

**COMMUNITY & REGULATORY SERVICES
CLACKMANNANSHIRE COUNCIL**

**REPORT OF HANDLING
PLANNING APPLICATION DELEGATED REPORT**

Application Ref. No. 18/00244/PPP

Date of Site Visit: 13/11/2018

Description of Proposal **Change of Use of Agricultural Land to Private Garden Ground, Erection of Dwelling House to Rear of 17 Glassford Square and Formation of Car Parking and Turning Area.**

Location: **17 Glassford Square, Tillicoultry, FK13 6AU.**

1. The Proposed Development

This application is for planning permission in principle for the erection of a house to the rear of 17 Glassford Square. This is proposed by incorporating a part of agricultural land to the north through a change of use and subdividing part of the rear garden of the existing house. Access to the plot is proposed along the existing shared driveway and an extension to this would be required to the north of the existing house. A turning area and parking would be created to the north of the existing house. The applicant has submitted an indicative plan illustrating the proposed house position within the site.

Following detailed assessment subsequent to the validation of the application, the submitted plans were found to have inaccuracies relating to the position of the house and the proposed site boundaries. As this is an application for planning permission in principal it was decided that these inaccuracies did not invalidate the application and a decision could be made in assessing the principle of a house on the site with any subsequent application for reserved matters addressing these inaccuracies.

Historically, a single area of ground (accessed off the cul de sac head of Glassford Square) was divided into two residential plots sharing a driveway. A dwelling house was then erected within each of these plots creating No.s 17 and 19 Glassford Square. To the north of No. 17 are agricultural fields and to the south is open space, owned and maintained in grass by the Council.

2. Summary of Consultation Responses

Scottish Water – have no objections to the proposal. Sufficient capacity exists in the water network, however capacity cannot be reserved. Comment - *noted*

Roads and Transportation – advise against the use of a shared driveway by more than 2 houses. This is to ensure that a reasonably short and unrestricted distance will always be available from a house’s plot boundary to a public road. It is noted that the proposed driveway would be 60 m in length. There is limited on street parking within Glassford Square and this can not be increased. It is therefore unlikely that the proposed visitor parking within the existing driveway would be effective as a result of their proposed arrangements and this would consequently decrease road safety standards. Comment – *noted*.

3. Neighbour Notification and Publicity

Number of Neighbours Notified

21

Number of Objections

3

Number of Other Representations

1

4. Summary of Representation.

Objections were submitted by the following

John McDonald, 30 Jamieson Gardens, Tillicoultry
Mrs Margaret Daniels, 42 Jamieson Gardens, Tillicoultry
Mrs June Lynch, 19 Glassford Square, Tillicoultry.

The Eastern section of the proposed plot is owned by the Council. Comment. *The proposed southern boundary of the site matches historic records held by the Council and no part of the plot is owned by the Council.*

The northern part of the site is owned by the owner of the fields to the north of the property. Comment – *the applicant has confirmed that they have purchased an area of land from the owner. This application includes the change of use of this area of land.*

Heavy lorries would cross the area of Council land to the south of the site in order to deliver materials. The lane which would be used is not suitable for heavy vehicles. Comment. *Permission to use the lane would be needed from the owner(s) as this is not a public road. Permission to gain access across the land to the south of the site would be needed from the Council. The applicant has not asked for permission from the Council at this time.*

The additional traffic which would be generated by the new house would exacerbate the traffic problems within Glassford Square. Comment. *There is limited on street parking available within Glassford Square which is relatively narrow and has sharp bends. Any parking on the street limits the ability to manoeuvre within the street. The proposed off street car parks within the driveway may not be effective due to their position and width of the driveway. Overall, the proposed new house may adversely affect road safety within the street.*

The use of the shared access is against Roads advice which advises that no more than two houses should share an access. Comment *While historic examples can be found where more than two houses share an access, the creation of a new access which is shared by more than two houses is not recommended. The access would be 60 m long which is unusually long for an urban access within a residential area.*

The applicant has used the planning system to create the opportunity to create an access to the side of the house. Comment. *The applicant applied in 2016 to change an area of sloping land to the northern side of 17 Glassford Square from agricultural land to private garden ground. (16/00097/FULL). This was to create additional level ground on the northern side of the house, the construction of a wall to retain the hill slope and allowed access to the rear garden which was limited by the position of the side boundaries of the property. This application was assessed against the policies of the Local Development Plan and granted in 2016. The applicant has subsequently created the level ground and erected the wall in accordance with the approved plan. Planting that was required has failed and the applicant has not yet undertaken replacement planting. He has stated that the planting will occur within the next planting season.*

A representation was received from Mr Stuart Smith, Westerton Farm Cottage, Glassford Square, Tillicoultry.

There have been problems in the past with delivery vehicles using the cul de sac head and there are concerns that deliveries to the site will create problems with parking and safety. Comment. *As Glassford Square is a public road, the Council can not restrict the use of the road by commercial vehicles.*

5. Summary of Supplementary Statements

None.

6. Summary of Section 75 Planning Obligations.

None.

7. Site History/Background

90/00429/PO – Erection of Two Houses (Outline) – approved.

91/00435/PD – Formation of Road and Footpath for Two House Plots – approved.

91/00434/PD – Erection of 2 Dwelling houses – approved.

98/00318/FULL – Erection of Domestic Garage and Alterations to Existing Garage - approved but the garage was not constructed.

16/00097/FULL – Change of Use of Agricultural Land to Garden Ground – Approved and partially implemented.

PREAPP-2016-065 Erection of 1 No house to Rear of Garden – Response sent detailing the Local Plan policies that were relevant and general comments on the proposed development. Conflicts with planning policies and Roads advice were outlined as this time.

17/00034/PPP - Erection of 1 No. house with Associated Access – this application proposed a similar layout for the new site and access, but was withdrawn by the applicant after advice from the Council that the application was likely to be refused following analysis of the policy position, Roads advice and the initial assessment of the proposal.

PREAPP-2017-054 – Erection of Dwellinghouse to North of House – Response sent detailing the Local Plan policies that were relevant and general comments on the proposed development. The difficulties of developing a steeply sloping site and the impact of a development on the amenity of No. 17 Glassford Square due the proximity of the proposed house were outlined.

8. Planning Assessment

(a) Local Development Plan

i. Policies

The relevant Development Plan Policies are Policy SC 5 (Layout and Design Principles), SC 7 (Energy Efficiency and Low Carbon Development), and EA 4 (Landscape Quality).

Clackmannanshire's Local Development Plan SC 5 states that new residential development is expected to follow the criteria listed in the policy and the advice in the Council's Supplementary Guidance on 'Placemaking'. The criteria includes an expectation that the development would; contribute positively to it's setting, the surrounding landscape / townscape and character of the area; integrate well with existing streets and neighbourhoods; employ sustainable construction techniques; ensure protection and enhancement of green networks and provide high quality landscape proposals.

Policy SC 7 states the new buildings must achieve energy efficiency and meet low carbon standards.

EA 4 states that development should be designed and located in such a way that the landscape quality and visual characteristics of the surrounding area is maintained and where possible enhanced.

From the information provided in the application, and comments, if any, received from third parties, we conclude that :-

garden ground is likely to be considered favourably if submitted for consideration.

The combination of the limited size and triangular shape of the proposed plot would require any new house on the site to be unacceptable close to the existing house at 17 Glassford Square. In addition the position of the proposed house with fields to the north and open space to the south would lead to an adverse visual impact. The house would appear detached from the adjacent housing and would not integrate with surrounding houses.

The proposed access is complex, does not meet Roads advice and would lead to parking and safety problems within Glassford Square which is a constrained existing access with limited parking capacity and restricted carriageway width.

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.

iii. Supplementary Guidance

The proposal does not accord with the guidance on householder developments in Supplementary Guidance No.10 - Domestic Developments as it would adverse impact on the amenity of No. 17 Glassford Square and low standards of amenity would be achieved in the proposed new house.

(b) Other Material Considerations

None.

9. Recommendation

Approve	<input type="checkbox"/>	Approve with Conditions (see below)	<input type="checkbox"/>
Refusal (see below)	<input checked="" type="checkbox"/>	Referral to Historic Scotland	<input type="checkbox"/>

That the proposed erection of a house and associated access be REFUSED. The change of use of agricultural land to private garden ground whilst acceptable and retrospective is a detailed proposal that cannot be regularised through a planning in principle application.

Reasons for REFUSAL of proposed access and new house.

- 1. The proposed development of the site would detract from rather than maintain or contribute positively to the established character, amenity**

- The house would be a considerable distance from the public road and a significant portion of the driveway would be shared with either one or two houses. We would regard this development as backland development and as such it fails to satisfactorily integrate with the existing neighbourhood development in terms of relationship to buildings, garden ground and established standards of amenity. In addition the plot created would be atypical of the other properties in this area by virtue of its shape and position.
- The existing house at No 17 currently enjoys a high standard of amenity and privacy. This would be adversely affected by the creation of a driveway with parking spaces and turning areas to the side of the existing house. The proposed new house would be overlooked by the existing house and vice versa which would reduce the amenity of both as a consequence.
- The limited on street parking available on Glassford Square means that it would be inappropriate to allow further development remote from that road, even where additional in curtilage parking is proposed. While it is proposed to create parking places within the first part of the driveway, these are unlikely to be used as they are remote from the proposed house and the driveway width would make manoeuvring past vehicles difficult.
- The fields to the north of the proposed plot are within a special landscape area and this originally included the land which forms the northern part of the proposed plot. This appearance of this land has changed due to earthworks and it functions as part of the residential property. A limited visual impact has resulted from the change on the landscape quality of the adjoining fields.
- The applicant has not included any details that enable judgement to be made on the energy efficiency of the proposed house. This could be addressed in the assessment of an application for reserved matters which would be required before any house could be constructed.

ii. Proposals

The proposed incorporation of agricultural land to garden ground is considered acceptable as

- The strip of land has been excavated and the boundary fence re-established further up the slope. This coupled with the changes to the land to the north of the house means that it now reads as a part of the property rather than part of an agricultural field.
- The loss of this part of the field does not adversely affect the use of the rest of the field. There is no adverse visual impact from the change to garden ground.
- Whilst acceptable and retrospective this detailed change of use of land cannot be granted planning permission by a planning permission in principle application. However, a detailed application for change of use of this land to

and environmental qualities of the site and the surrounding area by reason of

- (a) The loss of more than 50 % of the rear garden of the existing house;**
- (b) The creation of a site that due to its shape limits the useable space available for activities associated with the domestic use of the house;**
- (c) The amenity of the existing house would be adversely affected by the creation of parking and turning areas in close proximity.**
- (d) The proposed access does not comply with Roads advice in terms of its design and length.**

2. The site boundaries and house position indicated in submitted plans do not accord with Ordinance Survey and historic records held by the Council. Therefore, the proposed plans are inaccurate and cannot be used to favourably determine the application.

The proposal is therefore contrary to policy SC 5 of the Clackmannanshire Local Development Plan 2015.

Plan Numbers Relating to the Decision

Plan1 Location Plan and Access, Plan 2 Site Plan.

10. Checklist

The application does involve development of land in which the Council has an interest	<input type="checkbox"/>
The list of owners/occupiers of neighbouring land has been verified during the site visit and appears to be correct	<input checked="" type="checkbox"/>
The charge for advertising this application has been paid or is not required	<input checked="" type="checkbox"/>
Any publicity period has expired	<input checked="" type="checkbox"/>
The recommendation requires authorisation by the following Appointed Officers:	
Development Quality Team Leader	<input checked="" type="checkbox"/>
Development Services Manager	<input type="checkbox"/>

The recommendation/decision has secured added value which is recorded in Uniform

Two complete sets of plans to be approved are attached, or identified from the electronic file

The electronic file requires annotated plans which are attached

There are instructions to Business Support attached to this report/file

Site Notice & Note to Applicant required for National, Major or Bad Neighbour development

Coal Authority Householder Referral Area Note to go with Decision

Coal Authority Standing Advice Note to go out with Decision

Signed _____ (Case Officer) Date 21/12/18

Signed _____ (Team Leader) Date 21/12/18