

Application No: N/06/01032/FUL

Date Registered: 15th June 2006

Applicant: Mr Calum McDonald
680 Stirling Road
Luggiebank
Cumbernauld

Development: Construction of a Dwellinghouse

Location: 680 Stirling Road
Luggiebank
Cumbernauld

Ward: 60 Carbrain East Councillor William Homer

Grid Reference: 276363 672787

File Reference: N/06/01032/FUL

Site History:

- N/01/00104/OUT: Erection of Dwellinghouse (In Outline), Granted 12 July 2001
- N/03/00230/FUL: Construction of a Dwellinghouse, Granted 5 August 2003
- N/05/01695/TPO: Various Tree Works, Granted 7 December 2005
- N/06/00340/AMD: Amendment to position of dwellinghouse, also being considered at this meeting

Development Plan: The site is covered by Residential Policy HG4 (Protection of Residential Amenity) of the Cumbernauld Local Plan 1993

Contrary to Development Plan: No

Consultations:

Historic Scotland	(No response)
West of Scotland Archaeology Service	(No objections)
Scottish Environment Protection Agency	(Conditions)
Scottish Water	(No response)

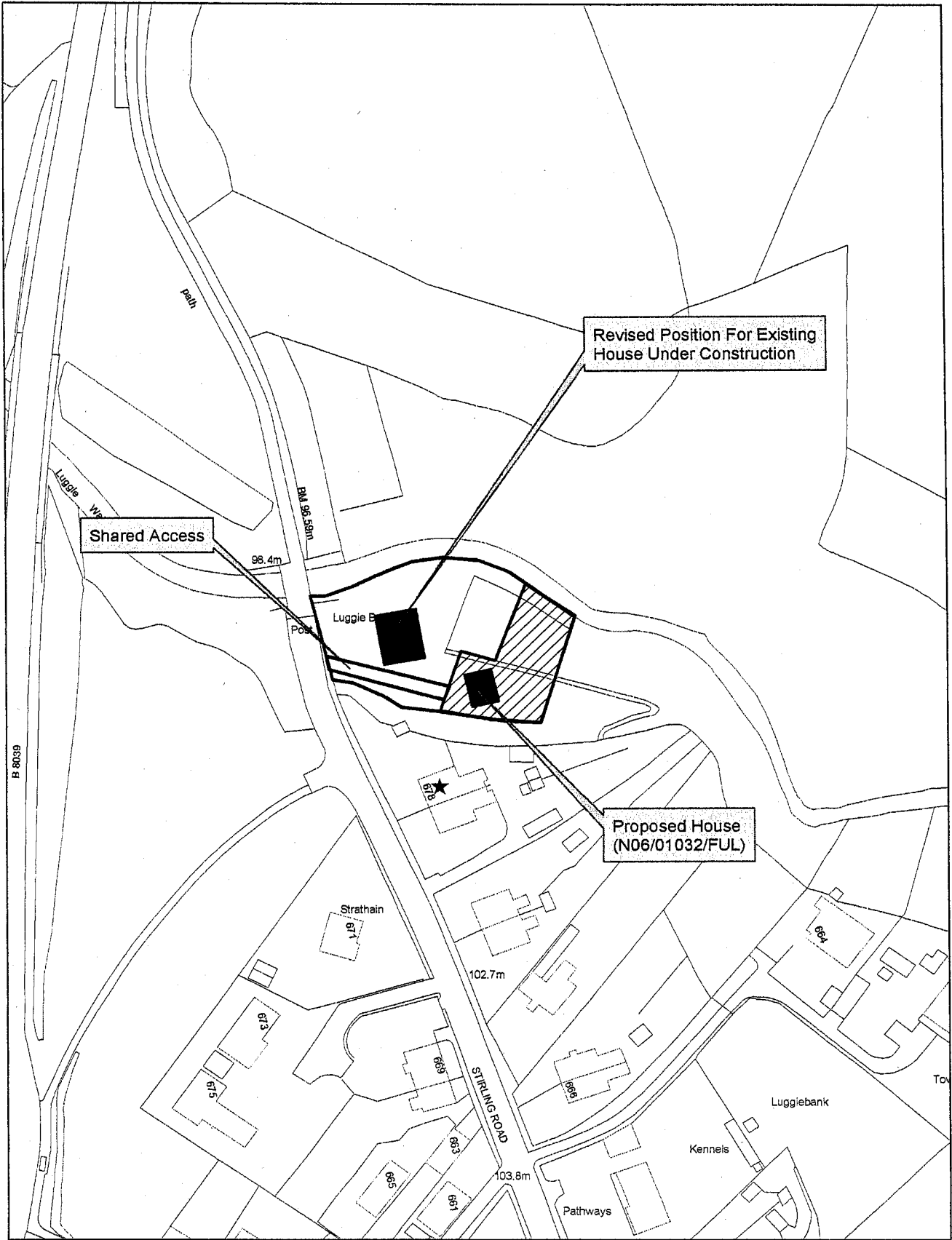
Representations: Three letters of representation

Newspaper Advertisement: Not Required

Recommendation: Grant Subject to the Following Conditions:-

1. That the development hereby permitted shall be started within five years of the date of this permission

Reason: To accord with the provisions of the Town and Country Planning (Scotland) Act 1997.



Shared Access

Revised Position For Existing House Under Construction

Proposed House (N06/01032/FUL)

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Construction of a Dwellinghouse
★ Representation



2. That prior to any works of any description being commenced on the application site, unless otherwise agreed in writing with the Planning Authority, written confirmation shall be submitted to the said Authority from Scottish Water and SEPA confirming that the site can be provided with an acceptable foul sewerage and water supply system.

Reason: To satisfy the Planning Authority that the proposed sewerage system and water supply system both comply with best practice in the interests of the amenity and wellbeing of existing and future residents

3. That the upon completion of the dwellinghouse hereby permitted the finished ground levels and finished floor levels shall accord with the levels shown on the approved plans.

Reason: To safeguard the dwellinghouse from flooding.

4. That before the development starts, a report by a qualified tree surgeon shall be submitted to and approved in writing by the Planning Authority providing full details of the following matters:

1. Confirmation that the development can proceed without adversely affecting any of the protected trees within or adjacent to the site.
2. Details of any trees to be felled, lopped or topped to allow the development to proceed.

Reason: To ensure that these matters are considered in detail in the interests of general amenity

5. That before the development hereby permitted starts, tree protection measures in accordance with British Standard BS 5837 shall be erected along the drip line of the protected trees and hedges within the application site and shall be retained for the duration of the works on site and only removed with the approval in writing of the Planning Authority.

Reason: To ensure that trees are safeguarded from damage during construction works.

6. That notwithstanding what is shown on the approved plans, before the development starts, a revised plans shall be submitted for the written approval of the Planning Authority detailing the following:

- a) details of the measures to be taken to form a 5.4 metre wide dropped kerb access to the satisfaction of the Council as Roads Authority
- b) details of the measures to be to increase the width of the public foot way to a minimum of 1.4 metres along the frontage of Stirling Road
- c) details of the surface to be used for the access road and turning/parking areas
- d) cross sections detailing an access road with a gradient no greater than 1 in 8
- e) an amended delineation between the two plots to enable turning facilities to be provided within both plots to ensure that all vehicles can leave the site in a forward gear.
- f) in curtilage parking shall be provided at the following levels:

- 1 - 2 bedroom - 2 * spaces
- 3 - 4 bedroom - 3 * spaces
- 5 + bedroom - 4 * spaces

(* Garages will only be included in the parking assessment if they have minimum internal dimensions of 3.0m wide x 5.5m long)

Reason: In the interests of pedestrian and road safety and to ensure that there is adequate parking within the plot.

7. That before the work is commenced on the construction of the new dwellinghouse hereby approved, the access road and parking area shall be completed and surfaced in accordance with the details approved under the terms of Condition 6 above or such other temporary surface as may first be approved in writing by the Planning Authority.

Reason: In the interests of pedestrian and road safety and to ensure that there is adequate parking within the plot.

8. That before the development hereby permitted starts, full details of the design and location of all fences and walls to be erected on the site shall be submitted to, and approved in writing by the Planning Authority.

Reason: To ensure that these matters are considered in detail.

9. That before the new dwellinghouse is occupied, the fences, or walls, as approved under the terms of condition 8 above, shall be erected

Reason: In the interest of the visual amenity of the area.

10. That before the development hereby permitted starts, full details of the facing materials to be used on all external walls and roofs of both the extensions to the existing dwellinghouse and on the new dwelling shall be submitted to, and approved in writing by the Planning Authority.

Reason: In the interest of the visual amenity of the area.

11. That the new dwelling and the extensions to the existing dwellinghouse shall be constructed using the materials approved under the terms of Condition 10 above.

Reason: In the interest of the visual amenity of the area.

12. That before the development hereby permitted starts, a scheme of landscaping, including boundary treatment, shall be submitted to, and approved in writing by the Planning Authority, and it shall include:-

- (a) details of any earth moulding and hard landscaping, grass seeding and turfing;
- (b) a scheme of tree and shrub planting, incorporating details of the location, number, variety and size of trees and shrubs to be planted
- (c) details of the measures to be taken to improve the habitats within the site especially along the boundary of the site with the Luggie Water.

Reason: In the interests of the visual amenity of the area

13. That within one year of the occupation of the dwellinghouse hereby permitted, all planting, seeding, turfing and earth moulding included in the scheme of landscaping and planting, approved under the terms of condition 12 above, shall be completed and any trees, shrubs, or areas of grass which die, are removed, damaged, or become diseased, within two years of the completion of the development, shall be replaced within the following year with others of a similar size and species.

Reason: In the interests of the visual amenity of the area

14. That the use of the garage hereby permitted shall be restricted to private use incidental to the enjoyment of the dwellinghouse and no commercial activity shall be carried out, in, or from, the garages.

Reason: To safeguard the residential amenity of the area.

15. That, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, no development shall take place within the curtilage of the new dwellinghouse hereby permitted, other than that expressly authorised by this permission.

Reason: To safeguard the residential amenity of the area and to control future extensions to the dwelling in the interests of the proper planning of the area.

16. That notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, the garage shall not be altered internally or externally or used other than for the garaging of motor vehicles or storage ancillary to the dwellinghouse.

Reason: To safeguard the residential amenity of the area and to control future extensions to the dwelling in the interests of the proper planning of the area.

Background Papers:

Application form and plans received 15th June 2006

Memo from Traffic and Transportation Team Leader (Northern Division) received 3rd July 2006

Memo from PE Geotechnical Team received 26th July 2006

Memo from NLC Community Services received 18th July 2006

Letter from West of Scotland Archaeology Service received 28th June 2006

Letter from Scottish Environment Protection Agency received 31st July 2006

Letter from Friels Solicitors & Notaries, The Cross, Uddingston, G71 7ES received 23rd June 2006.

Letter from Jane MacPherson, Burnbrae, 678 Stirling Road, Luggiebank, Cumbernauld, G67 4AB received 4th July 2006.

Letter from Friels Solicitors & Notaries, The Cross, Uddingston, G71 7ES received 20th July 2006.

Any person wishing to inspect these documents should contact Mr Graeme Lee at 01236 616474.

APPLICATION NO. N/06/01032/FUL

REPORT

1. Description of Site and Proposal

- 1.1 The application site lies on the northern edge of Luggiebank and was formerly part of the substantial garden ground associated with the house at 678 Stirling Road. The application proposes the subdivision of a recently established residential plot. The proposed house is to be constructed to the rear of the new house that is currently being built on the plot. The application site is separated from the existing house at 678 Stirling Road by a steep wooded slope. The application site sits at a lower level.
- 1.2 The proposed house will share the driveway formed to serve the house that is currently being built. The design of the proposed house is also similar. It is proposed that the 3 bed roomed house will be split level and will be built into the slope. The proposed house will be similarly orientated. At the rear, and facing towards the road, the house will appear to be single storey in proportions (albeit there will be a bedroom in the roof space with velux windows). At this level, and facing the road, there will be the entrance, hall and garage i.e. the house will not have any public rooms facing the road, instead these will over look the garden and the Luggie. Again this is the same arrangement as the house currently under construction.
- 1.3 As submitted the application was in outline. However, it was suggested that the applicant may wish to amend his application and seek detailed planning permission. This was done for two reasons. Firstly, the applicant had already provided drawings sufficient for a detailed planning application. Secondly, the constraints of the site, and the relationship with the house currently being built, are such that the layout and positioning of the house are crucial. This requires an individual solution and accordingly an outline application is not wholly appropriate.
- 1.4 During the processing of the application and in response to comments made by SEPA there has been a slight change in the position and orientation of the proposed house.
- 1.5 The applicant re-notified the adjacent neighbour at 678 Stirling Road of the change in the status of the application and the reorientation of the house.

2. Development Plan

- 2.1 The development raises no strategic issues in terms of the Glasgow and the Clyde Valley Joint Structure Plan 2000, and accordingly needs only to be assessed against the provisions of the Cumbernauld Local Plan.
- 2.2 The site lies within an established residential area and is covered by Policy HG4 of the Cumbernauld Local Plan 2003. This policy seeks to protect residential areas from inappropriate developments.
- 2.3 The site is covered by the Luggiebank Tree Preservation Order and the nearby bridge is a Category B Listed Structure.

3. Planning History

- 3.1 In 2001, an outline planning consent was granted for the construction of one house on the land to the north of 678 Stirling Road. Following on from which, in August 2003, detailed planning permission was granted for a house with a road to be formed down the slope to enable access to the garage. The positioning of the house on the plot was largely dictated by the existing slopes. Even so the applicant has had to import material to form his access road and to create

the platform upon which the house is being constructed. This is a difficult site to develop and, although work has been commenced, progress has been slow.

- 3.2 Planning application N/06/00340/AMD is also being reported to this committee. This application seeks retrospective planning permission for an amendment to the position of the house that is currently being built. The applicant has indicated that when test excavations were made for the foundations for the house wooden piling was encountered. It was presumed that these piles formed part of the foundations for the bridge. Being aware that this structure was listed, the applicant moved the foundations of the proposed house away from the road and the bridge. At its closest, the position of the house has moved some 7 metres further away from the road. Although a revised Building Warrant was granted, the applicant did not seek an amendment to his planning permission. The current application for a new house highlighted the discrepancies between the situation on the ground and the approved plans.

4. Consultations and Representations

- 4.1 Consultation responses have been received as follows:

1. West of Scotland Archaeology has no objections.
2. My Traffic and Transportation section does not object to the proposed house being accessed from the existing driveway but do point out that the existing driveway is very steep (maximum gradient should not exceed 1 in 8). Conditions are also recommended regarding the layout of the geometry of the access and parking. It is also pointed out that the improvements to the public footway (widening), initially requested at the time of the detailed planning application, were not covered in the planning permission.

Comment: The original planning permission did not impose a planning condition regarding the gradient of the access. However, the approved plans include a cross section that details a driveway at 1 in 8. The applicant has confirmed that this will be achieved. Planning conditions can address the other matters raised.

3. NLC Community Services have concerns regarding the development of this site highlighting in particular, the proximity of the site to the Luggie Water Site of Nature Conservation Value (SINC) and the fact that the site is covered by a Tree Preservation Order. Conditions regarding tree protection are recommended.

Comment: As a result of current construction works on the site, the site has been substantially disturbed as such it is considered that a further house would not have any further adverse impacts. In any event tree protection and appropriate landscaping can be addressed by planning conditions. It should be noted that the applicant is keen to improve the habitat along the riverbank and is also proposing the removal of the *Leylandii* trees.

4. My Protective Services Section has indicated that a full site investigation be carried out.

Comment: Given that the application site was previously private garden ground and that planning permission exists for the construction of a dwelling and access road on part of this site (in the process of being implemented) this is not considered to be necessary or reasonable in this instance.

5. The Scottish Environment Protection Agency (SEPA) has no objection. With regards to the flood risk assessment SEPA pointed out that a small section of floodplain would be lost if the house were built in the indicated position. SEPA also advise that written assurance should be sought from Scottish Water that a sewer connection is feasible; that any waste materials imported to the site require their authorisation and that measures need to be taken on site to prevent pollution.

Comment: The house has been repositioned on the site to ensure that the floodplain remains intact. A planning condition will be imposed regarding the appropriate treatment of sewage/sewer connections.

6. My Geotechnical Team Leader has indicated that he has no records of flooding in the vicinity of the proposed house. Nevertheless, he points out that the submitted flood risk assessment does not take account of potential blockages downstream from the development. Accordingly, an inspection and maintenance regime is recommended. The need to ensure that sewage is treated in an appropriate manner is also highlighted.

Comment: A note will be attached to the planning permission advising the applicant that it would be in the interests of future occupants of the house to periodically inspect the watercourse downstream of the application site to ensure that there are no blockages or restrictions to the watercourse.

- 4.2 Three letters have been received from the owner of 678 Stirling Road, one directly from the owner of the property requesting that a site visit and a hearing takes place. The other two letters have been lodged by her solicitors. The following is a summary of the matters raised along with my comments:

- Access - the access will not be sufficient for either emergency or construction vehicles.

Comment: My Traffic and Transportation Section has no objections to the use of the shared driveway.

- Erosion – the works to form the driveway have destabilised the slope with no details of retention being provided.

Comment: It is the applicant's responsibility to ensure that any works undertaken on his site do not affect his neighbour's property.

- Environmental Damage – felling of trees not belonging to the applicant and the access will encroach upon a badger sett

Comment: Other than those he had permission to fell, I am not aware that the applicant has felled any trees. There is no evidence of a sett within or immediately adjacent to the application site. The applicant does concede that there would appear to be an area occasionally used by Badgers on the slope within his neighbour's garden, but well back from the access road. In any event, the works to form the access road and the on going construction work will already had an impact on wildlife in the area. A further house, sharing the same access is not considered to have a significant further impact.

- Failure to progress the build or comply with existing planning conditions particularly with regards to the submission of details regarding the design of fences and walls.

Comment: There is no planning requirement to complete a development that has planning permission within a set timescale. The applicant has implemented his permission and as such is free to complete the development at his own pace. With regard to the submission of details of any fences or walls, this is not considered to be fundamental to the development and the applicant will be reminded of the requirements of his planning permission.

- Legal action has been initiated regarding a land ownership dispute. There is insufficient ground available to form the driveway; the current access is outside applicant's ownership

Comment: It is noted that there is a dispute between the applicant and the objector regarding land ownership issues, in particular the position of their respective titles. The assertion by the objector is that the applicant does not have sufficient space to form a driveway to serve the existing house let alone serve an additional house. The objector has indicated that there is only 2 metres between the edge of the house being constructed and the land under the applicant's ownership. This is a matter for the two parties to resolve through the appropriate legal channels. It is understood that the related court case is underway with a decision anticipated in early December.

The applicant has indicated on his plans that he has sufficient land to form an access driveway. Nevertheless, with regards to the house currently being built, there is sufficient space to the front of the house to allow off street parking. Accordingly, although desirable from the applicant's point of view, to afford access to the garage to the rear of the house, the driveway is not essential. With regards to the proposed house, if a driveway cannot be formed in accordance with the submitted plans then it will not be possible to implement any planning permission that may be granted.

- The conclusions of the Flood report indicate that building in this location should only be considered if essential. The building of a house on this site will cause significant drainage problems.

Comment: Neither SEPA nor my Geotechnical Team Leader raise any concerns regarding the conclusions of the flood risk assessment or advise against building on the site.

5. Planning Assessment and Conclusions

- 5.1 In accordance with Section 25 of the Town and Country Planning (Scotland) Act 1997, planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. In this case, I am satisfied that the proposed development accords with the policies contained in the Cumbernauld Local Plan 2003.
- 5.2 The site lies within an established residential area. This being the case, there is a presumption in favour of residential development so long as the development can be implemented without adversely impacting upon existing levels of residential amenity. I am satisfied that the development can proceed without adversely impacting upon the levels of amenity enjoyed by either the existing house at 678 Stirling Road or the house currently being built by the applicant.
- 5.3 The proposed layout is slightly different to the norm with both houses effectively turning their backs on the public road in order to take full advantage of the views towards the Luggie Water. The design of the proposed house is acceptable and the relationship between the proposed house and that currently under construction is satisfactory. Due to their internal layouts and positioning, both houses will enjoy adequate levels of privacy and will have sufficient areas of private garden ground.
- 5.4 Notwithstanding the objections from the neighbour at 678 Stirling Road, I am satisfied that the proposed development is acceptable in planning terms. Accordingly, it is recommended that planning permission be granted.
- 5.5 It should be noted that the objector (Ms Jane Macpherson) has requested that, before this application is determined, the Committee carries out a site visit and hearing.