

# Report

Report to:	<b>East Kilbride Area Committee</b>
Date of Meeting:	<b>11 May 2005</b>
Report by:	<b>Executive Director (Enterprise Resources)</b>

Application No	EK/05/0021
Planning Proposal:	Alterations to garages (Plots 7,9,10,11,12,13,35) (Amendment to planning consent EK/03/0497)

## 1 Summary Application Information

- Application Type : Detailed Planning Application (Amend)
- Applicant : Cala Management Limited
- Location : Laigh Braehead  
Braehead Road  
Thorntonhall

## 2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

(1) Grant Consent subject to conditions and Section 75 Legal Agreement

### 2.2 Other Actions/Notes

(i) The applicant is required to enter into a Section 75 Legal Agreement to ensure that the annexe accommodation is not used or sold as a separate dwelling unit and that the converted building shall be used solely as accommodation ancillary to the main dwellinghouse.

(ii) The Area Committee has delegated powers to determine this application.

## 3 Other Information

- ◆ Applicant's Agent: None
- ◆ Council Area/Ward: 28 Mossneuk/Kittoch
- ◆ Policy Reference(s): Policy SLP6 – Development Control General of the East Kilbride and District Local Plan
- ◆ Representation(s):  
None
- ◆ Consultation(s):  
  
Roads and Transportation Services (East Kilbride)

Jackton & Thorntonhall Community Council

# **Planning Application Report**

## **1 Application Site**

- 1.1 On the northern edge of Thorntonhall north of Braehead Road, the site is irregularly shaped and extends to 5.1 hectares or thereby of former grazing land and piggery. Construction works are now underway to develop 35 detached dwellings on the site.
- 1.2 More specifically the site is bounded to the north east by robust hedgerows which form the boundary of the Laigh Braehead Farm track and define the greenbelt boundary as established by the East Kilbride and District Local Plan 2003. To the south lies Braehead Road where the approved residential development site is accessed and to the north west lies Peel Road. Established detached houses form the western boundary of the site and several other detached dwellings including cottages are also located at various locations adjacent to the site.

## **2 Proposal(s)**

- 2.1 It is proposed to convert the upper floors of 7 existing garages to form ancillary living accommodation. There is no change proposed to the footprint, dimensions or capacity of the garages which can accommodate 3 vehicles on the ground floor.
- 2.2 More specifically 7 plots are affected (ie Plots 7, 9, 10, 11, 12, 13 and 35).

The proposed accommodation comprises one bedroom, lounge, small kitchen and shower/toilet on the upper floor entered via a stair from the ground floor. The ground floor would remain unchanged accommodating triple garaging.

- 2.3 The garages are located within the curtilage of the main dwellings and have not changed position from the original planning layout drawing.
- 2.4 Although self contained and detached from the main dwellings, this additional accommodation would be ancillary to the main dwellings to be used as guest accommodation, or for staff such as nanny or housekeeper.

## **3 Background**

### **3.1 Local Plan Status**

The proposal can be assessed against Policy SLP6 of the East Kilbride and District Local Plan (Adopted 2003). Policy SLP6 of the plan relates to development control in general and states that all new developments should seek to enhance the quality and appearance of the local environment. A full discussion of this policy is contained in Section 6.0 below.

### **3.2 Relevant Government Advice/Policy**

None directly applicable

### **3.3 Planning Background**

In 2003 Cala Homes submitted a planning application for 35 dwellinghouses. This proposal reflected the findings of the Reporters as outlined in the Local Planning

Inquiry Report issued in June 2003. The 35 house application (EK/03/0497) was approved in December 2003.

- 3.4 An amendment application was submitted in 2004 (EK/04/0591). This introduced some new housetypes and was approved on 24 November 2004.

## 4 Consultations

- 4.1 **SLC Roads and Transportation** have no comments in respect of the alterations of the garages to form living accommodation intimating that the existing parking provision is sufficient to serve both the original dwellings and the proposed ancillary accommodation.

**Response:** Noted.

- 4.2 **Jackton and Thorntonhall Community Council** have raised objections in terms of the proposal. Their points are summarised as follows:-

**1) The proposal must be refused on the basis that the application relates to the provision of self-contained living accommodation on the upper level of eight detached triple garages which would result in the number of dwellings significantly exceeding the limit of 35 imposed by the Reporters in their findings following the Local Plan Inquiry.**

**Response:** This proposal relates to the alteration of the upper floors of 7 triple garages to form ancillary accommodation to the principal dwellings of 7 plots out of 35 plots previously approved. This accommodation, although self contained and detached from the main dwellings would not be sold or leased as separate dwellings. Cala have confirmed that a condition would be placed in the concluded missives restricting the sales of the garages as separate dwellinghouses. Furthermore should the local members be minded to approve the proposal, it would be subject to a Section 75 Legal Agreement restricting the sale or lease of the garages separate from the main dwellings on the site.

**2) Cala have not submitted supporting information demonstrating a social need for such accommodation, such as “granny flat” accommodation**

**Response:** While I would agree that no proven social need information has been submitted by Cala in respect of the proposal, information from Cala has advised that within this unique upper section of the housing market, there is a demand for ancillary accommodation to be provided within the curtilage of the principle dwelling. Accommodation for guests, or staff such as “nannies” or “housekeepers” would be provided on the upper floor of the detached triple garage with the ground floor remaining as garaging. As stated above, any approval would be subject to a planning condition (Condition No 3) restricting the sale or lease of the garages separate from the main dwellings and a Section 75 Legal Agreement would be required. Cala have confirmed that a condition would be placed in the concluded missives restricting the sales of the garages as separate dwellings.

**3) Any conversion of these two storey garage buildings “full size” detached dwellings must be prevented by conditions on the Purchaser.**

**Response:** As part of any Planning approval, a suitable condition would be attached to retain garaging on the ground floor and to restrict the buildings from being further converted (Condition 4). This would also be reflected within the wording of the Legal Agreement.

**4) The current en bloc application should be refused.**

**Response:** As stated above Cala have advised that there is a demand for such ancillary accommodation to provide accommodation for guests, or staff. Provided the proposal is carefully conditioned to prevent the separate sale or lease of the garage building together with the signing of a Section 75 Legal Agreement to retain it as ancillary accommodation, in my opinion the proposal is acceptable in this upper market housing development

**5 Representation(s)**

5.1 None

**6 Assessment and Conclusions**

- 6.1 The present application relates to alterations to 7 garages to form ancillary living accommodation to the main dwellings on these plots (Plots 7, 9, 10, 11, 12, 13 and 35).
- 6.2 No physical external changes to the garages are proposed. The garages remain the same size in terms of footprint and height. The existing garage accommodation for 3 vehicles remains unchanged at ground floor level.
- 6.3 The proposal requires to be assessed in terms of the relevant part of SLP6 – Development Control General of the East Kilbride and District Local Plan.

The relevant part of SLP6 relates to the conversion of outbuildings to form separate “granny” annexes. Such conversions are only acceptable where all of the following criteria are met.

- a) There is a proven social need and the applicant is prepared to enter into a Section 75 Legal Agreement to ensure that the accommodation is not used or sold as a separate dwelling unit.
  - b) Adequate access, parking etc can be provided.
  - c) No harm to the amenity of neighbouring properties through loss of privacy or overlooking will occur.
- 6.4 I have assessed the proposal against the criteria and in my opinion while no proven social need has been provided, in this unique upper market development Cala has intimated that there is a demand for ancillary accommodation to provide for guests or staff. As the developer is prepared to enter into a Section 75 Legal Agreement to restrict the use or sale of the garages as separate dwelling units I find the proposal acceptable in this instance.
- 6.5 Roads and Transportation Services are satisfied that sufficient car parking provision will remain and the garages are suitably positioned within the curtilage of the main dwellings so as not to result in any amenity and privacy problems with neighbouring properties.
- 6.6 The issues raised by Jackton and Thorntonhall Community Council have been properly considered but they do not justify the refusal of the consent.
- 6.7 Given the above, I would raise no objections to the proposal and therefore recommend that planning permission be granted.

**Iain Urquhart**  
**Executive Director (Enterprise Resources)**

3 May 2005

**Previous References**

- ◆ Planning Committee – 2 December 2003
- ◆ East Kilbride Area Committee – 24 November 2004

**List of Background Papers**

- ▶ Application Form dated 14.1.05
- ▶ Application Plans
- ▶ Consultations
  - Roads and Transportation Services (East Kilbride) 23/02/05
  - Jackton & Thorntonhall Community Council 15/02/05

**Contact for Further Information**

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

Maud McIntyre, Planning Officer

Ext 6385 (Tel :01355 806385 )

E-mail: [Enterprise.ek@southlanarkshire.gov.uk](mailto:Enterprise.ek@southlanarkshire.gov.uk)

## **CONDITIONS**

- 1 That the development hereby permitted shall be started within five years of the date of this permission.
- 2 That the development shall be carried out strictly in accordance with the plans hereby approved and no change to the design or external finishes shall take place without the prior written approval of the Council as Planning Authority.
- 3 That notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any such order revoking or re-enacting that order), the use of the upper floor of the buildings shall be restricted to use as ancillary accommodation to the principal dwelling on the site and shall not be used, leased or sold separately.
- 4 That notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 (or any such order revoking or re-enacting that order), no development shall take place to the buildings hereby approved other than that expressly authorised by this permission without the prior written consent of the Council as Planning Authority.
- 5 That the use of the buildings hereby approved shall be restricted to private use incidental to the enjoyment of the dwellinghouses on the site and no commercial activity shall be carried out in or from the buildings.

## **REASONS**

- 1 To accord with the provisions of the Town and Country Planning (Scotland) Act 1997.
- 2 In the interests of amenity and in order to retain effective planning control.
- 3 In the interests of amenity and to retain effective planning control.
- 4 In the interests of amenity and to retain effective planning control.
- 5 To retain effective planning control and safeguard the amenity of the area.





EK/05/0021

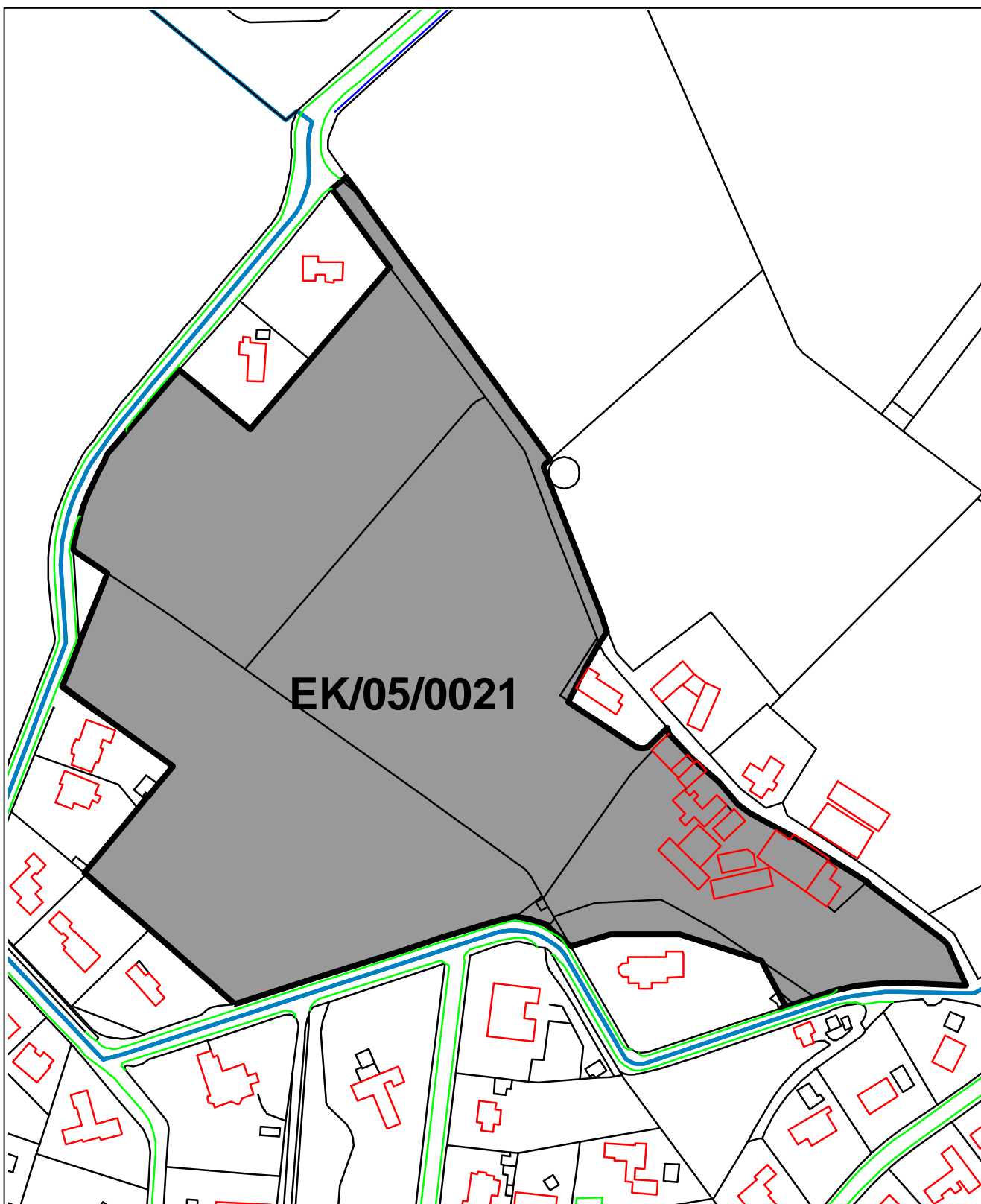
LAIGH BRAEHEAD, BRAEHEAD ROAD, THORNTONHALL

Planning and Building Control Services

Scale: 1: 2500

For information only

For information only



This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office.  
© Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
South Lanarkshire Council, Licence number 100020730. 2005