, being of an acceptable layout, form and design, use of appropriate materials, and having no adverse visual or environmental impact. Following a detailed assessment I consider that this proposal does not take account of the local context and is incompatible with the surrounding landscape given the scale, design, siting and impact on visual amenity. The proposal is therefore contrary to Policy DM1.
- 6.9 Policy DM 4 also applies and states that house alterations will be permitted if the proposal complies with the following criteria: the siting, form, scale, design and materials respect the character of the existing dwelling and the wider area; it does not dominate or overwhelm the existing dwelling, neighbouring properties or streetscene in terms of size, scale or height; it does not significantly adversely affect adjacent properties in terms of overlooking or loss of privacy, daylight or sunlight; it retains adequate car parking and useable garden ground within the site; and it does not have an adverse impact on traffic or public safety. While the proposal has not led to an adverse impact in terms of overlooking or overshadowing, I consider this proposal is contrary to Policy DM4 as the decking is a visually dominant form of development that does not respect the character of the wider area.
- 6.10 In view of the above, I recommend that planning permission be refused. Committee is also asked to authorise enforcement action in order to ensure the unauthorised decking platform is removed from the site and the land restored to its original condition.

7 Reasons for Decision

- 7.1 The proposal is contrary to Policy 76 and 99 of the adopted Upper Clydesdale Local Plan and Policy STRAT 5, ENV 11, ENV12, DM 1 and DM 4 of the replacement South Lanarkshire Local Plan (Finalised Plan) and would have an adverse impact on the amenity and character of the area.

Iain Urquhart
Executive Director (Enterprise Resources)

9 October 2006

Previous References

- ◆ None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans

- ▶ Consultations
 - United Clyde Angling Protection Association Ltd 06/09/2006
 - Roads & Transportation Services H.Q. (Flooding) 29/09/2006
 - S.E.P.A. (West Region) 28/09/2006

- ▶ Representations
 - Representation from : Mr & Mrs G Sloan, 6 Lodge Cottages
Elvanfoot
ML12 6TQ, DATED 24/08/2006

 - Representation from : Crawford Community Council, Ralph Barker
90 Carlisle Road
Crawford, Biggar
ML12 6TW, DATED 13/09/2006

Contact for Further Information

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

Stuart Ramsay
(Tel: 01555 673187)
E-mail: Enterprise.lanark@southlanarkshire.gov.uk

REASONS FOR REFUSAL

- 1 The proposal is contrary to Policy 76: Scenic Area of the Lower Clydesdale Local Plan in that it represents an inappropriate and incongruous form of development which would have an adverse visual impact on the Scenic Area designation due to its scale, design and siting.
- 2 The proposal is contrary to Policy 99: Environment of the Lower Clydesdale Local Plan in that it represents a form of development which is visually damaging to the environment by virtue of scale, massing and siting.
- 3 The proposal is contrary to Policy STRAT 5: Rural Investment Area Policy of the South Lanarkshire Local Plan (Finalised Plan) in that it represents a form of development which visually detracts from the environmental quality of the area, by virtue of scale, massing and siting.
- 4 The proposal is contrary to Policy ENV 4: Protection of the Natural and Built Environment Policy of the South Lanarkshire Local Plan (Finalised Plan) in that it represents a form of development which visually adversely affects the character, amenity and natural heritage of the Regional Scenic Area.
- 5 The proposal is contrary to Policy ENV 11: Design Quality Policy of the South Lanarkshire Local Plan (Finalised Plan) in that it represents a form of development which does not make a positive contribution to the character of the rural environment of the area.
- 6 The proposal is contrary to Policy ENV 12: Flooding Policy of the South Lanarkshire Local Plan (Finalised Plan) in that there is a high probability that the proposal would result in an increased flooding risk at the site and elsewhere, conflicting with the guidance contained in SPP7 – Planning and Flooding.
- 7 The proposal is contrary to Policy DM 1: Development Management Policy of the South Lanarkshire Local Plan (Finalised Plan) in that it does not take account of the local context and is incompatible with the surrounding landscape in terms of its scale, design, siting and impact on visual amenity.
- 8 The proposal is contrary to Policy DM 4: House Extensions and Alterations Policy of the South Lanarkshire Local Plan (Finalised Plan) in that it represents a visually dominant form of development that does not respect the character of the wider area.

For information only

For information only

