

	<h1>Report</h1>	Agenda Item <h2>9</h2>
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Report to:	Planning Committee
Date of Meeting:	7 June 2005
Report by:	Executive Director (Enterprise Resources)

Application No	EK/05/0215
Planning Proposal:	Erection of Fourteen Flatted Dwellings and Formation of Access Road, Car Park and Associated Landscaping (Amendment to EK/05/0009)

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Dan Brownlie
- Location : 47 Commercial Road
Strathaven

2 Recommendation(s)

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

- (1) Grant Detailed Planning Permission (Subject to Conditions – Based upon the attached conditions)

2.2 Other Actions/Notes

The Planning Committee has delegated powers to determine this application

3 Other Information

- ◆ Applicant's Agent: Eimear Kelt
- ◆ Council Area/Ward: 31 Avondale North
- ◆ Policy Reference(s): Policy DC1 and SLP6 – Development Control General, RES6 – New Housing Development, ENV6 – Protection of the Built and Natural Environment and ENV8 – Conservation Areas of the adopted East Kilbride and District Local Plan would apply. The plan identifies the site as lying within a residential area.

- ◆ Representation(s):

- ▶ 3 Objection Letters

◆ Consultation(s):

Avondale Civic Society

Strathaven Community Council

Education Resources

Roads and Transportation Services (East Kilbride)

S.E.P.A. (West Region)

Power Systems

TRANSCO (Plant Location)

Scottish Water

Environmental Services

Planning Application Report

1 Application Site

- 1.1 The application site relates to a former builders yard site off Commercial Road in Strathaven. The site, roughly rectangular in shape, extends to approximately 0.19 hectares and is accessed from an existing opening onto Commercial Road. It is flat throughout, having recently been cleared of disused buildings associated with the builders yard. Part of the site lies within the designated Strathaven Conservation Area with the larger, wider part of the site to the rear lying outwith. Residential properties lie to the east, either side of the access road into the site and across Commercial Road to the south. The access lane into St Patrick's Primary School lies to the west of the site and the school building and playground to the north.

2 Proposal(s)

- 2.1 This report refers to an application for Planning Permission for the redevelopment of the site for residential purposes comprising the erection of a three storey block of fourteen flats and the formation of the associated access road, car parking and associated landscaping.
- 2.2 The flatted block will be located on the western side of the rear part of the site with five flats on each of the first two floors and four on the third. A lift will provide access to each of the floors. Four two bedroomed and ten one bedroomed flats are proposed, six of which will have separate dining rooms. All of the flats will be provided with combined livingrooms/kitchens and a number of en-suite bathrooms. The primary orientation of the flats will be to the car park/turning areas for those units on the east side of the building and to the access lane to St Patrick's Primary School on the west side. Proposed external materials are white harling to the walls and a grey slate tile to the roof.
- 2.3 The applicant proposes to create an access road into the site from Commercial Road with a turning area in the centre of the site. Twenty five car parking spaces will be provided, thirteen of which will be located to either side of the access road and the remaining twelve along the eastern boundary of the rear part of the site. Two bin store areas will be provided at either end of the building. The remainder of the site will be grassed and/or landscaped.

3 Background

3.1 Local Plan Status

The application site is identified as lying within a residential area of Strathaven in the adopted East Kilbride and District Local Plan. The relevant policies in this instance are DC1 and SLP6 – Development Control General, RES6 – New Housing Development, ENV6 – Protection of the Built and Natural Environment and ENV8 – Conservation Areas.

3.2 Relevant Government Advice/Policy

None relevant.

3.3 Planning Background

Conservation Area Consent was granted by the Council in September of last year for the demolition of disused sheds within the former builders yard (EK/04/0427).

4 Consultation(s)

- 4.1 **Avondale Civic Society** – have objected to the application on the grounds of over-development of the site, lack of open space and views, design, scale and fenestration. They have also noted that no affordable housing is proposed and have raised concerns at the increased vehicle movements the development could create, particularly given its location adjacent to St Patrick's Primary School.

Response: I do not consider that the design of the proposed block is inappropriate for the site given its location outside the Conservation Area and given the variety of building types and designs in the vicinity. I would add that Weirs Gate, located down Commercial Road from the site, is also three storeys in height in parts. Roads and Transportation Services have raised no concerns in terms of the increase in vehicle movements. Conditions will be imposed requiring the applicant to submit details on materials to ensure that these are appropriate for the site and location. The Councils policy on affordable housing does not apply to developments of this size. However, this proposal will add to the supply of one and two bedroomed flats in this part of Strathaven.

- 4.2 **Strathaven Community Council** – have not responded to the application to date.

Response: Noted.

- 4.3 **Education Resources** – have made no objections.

Response: Noted.

- 4.4 **Roads and Transportation Services (East Kilbride)** – have no objections in principle to the application subject to conditions.

Response: Noted.

- 4.5 **S.E.P.A. (West Region)** – have offered no objections in principle, subject to conditions on drainage, the use of Sustainable Urban Drainage Systems (SUDS) and the adequate provision of waste storage facilities. They have also pointed out that the site would be likely to drain to Strathaven Waste Water Treatment Works which is currently nearing optimum capacity. They have therefore advised that a written assurance should be sought from Scottish Water that the additional flow from the development can be accommodated in the sewerage network .

Response: Noted. Appropriate conditions have been imposed in relation to SUDS. A condition will be imposed restricting occupation of the building until it can be adequately served by a suitable drainage system. The applicant will be advised to contact SEPA directly with regard to the other matters.

- 4.6 **Power Systems** – have provided a plan showing the position of their apparatus in the vicinity of the site.

Response: None of their apparatus will be affected by the development.

- 4.7 **TRANSCO (Plant Location)** - have provided a plan showing the position of their apparatus within and around the site.

Response - Noted. None of their apparatus would be affected by the development.

- 4.8 **Scottish Water** - have objected to the application on the grounds of cost to them on connection to the public sewer. They have however advised that this objection would be removed if the applicant bears the cost of providing infrastructure or can demonstrate that the development will not have an adverse impact on Scottish Water's assets.

Response: The applicant will be advised to contact Scottish Water to discuss this prior to commencing work on site. Furthermore, a standard condition will be imposed prohibiting occupation of the flats until a sewerage scheme has been constructed to the satisfaction of Scottish Water.

- 4.9 **Environmental Services** – have offered no objections to the proposals subject to conditions on noise and hours during construction.

Response: Noted. These matters have been brought to the applicants attention.

5 Representation(s)

- 5.1 Following neighbour notification, three letters of objection have been received, two of which have been signed by a number of residents. The grounds of objection are summarised as follows.

- a) **The proposed refuse storage area may be inadequate and could raise fire hazard, litter and vermin issues.**

Response: I am satisfied with the proposed location of the refuse storage areas.

- b) **The proposed upper floor flats could overlook the rear gardens and elevations of the properties at 9, 11 and 15 Overton Road.**

Response: The flats will be located at least 15 metres from the boundary of the site. Of the three properties, 9 Overton Road would be the nearest to the block of flats, the nearest point of which will be approximately 32 metres away. This being so, I do not consider that privacy will be compromised to an unacceptable degree.

- c) **Whilst it is desirable that external lighting should be provided, this should not lead to light pollution to adjoining properties.**

Response: A condition has been imposed requiring that all external lighting details be submitted to the Council for approval. These details would require to be provided before work starts on site.

- d) **Parking and the proposed turning area may be insufficient.**

Response: Roads and Transportation Services have been consulted on the application and have raised no objections in terms of these details.

- e) **Given that the car parking spaces and the proposed access lie within the Strathaven Conservation Area, these should be of an appropriate finish.**

Response: A planning condition has been imposed requiring the submission of these details before development starts.

- f) **The proposed location of car parking spaces adjacent to the site boundaries could increase the risk of damage to neighbouring properties.**

Response: It is fairly commonplace for car parking spaces to be located adjacent to property boundaries. Accordingly, I have no concerns in this respect.

- g) **Traffic will increase and pedestrian safety will be compromised as a result of the development.**
Response: Roads and Transportation Services have been consulted on the application and have considered the proposal in terms of traffic and pedestrian safety both within the site and at the junction with Commercial Road. They have offered no objections in principle.
- h) **The local water and sewage infrastructure may not cope with the proposed development.**
Response: As discussed above, the applicant will require written consent from Scottish Water for connection to the public sewer.
- i) **Overlooking of the adjacent primary school could be a matter of concern as could overshadowing to adjacent properties.**
Response: As discussed above, only small kitchen windows will look onto the school and playground. This being so, the layout is considered to be acceptable. I am also satisfied that no adjacent buildings will be overshadowed to an unacceptable degree given the distance of the building itself from neighbouring properties (approximately 20 metres from 45 Commercial Road and 32 metres from 9 and 11 Overton Road)
- j) **The proposal to locate car parking areas adjacent to the property boundary will mean that there will be an increase in noise and pollution to adjacent properties.**
Response: The noise and pollution associated with cars starting up to leave the site and on arriving back on the site will, in my view, be minimal and does not warrant refusal of the application on this basis. I note that the previous use of the site was as a builders yard and that in general terms, the noise generated by the proposed development will be minimal in comparison.
- k) **The proposal is to erect a fence against a hedge along the rear boundaries of the properties at 9 and 11 Overton Road. There is however an existing wall/fence outside this which is in the ownership of the neighbouring proprietors.**
Response: A condition will be imposed requiring the applicant to provide details on any walls and fences to be erected around the site. Notwithstanding this, any proposal to remove walls or fences which are in communal or neighbouring proprietors' ownership would be a legal as opposed to a planning matter. The applicant will be advised that this is the case.
- l) **The design of, and features on the building are inappropriate for the area.**
Response: Given the variety of building types in the area, I have no objections to the height and design of the proposed building.
- m) **The proposal will be contrary to the development plan and will alter the amenity of the area, in contravention to the details provided on the application form.**
Response: The application form requires the applicant to advise whether or not a development will alter the character of an area of established amenity. It is not considered that this will be the case in this instance nor that the proposal will be contrary to the development plan.

These letters have been copied and are available for inspection in the usual manner.

6 Assessment and Conclusions

- 6.1** The main issue for consideration in the assessment of this application is how the proposal relates to relevant policies contained within the adopted local plan for the area. More specifically, the proposal can be assessed in terms of whether the principle of the development is likely to be acceptable in land use terms and if so, whether the detail of the proposal is acceptable.
- 6.2** In terms of the adopted East Kilbride and District Local Plan the site is identified as a residential area, therefore the principle of the development of the site is considered acceptable in land use terms. The proposal can be assessed against DC1 and SLP6 – Development Control General. Policy DC1 states that all proposals should take fully into account the local context and built form and that development should be compatible in terms of scale, massing and the external materials of adjacent buildings and the surrounding streetscape. Proposals should also seek to incorporate quality external materials and conform to policy SLP6.
- 6.3** Policy RES6 – New Housing Development is also relevant in this instance. This states that new housing development will be of a design, scale and materials appropriate to the site and its surroundings and should conform to the approved South Lanarkshire Council Residential Development Guide. This sets out a number of criteria such as minimum house to plot ratios, garden sizes, window to window distances and parking and access standards. Policy ENV6 – Protection of the Natural and Built Environment states that the Council will oppose any proposals which would have an adverse impact on the natural and built environment and safeguard designated or listed sites. Policy ENV8 – Conservation Areas states that the Council will seek to use its powers to promote and ensure the continued preservation and enhancement of existing conservation areas and will presume against all development that fails to ensure that conservation areas would be preserved or enhanced.
- 6.4** The characteristics of the site are that only its front, narrower part is located within the Strathaven Conservation Area and the wider part of it and the location of the flatted block itself will be set back from the road. Given this, and the varied pattern and type of development around this part of the site, I have no objections to the proposed size and scale of the proposed block. I would add that the applicant will be required to submit details of materials to be used both on the building itself, on the access road leading into the site and on the location and design of fences and walls to be erected around the site. I am therefore satisfied that the proposal can be satisfactorily integrated with its surroundings. I also have no objections to the proposed location and quantity of the landscaped garden areas to be provided and would add that the development of the site for residential purposes will represent an improvement in its use from a builders yard.
- 6.5** Both the observations of the consultees and the concerns raised by the objectors have been noted. Taking account of the above, I however recommend that Planning Permission be granted.

Iain Urquhart
Executive Director (Enterprise Resources)

23 May 2005

Previous References

- ▶ None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations

Avondale Civic Society	12/05/05
Education Resources	09/05/05
S.E.P.A. (West Region)	11/05/05
Power Systems	09/05/05
TRANSCO (Plant Location)	29/04/05
Scottish Water	16/05/05
Environmental Services	23/05/05

- ▶ Representations

- Representation from : Adam & Agnes Clelland, 39 Commercial Road, Strathaven, Mrs M Mann, 45A Commercial Road, Strathaven, Ms Robertson, 34 Commercial Road, Strathaven, ML10 6LX, DATED 03/05/05
- Representation from : Gerard & Joan Keenan, 9 Overton Road, Strathaven, Gordon & Agnes Ballantyne, 11 Overton Road, Strathaven and Christopher & Margaret Baillie, 15 Overton Road Strathaven, ML10 6JW, DATED 13/05/05
- Representation from : Doreen Reid, 55 Commercial Road, Strathaven, ML10 6LX, DATED 23/04/05

Contact for Further Information

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

Philip Jamieson, Planning Officer, Civic Centre, East Kilbride
Ext. 6327 (Tel: 01355 806327)
E-mail: 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 before any development commences on site or before any materials are ordered or brought to the site, details and samples of all materials to be used as external finishes on the development shall be submitted to and approved by the Council as Planning Authority.
- 4 All external colours shall be agreed in writing with the Council as Planning Authority prior to the commencement of works.
- 5 That none of the flatted dwellings shall be occupied until the access roads and footpaths leading thereto from the existing public road have been constructed in accordance with the specification of and to the satisfaction of the Council as Roads and Planning Authority.
- 6 That before development starts, details of the surface finishes to parking bays, parking courts and curtilage parking areas shall be submitted to and approved by the Council as Planning Authority.
- 7 That before the development hereby approved is completed or brought into use, all of the parking spaces shown on the approved plans shall be laid out and constructed to the satisfaction of the the Council as Roads and Planning Authority and thereafter shall be maintained to the entire satisfaction of the Council.
- 8 That none of the flatted dwellings shall be occupied until the site is served by a sewerage scheme constructed to the specification and satisfaction of Scottish Water as Sewerage Authority.
- 9 That before any work commences on the site, a scheme of landscaping shall be submitted to the Council as Planning Authority for written approval and it shall include:(a) an indication of all existing trees and hedgerows plus details of those to be retained and measures for their protection in the course of development; (b) details and specification of all trees, shrubs, grass mix, etc.; (c) details of any top-soiling or other treatment to the ground; (d) sections and other necessary details of any mounding, earthworks and hard landscaping; (e) proposals for the initial and future maintenance of the landscaped areas; (f) details of the phasing of these works; and no work shall be undertaken on the site until approval has been given to these details.

- 10 That the approved landscaping scheme shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of the flats or completion of the development hereby approved, whichever is the sooner, and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.
- 11 That before development starts, full details of the design and location of all fences and walls, including any retaining walls, to be erected on the site shall be submitted to and approved by the Council as Planning Authority.
- 12 That before the development hereby permitted is occupied or brought into use, all the fences or walls for which the permission of the Council as Planning Authority has been obtained under the terms of Condition 11 above, shall be erected and thereafter maintained to the satisfaction of the Council.
- 13 That no development shall commence until details of surface water drainage arrangements have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems.
- 14 That prior to the commencement of development, details of the land drainage works shall be submitted to and approved by the Council as Planning Authority.
- 15 That the development hereby approved shall not be commenced until the land drainage works have been completed in accordance with the plans submitted to and approved by the Council as Planning Authority under the terms of Condition 14 above.
- 16 That before development starts, a plan or manufacturers brochure detailing the proposed number, location and design of all external lighting units shall be submitted to and approved by the Council as Roads and Planning Authority. .

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 in order to retain effective planning control.
- 4 In the interests of amenity and in order to retain effective planning control.
- 5 To ensure satisfactory vehicular and pedestrian access facilities to the dwellings
- 6 These details have not been submitted or approved.
- 7 To ensure the provision of adequate parking facilities within the site.
- 8 To ensure the provision of a satisfactory sewerage system
- 9 In the interests of the visual amenity of the area.
- 10 In the interests of amenity.
- 11 These details have not been submitted or approved.
- 12 In the interests of amenity and in order to retain effective planning control.
- 13 To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for off-site flooding.
- 14 To ensure the provision of a satisfactory land drainage system.

- 15 To ensure the provision of a satisfactory land drainage system.
- 16 In the interests of amenity.

For information only

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