

Report to: **Planning Committee**
 Date of Report: **29 November 2011**
 Report by: **Executive Director (Enterprise Resources)**

Application No HM/11/0196
 Planning Proposal: Erection of Dwellinghouse and Engineering of Land Including Installation of a Retaining Wall and Removal of Existing Crib Lock Wall

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Mrs Liz Hamilton
- Location : 41 Millheugh Brae
Larkhall

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

- (1) The Planning Committee has delegated powers to determine this application.

3 Other Information

- ◆ Applicant's Agent: Angus Design Associates
- ◆ Council Area/Ward: 20 Larkhall
- ◆ Policy Reference(s): **South Lanarkshire Local Plan (adopted 2009)**
 Policy RES6 – Residential Land Use
 Policy DM1 – Development Management
 Policy DM5 – Sub-Division of Garden Ground
 Policy ENV31 – New Housing Development
Residential Development Guide

◆ Representation(s):

- ▶ 5 Objection Letters
- ▶ 0 Support Letters
- ▶ 0 Comments Letters

◆ Consultation(s):

Environmental Services

Roads and Transportation Services (Hamilton Area)

Scottish Water

Roads & Transportation Services H.Q. (Geotechnical)

Larkhall Community Council

Coal Authority

Planning Application Delegated Report

1 Application Site

- 1.1 The application site relates to a triangular area of land that is currently part of 41 Millheugh Brae's garden ground. It is bounded by the applicant's house, Millheugh Brae and Braehead Avenue at the rear. The land slopes downwards from the rear to the front of the site. On the low side of the site, along Millheugh Brae, there is an existing concrete crib retaining wall which runs parallel with the rear of the footway.

2 Proposal(s)

- 2.1 The applicant seeks detailed planning permission for the erection of a dwellinghouse on land adjacent to 41 Millheugh Brae, Larkhall.
- 2.2 The proposed dwellinghouse will be approximately 13 metres wide and 8 metres deep rising to a height of approximately 6.5 metres at the ridge of the pitched roof. The proposed ground floor will accommodate a lounge, kitchen/dining area, hall, store and utility room. The proposed upper floor will accommodate an en-suite bedroom, a second bedroom and a bathroom. The proposed block plan indicates that the site will have provision for 2 off road car parking spaces, vehicular access gained by means of a shared entrance and a turning area (with No.41 Millheugh Brae).
- 2.3 In association with the proposed house, significant land engineering/regrading operations will be undertaken in order to provide a developable platform. In this respect the drawings indicate that a retaining wall will be built at the rear of the site (along part of Braehead Avenue) which at its closest point will be approximately one metre from the rear boundary of the site. In addition the existing crib retaining wall along the front of the application site as it adjoins Millheugh Brae will be removed and the site levels reduced to remove any requirement for a retaining wall. A new footpath edge kerb will be installed. Additionally a section of the crib wall to the front of the existing dwellinghouse will be removed to improve/maintain visibility splays.

3 Background

3.1 Local Plan Status

- 3.1.1 The application site is within a residential area in terms of the South Lanarkshire Local Plan, Policy RES 6 being applicable. This policy states that proposals which are detrimental to the existing levels of residential amenity will be resisted and that the loss of houses will be opposed. Development must relate satisfactorily to adjacent and surrounding development in terms of scale, massing, materials and intensity of use.
- 3.1.2 As the application is for the creation of a new dwellinghouse, Policy ENV31 – New Housing Development – is also applicable. This policy states that proposals are required to promote quality and sustainability and make a positive contribution to the character and appearance of its setting. Proposals must respect the local context and be appropriate to the character and topography of the site in terms of layout, scale, proportion, massing and appearance. Indeed the policy contains a list of detailed criteria which residential developments have to comply with.
- 3.1.3 Policy DM1 – Development Management – requires all planning applications to take account of the local context and built form and be compatible with adjacent buildings and surrounding streetscape in terms of scale, massing, design, external materials and impact on amenity.

- 3.1.4 The proposal is for the sub-division of existing garden ground to form an additional dwelling and as such Policy DM5 – Sub-Division of Garden Ground - is of prime importance to the assessment of the proposal. This policy states that there will be a presumption against the development of a new house within the curtilage of an existing house unless all of the detailed criteria required by the policy can be met. In particular, the proposed house plot and that remaining to the existing house must be comparable with those nearby in terms of size, shape and amenity. In addition the proposed house is required to have a proper road frontage of comparable size with those surrounding the site; the proposed vehicular access should be of an adequate standard and not have adverse implications for traffic safety and the garden space remaining for the existing house must be sufficient. Furthermore the proposal must not jeopardise or be prejudicial to any further desirable development in the vicinity.
- 3.1.5 In addition to local plan considerations the proposal also requires to be assessed in relation to the Council's Residential Development Guide which provides detailed criteria against which all new residential development will be assessed. The Residential Development Guide details minimum standards relating to garden area, parking, amenity space and overlooking issues.

3.2 **Relevant Government Guidance/Advice**

- 3.2.1 Given the scale and nature of the proposal there is no government guidance/advice directly applicable.

3.3 **Planning History**

- 3.3.1 A detailed planning application was submitted in 2006 for the erection of a dwellinghouse on the site. The application was refused planning permission on 12 January 2007 (HM/06/0597). Subsequent to this an outline planning application for the erection of a dwellinghouse, reference HM/08/0351 was also refused on 1 December 2008. A detailed planning application for a dwellinghouse, reference HM/10/0469, was withdrawn.

4 **Consultation(s)**

- 4.1 **Roads & Transportation Services (Hamilton Area)** - have commented that pedestrian and vehicular splays appear to be achievable with the removal of sections of the crib lock wall. Parking standards appear to be achievable and all vehicles should enter and leave the site in forward gear. The turning area should remain clear of any obstructions and open to use by both properties. Appropriate conditions relating to the turning space, surfacing and driveway, surface water trapping and driveway gradient are recommended.

Response: Noted. These matters can be attached as conditions should consent be issued.

- 4.2 **Environmental Services** – have no objection to the proposal however they have recommended that a standard condition and standard informatives relating to noise be attached if consent is granted.

Response: Noted. Construction noise is a matter for Environmental Services but all informatives will be attached if consent is granted.

- 4.3 **Roads and Transportation Service (Geotechnical)** – have commented that the sheet pile technique proposed for the retaining wall at Braehead Avenue is ground condition dependent but no ground investigation reports have been submitted. Similar concerns apply to the retaining walls at the front and side of the property. All retaining walls will require to be built in accordance with the Design Manual for Roads and

Bridges and will require the applicant to go through the approval in principle process with the structures section. Details of the proposals or revisions to the walls should be referred to Roads and Transportation for approval. It is therefore considered in cognisance of the above that a decision on the application be deferred.

Response – It is considered unreasonable to request the submission of detailed engineering drawings, design details and structural calculations for the retaining wall for a development of this scale prior to a decision being made on the application. This can be addressed in a satisfactory manner by attaching appropriate conditions to any consent granted. In this regard it is considered that an acceptable engineering solution could be designed/provided if sufficient resources were committed to the required retaining wall.

- 4.4 **The Coal Authority** – Originally objected to the planning application because the application site falls within the defined Coal Mining Development Referral Area and no coal mining risk assessment report was submitted. Following the submission of the mineral position report, this objection was withdrawn subject to the imposition of a planning condition to ensure that intrusive site investigation works outlined in the report and any necessary remedial works are undertaken prior to the commencement of development.

Response: Noted. The imposition of a planning condition will achieve this if consent is granted.

- 4.5 **Scottish Water** – No response to date

Response: Noted.

- 4.6 **Larkhall Community Council** – no response to date.

Response – Noted.

5 Representation(s)

- 5.1 Statutory neighbour notification was undertaken following which five letters of objection have been received from neighbouring proprietors. The grounds of objection can be summarised as follows:

- (a) **Millheugh Brae is a very busy road at times and the existing residents have difficulty entering and exiting as there is a blind bend. Building at this location on the crown of the bend would be a danger to traffic and pedestrians and the proposed dwelling would further obstruct an already limited view.**

Response: It is accepted that Millheugh Brae ‘acts’ to some degree as a distributor road however this does not automatically mean that it is unsuitable to accommodate additional traffic from a single dwellinghouse. Such traffic would be limited in nature when compared with normal daily traffic flows/volumes on Millheugh Brae generally.

Observations were obtained from the Council’s Road and Transportation Service who have no objections to the proposal subject to conditions as detailed above in paragraph 2.2. The proposal uses an existing access and whilst the use of this could intensify as a result of the proposal (there is no guarantee of this as cars could be parked on street) this level of increase is not considered to be to a material or a significant extent. Indeed neighbouring household(s) could purchase an additional car(s) which ultimately would have the same result as this proposal – an additional vehicle(s) using Millheugh Brae.

- (b) **The site is unsuitable for the erection of a dwelling.**
Response: This will be considered within the Assessment and Conclusions section of this report.

- (c) **Building on this plot would be very high risk and could cause further damage and constitute a danger to the stability of the land and surrounding areas including the homes in Braehead Avenue. Braehead Avenue has subsided in the past and the proposal could cause severe subsidence which could affect the road and garden retaining walls/houses resulting in financial and legal problems. The plot of land is irregular and sandwiched between roads making it dangerous and impractical to build a new structure.**

Response: Any damage to retaining walls or other dwellings during construction would be a civil matter between the relevant parties and is not a planning issue. However a competent contractor should employ best practice to minimise the risk of such damage occurring but obviously this can not be guaranteed.

As detailed above in paragraph 4.3 the Council's Geotechnical officer has raised various concerns with the proposal. These concerns can however be satisfactorily addressed in engineering terms should sufficient financial resources be committed. It is intended to attach appropriate conditions to any consent granted to cover matters such as intrusive site investigation works relating to mineral stability and to demonstrate the feasibility of retaining walls. In addition a condition will be attached to ensure that all retaining walls are built in accordance with the Design Manual for Roads and Bridges as requested by the Council's Geotechnical officer.

- (d) **The applicant cannot demonstrate control of sufficient land for the erection of a dwelling and the provision of a vehicular access of an acceptable and safe standard on this site.**

Response: The applicant's agent has previously advised in writing that their client has confirmed that the crib wall lies within their ownership boundary and any remedial/alteration works can therefore be implemented within the site. It is accepted however that full engineering details have not been lodged to allow the Geotechnical Section of Roads and Transportation Services to undertake a full assessment and agree with the proposed engineering solution. This matter will be covered by conditions as set out in (c) above.

- (e) **As there have been no significant changes to this site or the planning legislation pertaining to it, the nine reasons given by South Lanarkshire Council for the planning application that was refused in December 2008, reference HM/08/0351, should apply.**

Response: This will be considered within the Assessment and Conclusions section of the report.

- (f) **Concerns regarding environment because a badgers run has been established in the proposed plot.**

Response: No evidence has been lodged to substantiate this claim.

- (g) **There is inadequate drainage at the plot due to flooding of application site from surrounding roads.**

Response: To date no response has been received from Scottish Water to address this issue. If as suggested the flooding occurs on the public road then

this should be reported in the first instance to Roads and Transportation Services.

- (h) **Concerns over size and appearance of structure. The proposed house will look cramped, as the size and shape of plot would not allow development of a dwelling compatible with existing dwellings in the area. In addition it would detract from the quality of rural nature and landscape of this part of the village.**

Response: This will be considered in the Assessment and Conclusions section of the report.

- (i) **It would set a precedent for similar applications in the future.**

Response: Each application is assessed on its own individual merits against local plan policies.

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

6 Assessment and Conclusions

- 6.1 The applicant seeks detailed planning permission for the erection of a single dwellinghouse on a site at the junction of Millheugh Brae and Braehead Avenue, Larkhall. The determining factors in assessing this planning application relate to its ability to comply with relevant local plan policies as well as its impact upon the character and amenity of the surrounding area.
- 6.2 As the application site is zoned as residential under the terms of Policy RES6 of the South Lanarkshire Local Plan, it is considered that the principle of this development from a land use perspective is not contentious.
- 6.3 In assessing the proposed development against Policies DM 1, DM 5 and ENV 31 the following points are noted:
- The design and scale of the proposed dwelling generally reflects the surrounding built environment.
 - Access to the dwelling can be achieved and sufficient parking provided within the site. In this respect it is noted that Roads & Transportation Services have offered no objections.
 - The adjacent properties are not adversely affected in terms of privacy/overlooking, overshadowing/affect on daylight and general amenity.
 - The shape of the plot results in a particular design solution in respect of the siting of the dwelling, and in turn provision of garden ground which would be to the side. Whilst acknowledging that this layout is not conventional it is considered that in this instance that it is acceptable, and to some extent reflects the character of the immediate surrounding area. Further it is considered that the bespoke design and layout in itself does not provide sufficient grounds to refuse planning consent in this instance.

In light of the above it is considered that the proposal is generally in accordance with Policy DM 1, DM 5 and ENV 31.

- 6.4 The issues raised in the letters of objections are noted however they do not merit refusing the application. Concerns about the proposed structures and stability issues can be covered by attaching planning conditions to any consent granted. Further, whilst acknowledging the previous decision on this site, each application requires to be assessed on its own merits. From the conclusions set out above it is considered

that the proposal is generally in accordance with Policy DM 1, DM 5 and ENV 31. It is therefore recommended that planning consent be granted subject to conditions.

7 Reason for Decision

- 7.1 The application is generally in accordance with Policies RES6, DM1, DM5 and ENV31 of the South Lanarkshire Local Plan and there are no adverse issues in relation to road or pedestrian safety.

Colin McDowall
Executive Director (Enterprise Resources)

7 November 2011

Previous References

- ◆ HM/06/0597
- ◆ HM/08/0351
- ◆ HM/10/0469

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Plan
- ▶ Neighbour notification letter dated, 5 May 2011
- ▶ D.L.M Mining Consultants Limited Mineral Report, dated 13 October 2011

- ▶ Consultations
 - Environmental Services 12/05/2011
 - Roads and Transportation Services (Hamilton Area) 18/05/2011
 - Roads and Transportation Service (Geotechnical) 18/05/2011
 - The Coal Authority 31/05/2011

- ▶ Representations
 - Representation from : Mr James Beaton, 5 Braehead Avenue, Larkhall, ML9, DATED 25/05/2011
 - Representation from : Jim Peat, 6 Avonbank Road, Larkhall, ML9 1QS, DATED 26/05/2011
 - Representation from : Mr Dougald McKechnie, 7 Braehead Avenue, Larkhall, DATED 25/05/2011
 - Representation from : Ms Marie Shevlin, 6 Braehead Avenue, Larkhall, ML9 1AR, DATED 25/05/2011
 - Representation from : V and W Brown, 6A Braehead Avenue, Larkhall, ML9 1AR, DATED 25/05/2011

Contact for Further Information

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

Michael McGlynn, Head of Planning, Montrose House, Hamilton

Ext 5126 (Tel: 01698 455126)

E-mail: planning@southlanarkshire.gov.uk

CONDITIONS

- 1 This decision relates to drawing numbers:
A009
A010
A100
A101
A102
A103
A104
A105
- 2 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.
- 3 That before any development commences on site or before any materials are ordered or brought to the site, details and samples of all materials to be used as external finishes on the development shall be submitted to and approved by the Council as Planning Authority.
- 4 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.
- 5 That before the dwellinghouse situated on the site upon which a fence is to be erected is occupied, the fence or wall for which the permission of the Council as Planning Authority has been obtained under the terms of Condition 4 above, shall be erected and thereafter maintained to the satisfaction of the Council.
- 6 That before the dwellinghouse hereby approved is completed or brought into use, a turning space shall be provided within the site to enable vehicles to enter and leave the application site in forward gears at all times.
- 7 For the avoidance of doubt, no barriers shall be placed within the turning area to delineate between properties.
- 8 That before the dwellinghouse hereby approved is completed or brought into use, a private vehicular access or driveway of at least 12 metres in length shall be provided and the first 2 metres of this access from the heel of the footway/service strip shall be hard surfaced across its full width to prevent deleterious material being carried onto the road.
- 9 The surface of the driveway shall be so trapped and finished in hardstanding as to prevent any surface water or deleterious material from running onto or entering the highway.
- 10 That the proposed driveway shall have a gradient in excess of 1:10.
- 11 That before the development hereby approved is completed or brought into use, 2 no. parking spaces (2.5m x 5m modules) shall be laid out, constructed and

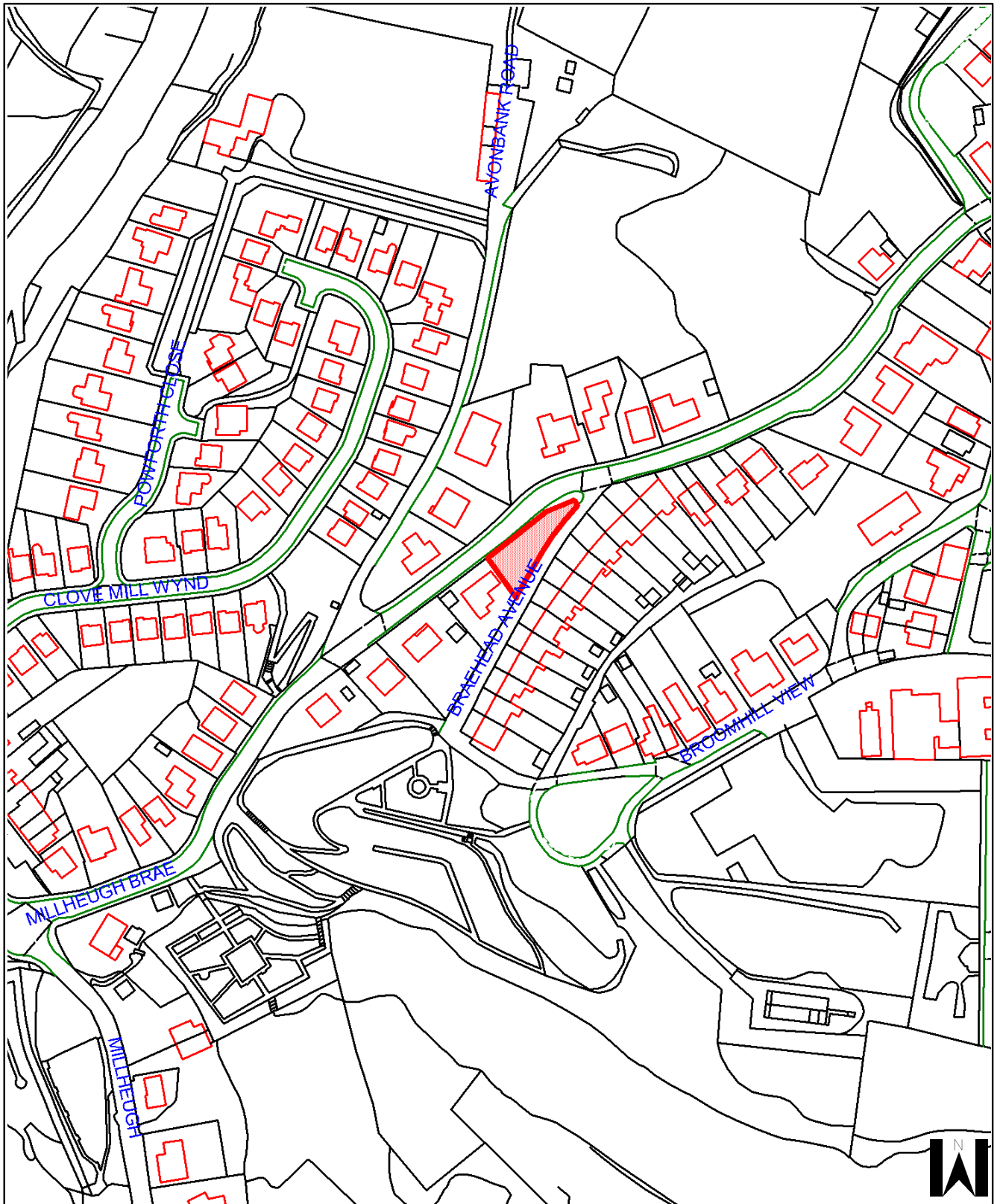
thereafter maintained to the specification of the Council as Roads and Planning Authority.

- 12 That before the dwellinghouse hereby approved is completed or brought into use, a visibility splay of 2 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.
- 13 That before the development hereby approved is completed or brought into use, a pedestrian visibility splay of 2.4 metres by 2.4 metres measured from the heel of the footway shall be provided on both sides of the vehicular access and everything exceeding 0.9 metres in height shall be removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height above the footway level shall be planted, placed or erected within these sight line areas.
- 14 That no development shall commence until details of surface water drainage arrangements have been 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.
- 15 That the dwellinghouse shall not be occupied until the site is served by a sewerage scheme and public water supply constructed to the specification and satisfaction of Scottish Water as Sewerage Authority.
- 16 Prior to the commencement of works on site, ground investigation reports shall be submitted to demonstrate the feasibility of the proposed retaining walls, and approved in writing by the Council as Planning Authority.
- 17 All retaining walls will require to be built in accordance with the DMRB (Design manual for Roads and Bridges) and will require to go through the AIP (approval in principle) process.
- 18 Prior to the commencement of works on site, the intrusive site investigation works outlined in the Mineral Position Report dated 13 October 2011 and any necessary remedial works shall be undertaken, prior to the commencement of development.

REASONS

- 1 For the avoidance of doubt and to specify the drawings upon which the decision was made.
- 2 In the interests of amenity and in order to retain effective planning control.
- 3 In the interests of amenity and in order to retain effective planning control.
- 4 These details have not been submitted or approved.
- 5 In order to retain effective planning control.
- 6 In the interest of public safety.
- 7 In the interest of public safety.
- 8 To prevent deleterious material being carried onto the road.
- 9 To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.
- 10 In the interest of public safety.
- 11 To ensure the provision of adequate parking facilities within the site.
- 12 In the interest of public safety.
- 13 In the interest of public safety.
- 14 To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.
- 15 To demonstrate that a satisfactory means of waste and surface water drainage can be achieved.
- 16 In order to retain effective planning control and in the interest of public safety.
- 17 In order to retain effective planning control and in the interest of public safety.
- 18 To ensure the safety and stability of the proposed development.

For information only



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