

Report

9

Report to:	Clydesdale Area Committee
Date of Meeting:	16 November 2010
Report by:	Executive Director (Enterprise Resources)

Application No	CL/10/0330
Planning Proposal:	Application CL/10/0330 - Change Of Use and Alterations to Detached Outbuilding to form Additional Class 2 Floorspace and Erection of Link Corridor to Existing Class 2 Business - 28 Waterloo Road, Lanark

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : John Stewart - Waterloo Dental Practice
- Location : 28 Waterloo Road
Lanark
ML11 7PZ

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 Attached)

2.2 Other Actions/Notes

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

3 Other Information

- ◆ Applicant's Agent: 929 Design Limited
- ◆ Council Area/Ward: 02 Clydesdale North
- ◆ Policy Reference(s): **South Lanarkshire Local Plan**
 - Policy RES6: Residential Land Use
 - Policy DM1: Development Management

- ◆ Representation(s):

- ▶ 16 Objection Letters
- ▶ 0 Support Letter
- ▶ 0 Comments Letter

◆ Consultation(s):

Roads and Transportation Services (Clydesdale Area)

Planning Application Report

1 Application Site

- 1.1 The existing long established dental practice operates out of a traditional stone built single storey property sited within an established residential area of Lanark. The former residential dwelling was granted permission to convert to a dental practice in 1963 and has been run successfully from this site for 46 years.

2 Proposal(s)

- 2.1 Detailed planning permission is sought for the change of use of the outbuilding to the rear of the site to a specialised surgical operating theatre together with the erection of a link corridor from the existing building. Following discussion with the applicant on the provision of additional car parking facilities, the applicant submitted amended plans showing the formation of 5 dedicated off street parking spaces for the dental practice.
- 2.2 The creation of the new surgical facility is required to allow the existing practice to provide a more specialised service and this stand-alone sterile theatre with dedicated waiting/recovery room will allow the practice to provide this service in a safe and comfortable environment. This facility will be staffed by existing personnel with no additional dentists or support staff being employed.

3 Background

3.1 Local Plan Status

- 3.1.1 The South Lanarkshire Local Plan shows that the site is situated within an established residential area of Lanark covered by Policy RES 6: Residential Land Use and Policy DM 1: Development Management.

3.2 Relevant Government Advice/Policy

- 3.2.1 None relevant

3.3 Planning History

- 3.3.1 An extension was approved to the rear of the dental practice in January 2010 (CL/09/0494). This extension is near to completion and was built to provide a staff room and instrument sterilisation room.

4 Consultation(s)

- 4.1 Roads and Transportation Services – the Divisional Engineer has no objections to the application subject to a condition relating to the relocation of the existing street lighting column in front of the proposed parking.

Response: Noted. An appropriate condition can be attached if consent is granted.

5 Representation(s)

- 5.1 Following the statutory neighbour notification of the application and advertisement of the proposal for the Non-notification of neighbours, 11 letters of representation were initially received. Following a change to the proposed parking arrangements, neighbour notification was re-served and a further 5 letters of representation received. Grounds of objection can be summarised as follows:

- (a) **The new development will increase the traffic in this residential area and exacerbate the existing problems (blocked driveways, restricted movement, refuse collection problems, driveways used to turn) caused by staff and patient vehicle movement and parking around this area.**

Response: The new floor space created by the re-use of the existing outbuilding will not result in an intensification of the business on this site and

therefore no significant increase in traffic movement is envisaged. The new specialised surgical operating theatre will be utilised by the existing dentists within the practice and no additional staff are required. Indeed, the use of the theatre will inevitably involve more complex and longer procedures than that performed in the normal day to day operation and therefore the number of patients is not envisaged to increase on a day to day basis. In addition, the Roads and Transportation Service have no objections to the development.

(b) The loss of the existing building reduces the existing parking on site for this business.

Response: The existing building, although marked as a garage on the plans, is used for storage and is not actively used for parking. In addition, the size of the building at only 4.5m deep is considerably smaller than an average garage. As the original business was established in the 1960's, no parking provision was established and there is also no restriction on the size and intensity of the business on this site. Therefore, the existing informal parking provision on this site is not prescribed or protected nor is the growth of the dental practice which could increase the number of consultants and its opening hours without planning consent .

(c) No off street parking has been provided including disabled despite there being adequate space to the rear of the property.

Response: In recognition of the concerns in relation to the lack of parking, the applicant has amended the application to provide parking to the front of the site. While this will not solve the issues caused by inappropriate or inconsiderate parking in the vicinity of the dental practice, it is seen as an improvement to the present situation. While the property does have a large garden to the rear, the number of spaces it can accommodate with a turning area is only 5 and therefore no better than put forward by the applicant. Again, the Roads and Transportation Service have no objections the parking arrangement submitted by the applicant.

(c) The proposed off street parking will create an unsafe situation for the pedestrian use of the existing footpath especially as there is only one footpath on this road, it will also result in the removal of trees and garden in this residential area, completely out of keeping with the surrounding environment. This proposal removes the on-street parking and therefore cancels out any advantage the proposed car parking provides.

Response: The issue of parking along this stretch of road is only partially due to the existence of the dental practice. Whilst the off-street parking in front of the property will accommodate a maximum of 3 cars this is not dedicated to the surgery and, as in the rest of the street, is free for anyone to use. This solution will provide 5 dedicated spaces for the existing business while also creating a passing place along this long and narrow road to help ease traffic flow. This style of parking provision is considered appropriate for the residential setting and is no different to the existing off street parking on the street. In addition, the existing gardens, trees, walls and fences in this area are not protected under planning legislation and every residential dwelling house along Waterloo Road could resurface the front of their property without requiring planning consent. (The only exception to this 'permitted development right' on Waterloo Road would be the flatted properties and the dental surgery as a commercial property, both of which would require planning approval). In addition, the Roads and Transportation Service have no objections to the development.

- (e) **Neighbours who have not been notified of this application will also be further inconvenienced by patients parking.**

Response: As well as the statutory neighbour notification carried out by the Council, the application was advertised in the Lanark and Carlisle Gazette.

- (f) **The new extension appears to overlook my property (rear garden) which I feel is somewhat intrusive.**

Response: Given the location of the outbuilding, the proposed openings and the existing boundary treatments around the site, no overlooking issues have been identified.

- (g) **Should the amended plans be accepted, I fear this could open the 'floodgates' for other properties around Waterloo Road to be transformed for commercial use.**

Response: Disagree, this is the only commercial property in this residential area. It has been in existence for 47 years and is only able to operate to this level because it is an existing business with no planning restriction. Being a residential area, any proposed new use would be reviewed against Policy RES 6 of the South Lanarkshire Local Plan where the presumption is against the loss of residential property for other uses. Developments of an ancillary nature may be acceptable e.g. guest houses, children's nurseries, medical / dental surgeries or single retail development serving local needs. However, in assessing these types of development, each application will be judged on its own merits with particular consideration given to the impact on residential amenity and/or proposed servicing and parking arrangements together with an assessment of the contribution of the proposal to meeting an identified local need.

- (h) **Why is the most obvious, and possibly more cost effective, solution to parking not being considered the back garden?**

Response: The rear garden area was the first area suggested to the applicant in which to provide additional off road parking for the business. When this was investigated it was found that after creating the new access, parking spaces and a turning area, that only 5 usable spaces could be created. The alternative option of creating the 5 spaces to the front of the property was suggested and this was considered by the planning service to be an acceptable alternative with Roads and Transportation Service also having no objections to the parking arrangement.

6 Assessment and Conclusions

6.1 The determining issues that require to be addressed in respect of this application are compliance with the adopted local plan and its impact on the residential amenity of the area.

6.2 In terms of the adopted South Lanarkshire Local Plan, the application site is identified as being within a residential area and is covered by Policy RES6. This policy states that the council will resist any development within this area which will be detrimental to the amenity. The physical extension to the business is controlled by Policy DM1 Development Management which again states that the Council will protect an area against any development that would have a significant adverse impact on the local environment.

6.3 The change of use of the existing outbuilding into a surgical operating theatre is considered appropriate in terms of the operation of the business on site and physically has no impact on the residential amenity of the surrounding area. The

main issue pertaining to this application is the perceived increase of activity this change of use would create and the effect this would have on the area in terms of vehicle movements and parking. In recognition of the fact that the parking provision for the business is currently lacking, the applicant has proposed the formation of 5 off-street spaces which would represent a proportionate improvement on the existing situation, reflecting the relatively minor anticipated increase in visitors, and would result in an improvement to the present situation. The design, scale and external finish of the proposed development is considered appropriate for both the existing property and the wider area and will not have any significant impact on the visual or residential amenity of the adjacent properties.

6.4 In view of the above I recommend that planning permission be granted, subject to the conditions as listed below.

7 Reasons for Decision

7.1 I consider that the proposed development will not have a significant detrimental effect on the residential or visual amenity of the area and complies with Policies RES6 and DM1 of the South Lanarkshire Local Plan.

Colin McDowall
Executive Director (Enterprise Resources)

29 October 2010

Previous References

◆ CL/09/0494

List of Background Papers

- ▶ Application Form
- ▶ Application Plans

- ▶ Consultations
 - Roads and Transportation Services (Clydesdale Area) 28/10/2010

- ▶ Representations
 - Representation from : Douglas Bell, 22 Waterloo Road, Lanark, ML11 7PZ,
DATED 11/10/2010

 - Representation from : Joyce R Lamb, 25 Waterloo Road, Lanark, ML11 7PZ,
DATED 18/10/2010

 - Representation from : Mhairi Jamieson, 22 Waterloo Road, Lanark, ML11 7PZ,
DATED 14/10/2010

 - Representation from : Barbara Gunn, 2 Wheatland Drive, Lanark, ML11 7QG,
DATED 04/08/2010

 - Representation from : Alister Gunn, 2 Wheatland Drive, Lanark, ML11 7QG,
DATED 04/08/2010

Representation from : Mhairi Jamieson, 22 Waterloo Road, Lanark, ML11 7PZ,
DATED 06/08/2010

Representation from : Douglas Bell, 22 Waterloo Road, Lanark, ML11 7PZ,
DATED 06/08/2010

Representation from : Mr A Lamb, 25 Waterloo Road, Lanark, ML11 7PZ, , DATED
20/10/2010

Representation from : Colin Glover, 26a Waterloo Road, Lanark, ML11 7PZ,
DATED 11/08/2010

Representation from : Lindsay MacDonald, 24 Waterloo Road, Lanark, ML11 7PZ,
DATED 15/10/2010

Representation from : Vicki Fraser, 30 Waterloo Road, Lanark, ML11 7PZ, DATED
10/08/2010

Representation from : Leslie Fraser, 30 Waterloo Road, Lanark, ML11 7PZ,
DATED 10/08/2010

Representation from : Mr Alec Lamb, 25 Waterloo Road, Lanark, ML11 7PZ,
DATED 05/08/2010

Representation from : Ms Joyce Lamb, 25 Waterloo Road, Lanark, ML11 7PZ,
DATED 09/08/2010

Representation from : Lindsay MacDonald, 24 Waterloo Road, Lanark, ML11 7PZ,
DATED 09/08/2010

Representation from : Dorothy Hose, 32 Waterloo Road, Lanark, ML11, DATED
12/08/2010

Contact for Further Information

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

Steven Boertien, Planning Officer, South Vennel, Lanark, ML11 7JT
Ext 3266 (Tel :01555 673266)
E-mail: Enterprise.lanark@southlanarkshire.gov.uk

Detailed Planning Application

PAPER APART – APPLICATION NUMBER: CL/10/0330

CONDITIONS

- 1 This decision relates to drawing numbers: 929095-E-003 & 929095-E-005
- 2 That the developer shall arrange for any alteration, deviation or reinstatement of statutory undertakers apparatus necessitated by this proposal all at his or her own expense.
- 3 That before the development hereby approved is completed or brought into use, all of the parking spaces shown on the approved plan 929095-E-005 shall be laid out, constructed and thereafter maintained to the specification of the Council as Roads and Planning Authority.
- 4 The surface of the approved parking area shall be so trapped and finished in hardstanding as to prevent any surface water or deleterious material from running onto or entering the highway.

REASONS

- 1 For the avoidance of doubt and to specify the drawings upon which the decision was made.
- 2 In order to retain effective planning control.
- 3 To ensure the provision of adequate parking facilities within the site.
- 4 In the interest of public safety.

INFORMATIVES

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).)
- 2 Failure to comply with the conditions imposed on this planning permission can result in the planning authority serving a Breach of Condition Notice and/or Enforcement Notice. If any of the requirements set out in these notices are not then complied with, a fixed penalty notice may be served seeking the payment of the sum specified in the penalty notice to the Planning Authority. The sum will be as set by The Town and Country Planning (Amount of Fixed Penalty) (Scotland) Regulations 2009.
- 3 Before any work commences on site, the developer shall contact the Council's Roads and Transportation Services for further advice on the construction of new access and parking area and ensure any permits or permissions are secured before work on the parking area commences.

For information only

For information only

