
Report to: Planning Committee

Date of Meeting: 30th October 2014

Subject: Change of Use of Land (Existing Carpark) to Garden Ground, Penny Cottage, 33 High Street, Dollar, FK14 7AZ (Ref No 14/00187/FULL)

Report by: Mark Stoddart, Planner

1.0 Purpose

- 1.1. This report comprises the Report of Handling on the above noted planning application and provides a recommendation to Members on the application.
- 1.2. The application is being reported to the Committee for determination as the proposal involves Council land and there have been objections to the proposal.

2.0 Recommendations

- 2.1. It is recommended that the application be **APPROVED**.

2.2. Reasons for Decision

- 1. The change of use of the shrub bed and a 1 m strip of the carpark to the rear of No. 33 High Street, can be implemented without any loss of parking spaces.
- 2. The proposal meets the criteria of Policy RES 12, EN 6 & EN 10 of the Clackmannanshire Local Plan.
- 3. The proposal complies with guidance contained in Supplementary Advice Note 8 - House Extensions.
- 4. There are no other material considerations that outweigh the Development plan position.

2.3. Plans relating to the Decision

- 1. Location Plan - DRG 001
- 2. Cross Sections - existing and Proposed - DRG 002.

3.0 Considerations

- 3.1 The cottage is located within the Dollar Outstanding Conservation Area and is a 'C' listed building. The cottage is situated to the rear of the curtilage with a carpark to the rear. This carpark is higher than the property and there is a 1m high retaining wall, which marks the boundary. A 1.5m wide shrub bed separates the garden from the surfaced carpark.
- 3.2 Permission was originally sought to extend the rear garden of the cottage by taking in the shrub bed, retaining wall and 2.5m of the car park. A new retaining wall and railing would be erected on the new rear boundary. Following discussions with the Council's Roads Service, the applicant has amended the proposal, reducing the width of car park land within the site from 2.5m to 1m.
- 3.3 Planning permission has recently been granted for an extension to the front of the cottage. (14/00161/FULL).

3.4 Consultations.

- 3.5 Roads and Transportation - are broadly in support of the proposal. They note that the carpark is unmarked and this means that it is used inefficiently. They consider that the amended proposal provides the opportunity to delineate parking spaces and avoid any loss of parking.
- 3.6 Land Services - have no objection to the removal of the shrub bed.
- 3.7 Dollar Community Council - have objected to the original application and the amended proposal, as it would not be in the public interest to lose parking.

4.0 Representations

- 4.1 A total of 8 No. neighbouring properties were notified of the application and adverts placed in the local press and the Edinburgh Gazette. In response, representations have been received from the following parties:

- Alberto Condal, 19 Hillfoots Road, Dollar;
- Peter Lawry, 4 Hillfoots Road, Dollar;
- Ron Lamond, 21 Hillfoots Road, Dollar;
- Mike O'Sullivan, 23 Hillfoots Road, Dollar;
- Detlef Lorenz, 32 Dewar Street, Dollar;
- Crawford Dewar, Aikars, 11 Hillfoot Road, Dollar.

On the following grounds:

The notification of the application and public notice is deficient in the extent of notification and information given in the public notice. Comment. *The format of the notification and the displayed notice is prescribed in Government regulations and Council has complied with those regulations. A public notice was also included in the Alloa Advertiser and the Edinburgh Gazette for the wider public interest.*

The car park is heavily used in the summer time and weekends. Comment. *We agree that this tends to represent the peak periods.*

The amount of parking that is available in the area is insufficient to cope with the number of visitors to the area. Comment. *The amended proposal and subsequent improvements to the carpark to define the car parking spaces can avoid any loss of parking spaces.*

There is no on-street parking on Hillfoots Road. Comment *Noted.*

The alterations to and marking of the car park requires public money which benefits a private individual. Comment. *The maintenance and improvement of the car park forms part of the ongoing works that the Council carries out on annual basis. There will be no net cost to the Council arising from the proposal, and the re-construction of the retaining wall should ease the maintenance burden.*

- 4.2 Following the proposed amendment to the plan, the objectors, the Roads Service and Dollar Community Council were re-notified of the changes.

The following additional comments were received.

The reduction of / works to the carpark will adversely impact on the drainage in the area. Comment. *The Council's Roads Service will be involved in the design of the new retaining wall. The site boundary is not adjacent to the property to the west that sits at a lower level. This boundary is therefore unaffected by the development.*

As No. 31 is vacant, no applications should be decided until there is a new owner. Comment. *In line with Governmental requirements notification was sent to No. 31. It is issued to the owner and occupier of a property. The Council must proceed to determine the application.*

5.0 Development Plan Position

- 5.1 The application must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 5.2 In this case, the key Development Plan provisions are as set out in the Clackmannanshire Local Plan, adopted 2004.
- 5.3 Policy RES 12 of the Local Plan deals with householder developments and requires that developments do not adversely impact on the amenity of the surrounding area. It is considered that the proposal will not adversely impact on the amenity of the area. Shrubs will be removed. A retaining wall will be rebuilt. A narrow segment of a carpark will be lost. There will be no direct effect on any adjoining property.
- 5.4 Policy EN 6 of the Local Plan deals with development affecting listed buildings. The enlargement of the rear garden of the listed building will enhance its setting, and provide increased private space between the building and the public space.
- 5.5 Policy EN 10 deals with developments in conservation areas and requires that developments do not have an adverse impact on the character and nature of

the conservation area. The change of use of part of the carpark and associated shrub bed to private garden ground will not have an adverse impact on the character of the Conservation Area.

- 5.6 Our assessment of this proposal takes account of the applicant's house, the position of, and alterations to, neighbouring properties, and any consequential predicted change to standards of amenity. On balance, we conclude that the proposal complies with the Development Plan.

6.0 Other Material Considerations

- 6.1 The Council's Roads Service have assessed the proposal and concluded that by introducing the delineation of carparking spaces, no loss of carparking would materialise. The carpark is inefficiently used at the present time, due to the absence of any carparking spaces marked on the ground. The applicant has submitted an amended proposal which reduces the area of carpark within the site from 2.5m to 1m. The Council's Land Services department have confirmed that they have no objection to the removal of the small shrub bed to the rear of the house. Accordingly, while we understand the comments received from local residents and the Community Council regarding the value of this car park, we are re-assured that any loss of parking can be avoided.
- 6.2 In the event that planning permission is granted, the applicant would require to conclude the purchase of the land from the Council. Arrangements for the demarcation of carparking spaces, will be finalised as part of that arrangement and therefore implemented with the changes described in this application. This will ensure that we achieve the objective sought by the Roads Service.
- 6.3 The Clackmannanshire Local Development Plan - Proposed Plan, has been approved by Council and is currently before Ministers. As a material consideration the proposal needs to be assessed against Policies SC8 (Domestic Developments), EA 22 (Listed Buildings) & EA 23 (Conservation Areas). The proposal meets the criteria of those policies.
- 6.4 The issues raised by the representations have been considered and do not indicate that planning permission should be withheld.

7.0 Sustainability Implications

- 7.1 None

8.0 Resource Implications

8.1 Financial Details

- 8.2 The full financial implications of the recommendations are set out in the report. This includes a reference to full life cycle costs where appropriate. Yes ☒
- 8.3 Finance have been consulted and have agreed the financial implications as set out in the report. Yes ☐

9.0 Exempt Reports

9.1 Is this report exempt? Yes ☐ (please detail the reasons for exemption below) No ☒

10.0 Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

(1) **Our Priorities** (Please double click on the check box ☒)

The area has a positive image and attracts people and businesses	<input type="checkbox"/>
Our communities are more cohesive and inclusive	<input type="checkbox"/>
People are better skilled, trained and ready for learning and employment	<input type="checkbox"/>
Our communities are safer	<input type="checkbox"/>
Vulnerable people and families are supported	<input type="checkbox"/>
Substance misuse and its effects are reduced	<input type="checkbox"/>
Health is improving and health inequalities are reducing	<input type="checkbox"/>
The environment is protected and enhanced for all	<input checked="" type="checkbox"/>
The Council is effective, efficient and recognised for excellence	<input type="checkbox"/>

(2) **Council Policies**

Clackmannanshire Local Plan.

11.0 Equalities Impact

11.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?
Yes ☐ No ☒

12.0 Legality

12.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes ☒

13.0 Appendices

13.1 None

14.0 Background Papers

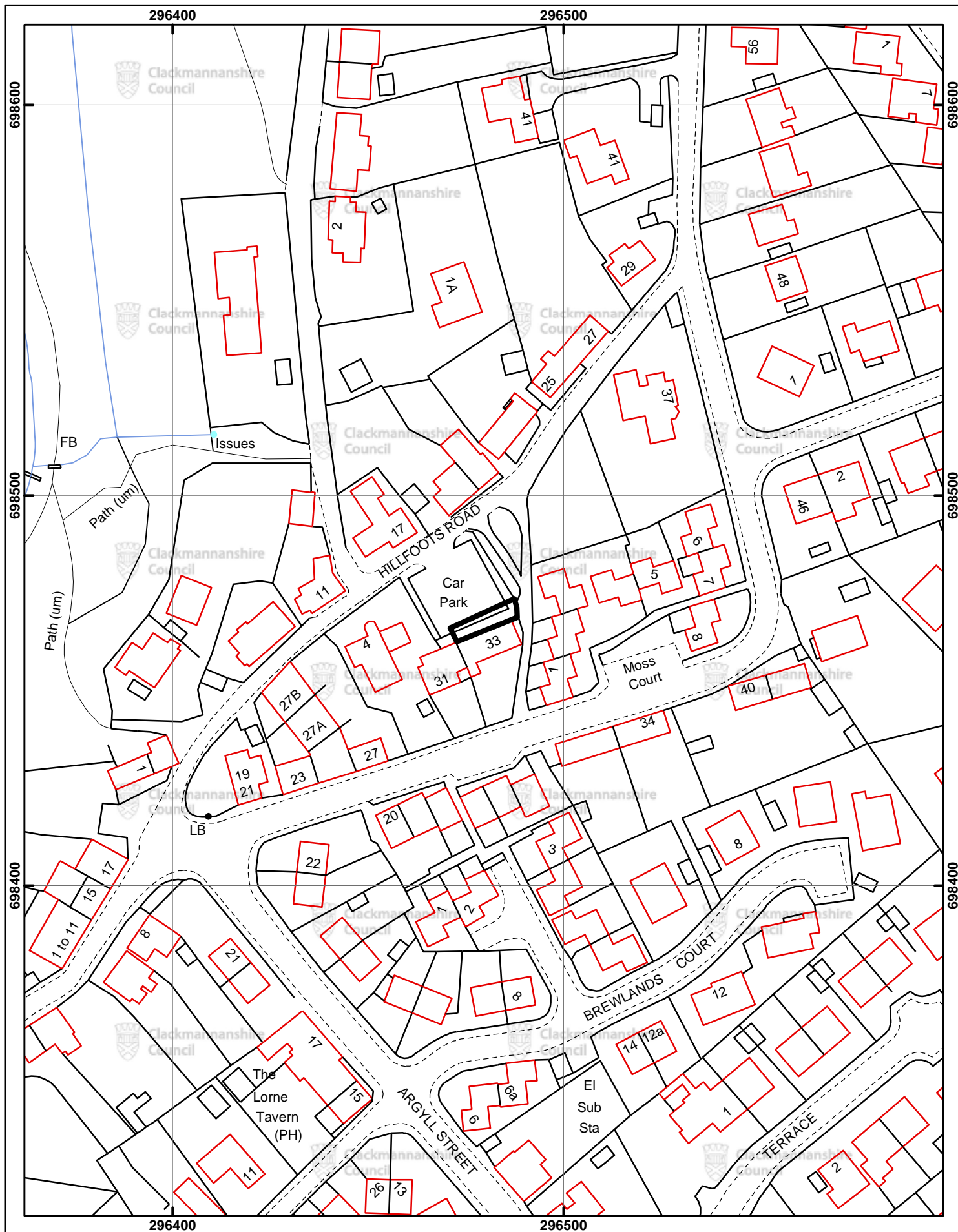
14.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)
Yes ☐ (please list the documents below) No ☒


Author

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Approved by

NAME	DESIGNATION	SIGNATURE
Julie Hamilton	Development Services Manager	
Gordon McNeil	Head of Development and Environment Services	






Date:
06-Oct-2014

14/00187/FULL - Penny Cottage, 33 High Street, Dollar
Change Of Use Of Land (Existing Car Park) To Garden Ground

Ward: Clackmannanshire East

OS Grid Ref: NS 96 98 SW

Scale: 1:1,250



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