

Application No: N/06/01228/OUT

Date Registered: 14th July 2006

Applicant: **Mr Alan Shephard**
22 Blairforkie Drive
Bridge Of Allan

Agent: John Kirkhope, Chartered Architect
3 Drove Hill
Cumbernauld

Development: **Construction of a Dwellinghouse**

Location: **Site Adjacent to Westbrook**
58 Glasgow Road
Kilsyth

Ward: 65 Queenzieburn and Kilsyth West : Councillor Jean Jones

Grid Reference: 270897 677968

File Reference: N/06/01228/OUT

Site History: None

Development Plan: The application site is covered by Housing Policies in the Kilsyth Local Plan 1999.

Contrary to Development Plan: No

Consultations: Scottish Environment Protection Agency (No Objection)
Scottish Water (Comments)
Kilsyth Community Council (Objection)

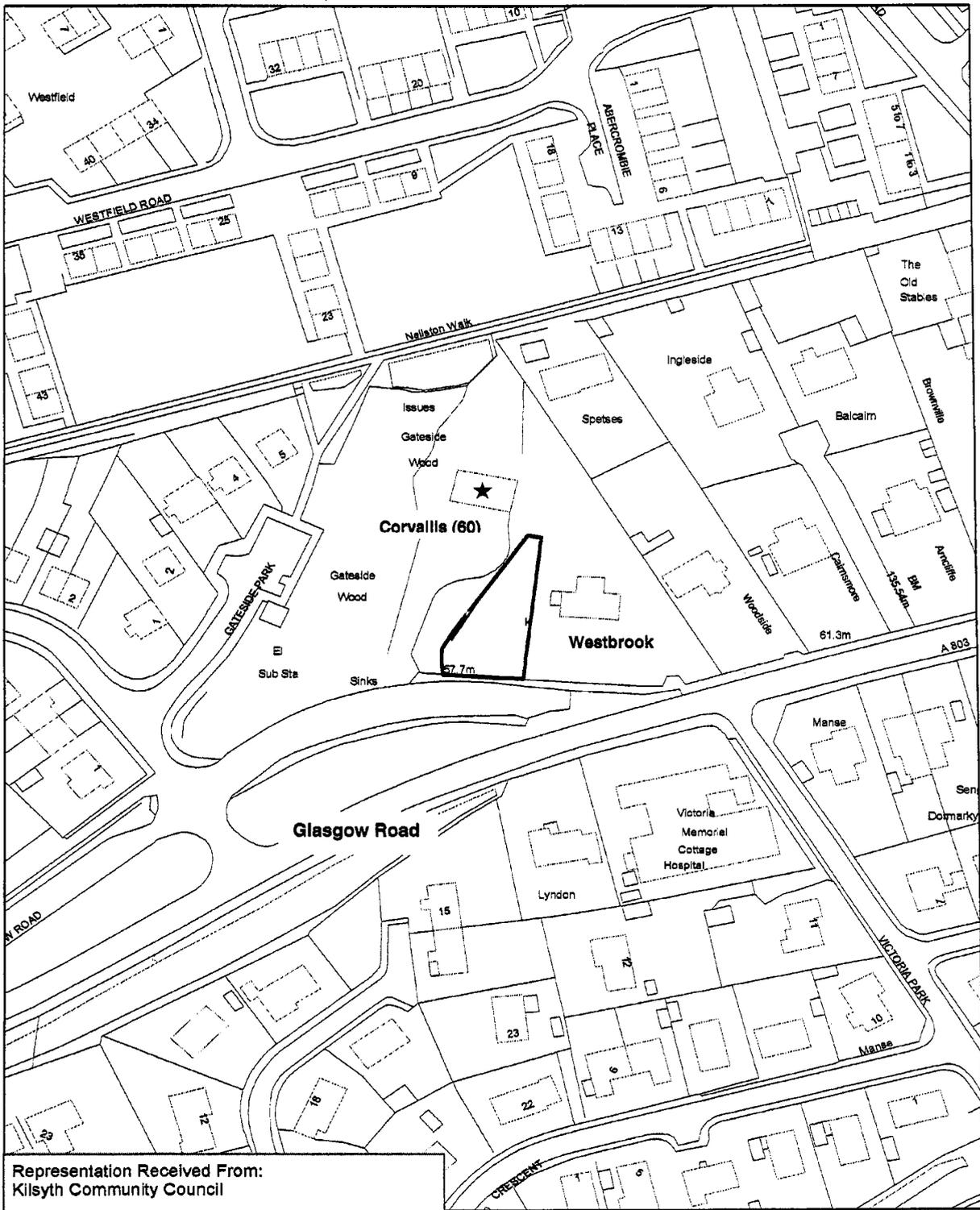
Representations: 2 Letters of Representation

Newspaper Advertisement: Not Required

Recommendation: Grant Subject to the Following Conditions:-

1. That before development starts, a further planning application shall be submitted to the Planning Authority in respect of the following reserved matters:-
 - (a) the siting, design and external appearance of all buildings and other structures;
 - (b) the means of access to the site;
 - (c) the layout of the site, including all roads, footways, and parking areas;
 - (d) the design and location of all boundary walls and fences;
 - (e) the provision of drainage works;
 - (f) the disposal of sewage.

Reason: To enable the Planning Authority to consider these aspects in detail.



Representation Received From:
Kilsyth Community Council

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N/06/01228/OUT
Mr A Sheppard
Site Adjacent to 58 Glasgow Road Kilsyth
Construction of a Dwellinghouse
★ Representation

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2. That within three years of the date of this permission, an application for approval of the reserved matters, specified in condition above, shall be made to the Planning Authority.

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

3. That the development hereby permitted shall be started, either within 5 years of the date of this permission, or within 2 years of the date of which the last of the reserved matters are approved, whichever is the later.

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

4. That notwithstanding the generalities of Condition 1 above, the proposed dwellinghouse and plot layout, where appropriate, shall:-

- (a) be no more than 2 storeys in height;
- (b) be positioned facing Glasgow Road;
- (c) sit no further forward than Westbrook and the building line outlined on Drawing no. JKA 2006-12 LAY 03 RevC;
- (d) provide off street parking at a rate of 3 spaces for a 3-4 bedroom dwelling and 4 spaces for a 5 bedroom dwelling; and
- (e) provide a paved driveway with drainage facility.

Reason: To ensure that the dwellinghouse is acceptable for the site and for the general area.

5. That before the development hereby permitted starts, a site investigation survey shall be carried out in accordance with the requirements of British Standard Code of Practice BS10175:2001 and a report of this survey shall be submitted to the Planning Authority in both written and electronic format. For the avoidance of doubt, the survey must look at all aspects of contamination of the site with particular reference to addressing the issue in terms of assessing the risk posed by the presence of pollutants in relation to sensitive receptors and, where appropriate, must include remediation proposals. Any analytical or investigatory work used to support the conclusions of the survey must include information regarding the methodology and Quality Assurance systems used.

Reason: In the interests of environmental and amenity protection as the site is in close proximity to several potential sources of contamination including unknown filled ground, a factory site, mineral railways and underground tanks.

6. Any works required in order to remove or render harmless any contaminants in connection with the site investigation survey shall be agreed in writing with the Planning Authority, and development shall not be commenced until these works have been completed.

Reason: In the interests of environmental and amenity protection.

7. That notwithstanding the generalities of Condition 1 above, prior to any works commencing on site, the applicant must confirm in writing to the Planning Authority that the foul drainage can be connected to the public sewer in accordance with the requirements of Scottish Water. The surface water must be treated in accordance with the principles of the Sustainable Urban Drainage Systems design manual for Scotland and Northern Ireland published by CIRIA in March 2000.

Reason: To prevent groundwater or surface water contamination in the interests of environmental and amenity protection.

Background Papers:

Application form and plans received 14th July 2006

Letters from Scottish Environment Protection Agency received 21st August and 16th December 2006
Letter from Scottish Water received 12th August 2006

Letters from Mr James Rankin, "Corvallis", 60 Glasgow Road, Kilsyth, G65 9AD received 26th July and 2nd August 2006.

Letter from Kilsyth Community Council, C/o Mr Machray, 19 William Wilson Court, Kilsyth, G65 9DP received 28th August 2006.

Any person wishing to inspect these documents should contact Mrs Kirsten Devlin at 01236 616463.

DATE : 3rd January 2007

APPLICATION NO. N/06/01228/OUT

REPORT

1. Description of Site and Proposal

- 1.1 This outline application is for the construction of a dwellinghouse adjacent to Westbrook, 58 Glasgow Road, Kilsyth. The application site currently forms part of the garden area of Westbrook, which sits on an extremely large plot of land.
- 1.2 It is proposed that the new house will utilise the existing vehicular access (a small part of which is shared with Corvallis), whilst the intention is to create a new separate vehicular access for the existing house.

2. Development Plan

- 2.1 The application raises no strategic issues in terms of the Glasgow and the Clyde Valley Joint Structure Plan 2000 and can therefore be assessed against Local Plan policies.
- 2.2 In terms of the Kilsyth Local Plan 1999 the application site is located within an area covered by Housing Policies HG3 - 5. These policies seek to protect the established character of existing and new housing areas.

3. Consultations and Representations

- 3.1 My Traffic and Transportation Section have no objection to the proposal, but have pointed out that the creation of a new vehicular access will require a Section 56 Road Opening Permit from the Council. The applicant has been made aware of this requirement.
- 3.2 My Pollution Control Section have requested that a site investigation survey be carried out in accordance with BS10175:2001, as the site is in close proximity to several potential sources of contamination including unknown filled ground, a factory site, mineral railways and underground tanks.
- 3.3 SEPA initially objected to the proposal, as the site is adjacent to an unnamed watercourse. They recommended that the applicant undertake a Flood Risk Assessment. The applicant submitted the required Flood Risk Assessment, which subsequently led to the withdrawal of SEPA's objection.
- 3.4 Scottish Water has stated they have no objection to the proposal. They also state a totally separate drainage system will be required for the surface water from the site and make it clear that they support the principles of sustainable urban drainage systems (SUDS).
- 3.5 Two letters of representation have been received in connection with the application from the occupiers of Corvallis at 60 Glasgow Road. The main points of objection and my comments thereon are as follows:

- ◆ The objectors' house was positioned to take advantage of the view. A new house would severely restrict the view they currently enjoy.

Comment: There can be no doubt that a new house will have an impact on the current view, although not all the views from their property will be restricted. It should also be remembered that there is no legal entitlement to a view.

- ◆ There is concern that the proposal will lead to a loss of privacy.

Comment: The introduction of a new house will have some impact on the privacy currently enjoyed by the occupiers of No.60, but it would not be serious enough to warrant refusal of this application on privacy grounds alone.

- ◆ The construction of a new house in such close proximity would devalue their property.

Comment : Property valuation is not a material planning consideration and should not influence the determination this application.

- ◆ Pedestrians use this part of Glasgow Road; therefore the increase in vehicular traffic generated by another house would have a detrimental impact on their safety.

Comment : The amount of additional vehicular traffic generated by a further house will be not be significant. Furthermore, my Traffic and Transportation Section have not raised this as an issue.

- ◆ The noise associated with the construction of a house would have a serious effect on a neighbour, who is a nightshift worker, and would frighten their dogs.

Comment : Nearly all forms of construction have an impact on surrounding neighbours, however, the disturbance is usually of a short-term nature and is not a justifiable reason for refusal in its own right.

- ◆ Kilsyth Community Council raised concern over the lack of information provided.

Comment : As this is an outline planning application, the level of information required is limited.

- ◆ There is also concern about the appropriateness of building on this wedge of land; Westbrook has an excellent setting back from the road and it is felt the view and setting will be jeopardised.

Comment : It is agreed that Westbrook does have an attractive setting. However, as the majority of houses on the north side of Glasgow Road are set well back, it is considered appropriate that any new house should do the same. The imposition of a condition will ensure that the house respects the setting of the area and will also help to minimise its impact on Westbrook and the surrounding area.

4. Planning Assessment and Conclusions

- 4.1 Under 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. The development accords with the housing policies of the Kilsyth Local Plan 1999.
- 4.2 Notwithstanding the objections received, outlined in Section 3 above, it is recommended that planning permission be granted.
- 4.3 It should be noted that Mr James Rankin of 60 Glasgow Road has requested that the Planning and Environment Committee visit the site and hold a hearing prior to determining the application.