

Report

Report to:	Planning Committee
Date of Meeting:	19 December 2017
Report by:	Executive Director (Community and Enterprise Resources)

Application No	HM/17/0446
Planning Proposal:	Change of Use of Dwellinghouse to 3 Flats

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Ms Tracey Devine
- Location : 36 Church Street
Larkhall
ML9 1HE

2 Recommendation(s)

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

- (1) Grant Detailed Planning Permission - Subject to Conditions (Based on Conditions attached)

2.2 Other Actions/Notes

- (1) The Planning Committee has delegated powers to determine the application.

3 Other Information

- ◆ Applicant's Agent: Cameron Planning
- ◆ Council Area/Ward: 20 Larkhall
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
Policy 4 - Development management and placemaking
Policy 6 - General urban area/settlements
Development management, placemaking and design supplementary guidance (2015)
Policy DM1 – Design
Policy DM6 - Sub-Division of Property for Residential Use
Policy DM13 - Development within General Urban Area/Settlement).

- ◆ Representation(s):
 - ▶ 15 Objection Letters
 - ▶ 0 Support Letters
 - ▶ 0 Comments Letters

▶ 1 Petition with 4 signatures

◆ Consultation(s):

Environmental Services

Roads Development Management Team

Planning Application Report

1 Application Site

- 1.1 The application relates to an end terraced dwellinghouse at 36 Church Street, Larkhall. The property is a 19 century miners cottage which sits in a plot boundary area of approximately 290 square metres. The property is not listed and is not in the conservation area.
- 1.2 The site is bounded to the north by Church Street and to the south by modern residential properties. To the west is an access road into a car park associated with the relatively modern 'Church View' flatted development where access to the rear of the application site is taken from.

2 Proposal(s)

- 2.1 The proposal relates to the change of use of a dwellinghouse to 3 one bedroom flats with associated car parking to the rear.
- 2.2 The applicant has submitted a design and access statement in support of the application. It comments that the existing property has been vacant for a number of years and is at great risk of falling into a state of disrepair. The dilapidated state of the existing property makes any repairs/refurbishment works financially difficult. It is considered that the current proposal is the most economically viable solution to save the property from ruin. The applicant has confirmed in writing that 36 Church Street has a legal right of access to the rear of their property and that they also own a 2 metre strip of the road.

3 Background

3.1 Relevant Government Advice/Policy

- 3.1.1 Scottish Planning Policy (2014) (SPP) highlights that the presumption in favour of development does not change the statutory status of the development plan as the starting point for decision-making. Proposals that accord with up-to-date plans should be considered acceptable in principle.

3.2 Development Plan

- 3.2.1 The adopted South Lanarkshire Local Development Plan (SLLDP) identifies the site, in land use terms, as being within a general residential area (Policy 6 - General Urban Area /Settlements applies).
- 3.2.2 Through Policy 6 and Policy 4 - Development Management and Placemaking, the Council seeks to ensure that development proposals take account of the local context and do not have a significant adverse affect on the amenity and character of the area. These aims are supported by the Council's Supplementary Guidance (SG) on Development Management, Place Making and Design (Policy DM1 – Design, Policy DM6 - Sub-Division of Property for Residential Use, Policy DM13 - Development within General Urban Area/Settlement).
- 3.2.3 The Council's Residential Design Guide (2011) seeks to provide advice and guidance on the key issues to be considered in the determination of application proposals for residential developments.
- 3.2.4 An assessment of the proposal against these specific policies is contained in Section 6 of this report.

3.3 Planning Site History

- 3.3.1 None

4 Consultation(s)

4.1 **Roads and Transportation Services (Hamilton Area)** – raised no objection to the proposals.

Response: Noted.

4.2 **Environmental Services** – raised no objection to the proposals.

Response: Noted.

5 Representation(s)

5.1 Statutory neighbour notification procedures were undertaken in respect of the proposal. Fifteen letters of objection were received and one petition with 4 signatures. The grounds of objection are summarised as follows: -

(a) **The Church View car park and entrance driveway which the owners and residents of Church View pay for is used by other cars resulting in dangerous parking blocking access, poor visibility, blocking emergency vehicles. The proposal for 3 new flats will exacerbate the current issues of parking and road safety. Additionally with building work vehicles, additional vehicles for the proposed flats and waste disposal vehicles who will be liable for the upkeep of the car park.**

Response: The proposed drawings indicate that there will be 3 car parking spaces to the rear of the proposed flats within the curtilage of the application site. Roads and Transportation Services have no objections to the proposal. It should be noted that the issue of people parking on private land and the upkeep/damage to a private car park/road is a civil issue and not a planning issue. Additionally the issue of dangerous/illegal parking is a police issue.

(b) **36 Church Street is not owned by the applicant.**

Response: The ownership of the land relating to the application site is irrelevant as any planning consent relates directly to the land and not the owner.

(c) **The applicant does not own the ground required to access the back of the application site.**

Response: The applicant has confirmed in writing that they have a legal right of access to the rear of their property as detailed previously. Ultimately this is a civil issue and does not constitute a material planning consideration in the assessment of a planning application.

5.2 These letters have been copied and are available for inspection in the usual manner and on the Planning Portal.

6 Assessment and Conclusions

6.1 The applicant seeks detailed planning consent for the change of use of a dwellinghouse to 3 no. one bedroom flats. The determining issues that require to be addressed in respect of this application are its compliance with local plan policy, its impact on road safety and the amenity of the predominately surrounding residential environment.

6.2 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that all planning applications are determined in accordance with the development plan, unless other material considerations indicate otherwise. The main determining issues therefore in the assessment of this application are whether the proposed development is in compliance with local plan policy.

- 6.3 The adopted South Lanarkshire Local Development Plan (SLLDP) designates the site as being primarily within a general residential zoning (Policy 6). The principle of the continued use of the site for residential purposes is acceptable in this regard, subject to compliance with normal development management criteria.
- 6.4 The matters considered appropriate, in terms of development management criteria, are set out within Section 3.2.2 above. Principally, the stated policies and guidance seek to ensure that any development within an area which is predominantly residential in character does not adversely impact on the amenity of such areas, can be adequately serviced and has been designed in manner which takes cognisance of appropriate guidance and the area within which it is located. Having considered the proposed development, it is considered that the proposal generally accords with the requirements of the applicable policies and guidance.
- 6.5 With regard to the detailed design of the development, it is considered that the proposed layout for the development is acceptable and that it generally meets the main standards set out in the Council's Residential Design Guide, particularly in relation to open space and car parking provision. It is further considered that the proposed development will be in keeping with the existing surrounding area which has several flatted properties. The proposal therefore accords with Policies 4, DM 1, DM 6, DM13 of the SLLDP and supplementary guidance
- 6.6 Statutory Neighbour Notification was undertaken and 15 letters of representation were received and 1 petition with 4 signatures. The points of objection have been summarised in Section 5 above. It is considered that the concerns raised are either legal issues or are not of sufficient weight or merit from a planning perspective that could justify the refusal of consent. Access to the flats can be achieved and sufficient parking provided within the site. In this respect it is noted that Roads & Transportation Services have offered no objections.
- 6.7 In conclusion, and having considered all of the above, it is considered that the proposal accords with the policies contained in the South Lanarkshire Local Development Plan and supplementary guidance. On this basis it is recommended that planning permission be granted, subject to the conditions attached.

7 Reasons for Decision

- 7.1 The proposal has no adverse impact on residential or visual amenity and raises no road safety concerns. The development complies with the provisions of Policies 4 - Development Management and Placemaking, 6 - General Urban Area/Settlements, of the adopted South Lanarkshire Local Development Plan and its Supplementary Guidance (Policies DM1 - Design, Policy DM6 - Sub-Division of Property for Residential Use and DM13 - Development within General Urban Area/Settlement).

Michael McGlynn
Executive Director (Community and Enterprise Resources)

5 December 2017

Previous References

- ♦ None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan (adopted 2015)
- ▶ Development management placemaking and design supplementary guidance (2015)
- ▶ Neighbour notification letter dated 26 September 2017

- ▶ Consultations
 - Environmental Services 23/10/2017

 - Roads Development Management Team 24/10/2017

- ▶ Representations
 - Representation from : Mrs I Miller, 2 Church Street
Larkhall
ML9 1HZ, DATED 05/10/2017

 - Representation from : Emma McCallum, , DATED 11/10/2017

 - Representation from : Margaret Douglas, 30 Church Street
Larkhall
ML9 1HZ, DATED 11/10/2017

 - Representation from : Kimberley McIntosh, 22 Church View
Larkhall
ML9 1HZ, DATED 11/10/2017

 - Representation from : Walter Orr, 10 Church View
Larkhall
ML9 1HZ, DATED 11/10/2017

 - Representation from : Mrs Mary Biandi, 20 Church View
Larkhall
ML9 1HZ, DATED 11/10/2017

 - Representation from : Miss Margaret Graham, 4 Church View
Larkhall
ML9 1HZ, DATED 11/10/2017

 - Representation from : Catherine Miller, 2 Church View
Larkhall
ML9 1HZ, DATED 11/10/2017

 - Representation from : Ann Edgar, 28 Church View
Larkhall
ML9 1HZ, DATED 11/10/2017

 - Representation from : Derek Gardiner, 18 Church View
Larkhall
ML9 1HZ, DATED 11/10/2017

 - Representation from : R Hogg, 6 Church View
Larkhall
ML9 1HZ, DATED 11/10/2017

Representation from : Russell Smith, 12 Church View
Larkhall
ML9 1HZ, DATED 11/10/2017

Representation from : J & C Burns, 16 Church View
Larkhall
ML9 1HE, DATED 11/10/2017

Representation from : Jamie Shanks, 8 Church View
Larkhall
ML9 1HZ, DATED 11/10/2017

Representation from : Marion Eadie, 14 Church View
Larkhall
ML9 1HE, DATED 11/10/2017

Representation from : Margaret Graham, 4 Church View
Larkhall
ML9 1HZ, DATED 06/10/2017

Contact for Further Information

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

Murray Reid, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton ML3 6LB
Ext 3625 (Tel : 01698 453625)
E-mail: murray.reid@southlanarkshire.gov.uk

Detailed Planning Application

PAPER APART – APPLICATION NUMBER : HM/17/0446

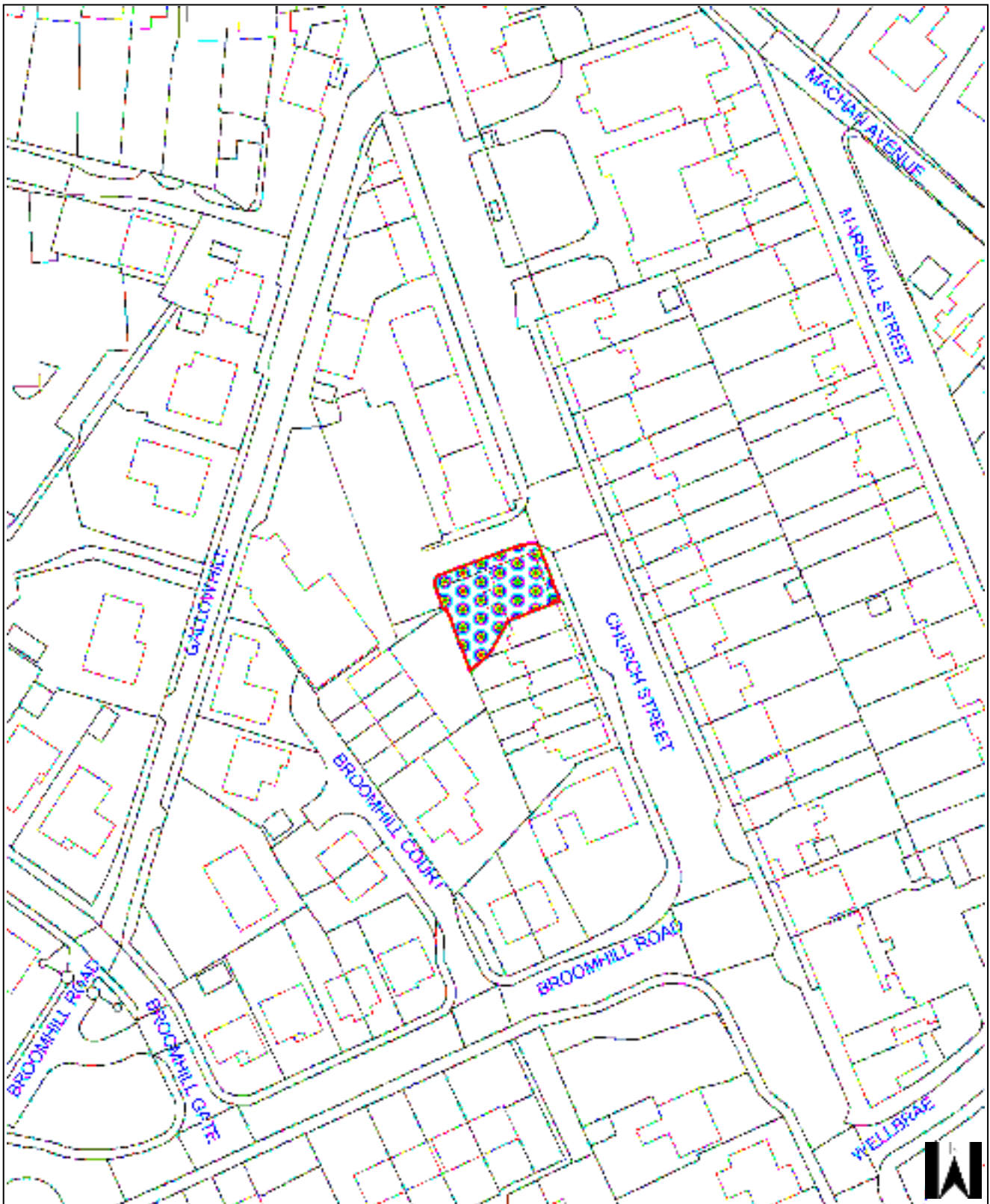
CONDITIONS

- 1 That before the development hereby approved is completed or brought into use, all of the parking spaces shown in drawing number AL(90) 002 on the approved plans shall be laid out, constructed and thereafter maintained to the specification of the Council as Roads and Planning Authority.

REASONS

- 1 To ensure the provision of adequate parking facilities within the site.

For information only



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