

Report to:	Planning Committee
Date of Meeting:	8 March 2011
Report by:	Executive Director (Enterprise Resources)

Application No	EK/10/0395
Planning Proposal:	Sub-division of Garden Ground and Erection of two Storey Detached Dwelling

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Mr R and L Morley
- Location : 42 Colinhill Road
Strathaven
ML10 6HF

2 Recommendation(s)

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

- (1) Grant Detailed Planning Permission (subject to conditions).

2.2 Other Actions/Notes

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

3 Other Information

- ◆ Applicant's Agent: Flo Architecture and Design
- ◆ Council Area/Ward: 05 Avondale and Stonehouse
- ◆ Policy Reference(s): **Adopted South Lanarkshire Local Plan (2009)**
Policy RES6 – Residential Land Use
Policy DM1 – Development Management
Policy DM5 – Sub-Division of Garden Ground

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

- ◆ Consultation(s):

Roads and Transportation Services (East Kilbride Area)

Planning Application Report

1 Application Site

- 1.1 The application site is land adjacent to 42 Colinhill Road which is located within a residential area of Strathaven. The application site extends to approximately 260 square metres. The site is surrounded by residential properties and sits at the junction of Hazelwood Road and Colinhill Road.

2 Proposal(s)

- 2.1 The proposal is for the sub-division of garden ground at 42 Colinhill Road and the erection of a two storey detached dwelling to the east of the existing dwelling. The modest dwelling consists of a kitchen/dining room, bedroom, bathroom and utility room on the ground floor and a living room with master bedroom and ensuite on the upper floor. The proposal includes allocated parking and would be accessed via Colinhill Road.

3 Background

- 3.1 The application site lies within a residential area of Strathaven in the Adopted South Lanarkshire Local Plan (March 2009), therefore Policies RES6 and DM1 are applicable. As the proposal involves the sub-division of garden ground, Policy DM5 is also relevant.
- 3.2 Policy RES6 – Residential Land Use states that the Council will resist any development that will be detrimental to residential areas in terms of visual impact, noise, smell, air pollution, disturbance, traffic or public safety.
- 3.3 Policy DM5 – Sub-division of garden ground states there will be a presumption against the development of a new house (or houses) within a curtilage of an existing house unless the following criteria can be met:
- a. The proposed house plot and that remaining to the existing dwelling are comparable with those nearby in terms of size, shape and amenity
 - b. The proposed dwelling will have a proper road frontage of comparable size with those of surrounding curtilages
 - c. The proposed vehicular access is of an adequate standard and will not have adverse implications for traffic safety
 - d. The garden space allocated to the proposed dwelling and that remaining for the existing dwelling should be sufficient for the recreational, amenity and drying needs of the occupants
 - e. The proposed development will not cause an unacceptable reduction in privacy to existing dwellings and will enjoy a degree of privacy itself
 - f. The proposed development will not overshadow adjacent properties to a degree which results in a loss of amenity
 - g. All existing features such as trees, hedges, walls, fences and buildings that contribute to the character of the area will be retained and not adversely affected by the development
 - h. Adequate parking for both the proposed and existing dwellings is provided within the site
 - i. The proposed dwelling must be of a scale, massing, design and materials sympathetic to the character and pattern of development in the area and must not result in a development that appears cramped, visually obtrusive or be of an appearance out of character with the established character of the area
 - j. The proposal must not jeopardise or be prejudicial to any further desirable development in the vicinity

k. The proposal will not result in an adverse effect on built heritage and/or nature conservation interests

- 3.4 Policy DM1 – Development Management states that all planning applications will require to take account of the local context and built form and should be compatible with adjacent buildings and surrounding streetscape in terms of scale, massing, design, external materials and impact on amenity. Development should enhance the quality and appearance of the local environment and take account of environmental, accessibility and sustainability issues.

4 Consultation(s)

- 4.1 **Roads and Transportation** – no objections as the proposal can provide adequate parking and visibility.

Response: Noted, any consent would include recommended conditions.

- 4.2 **Environmental Services** – no objections subject to the attachment of conditions and advisory notes.

Response: Noted, any consent would include relevant conditions and advisory notes.

5 Representation(s)

- 5.1 Following neighbour notification, 9 letters of objection have been received, the points of which are summarised below:

- a) **The proposed development is out of character with the surrounding area in that it is two storey, has no garden space, is taller than the existing dwelling and will result in a cramped, overdeveloped site. This will set an unwanted precedent.**

Response: Overall the proposed dwelling is higher than the existing dwelling; however given the gradient of the land, the ridge of the proposed dwelling will sit just under that of the existing dwelling. Furthermore the proposed dwelling will have a similar depth of garden space as the existing dwelling and there will be adequate space between the two dwellings. I am satisfied that the proposed dwelling can be incorporated with the surrounding properties. In terms of an unwanted precedent, proposals of this type may be supported where they meet all relevant policy criteria.

- b) **42 Colinhill Road currently does not have adequate driveway space to park all their cars; therefore this development would exacerbate these problems.**

Response: Under the Council's Roads and Transportation Service requirements, in this case, two parking spaces are required per dwelling. As this can satisfactorily be provided within both the application site and the existing site, Roads and Transportation have no objections.

- c) **The application site is next to a busy junction that currently has a difficult sightline. Approval of this proposal would pose a safety hazard and reduce visibility further.**

Response: Roads and Transportation have been consulted and have confirmed that the required sightline of 2.5metres by 35 metres can be achieved. Condition 14 refers to this requirement should planning permission be granted.

- d) **There is no guarantee the proposed parking spaces will be utilised and it is likely there will still be cars parked on the road.**

Response: The proposal can provide adequate parking provision to support the development therefore this is not a justification for refusal.

- e) **Should this proposal be approved, there will be disruption for the surrounding residents. Will the site extend over the footways and roads to allow the building of the dwelling?**
Response: The site boundary does not include the footway or road; however it is inevitable there will be some disruption to the surrounding area, however this will be only for the duration of construction. A condition would be attached to any consent for all materials to be stored within the application site.
- f) **The proposed dwelling extends outwith the building line for existing properties in Hazelwood Road. Although it will line up with those on Colinhill Road, there will be a one metre overhang which is out of keeping with the other properties.**
Response: The proposed dwelling faces onto Colinhill Road and therefore has been designed accordingly. Whilst the upper storey of the proposed dwelling has an overhang, I am satisfied this will be in keeping with the pattern of the adjacent properties on Colinhill Road.
- g) **Controls would need to be in place to ensure that noise, site clearing and access to public pathways and roads are maintained at all times.**
Response: Environmental Services stipulate acceptable working hours. Any works operating outside these hours can be reported to their out of ours service. As noted above, any consent would condition that all materials be stored within the application site.
- h) **The application is contrary to the local structure plan.**
Response: The relevant policy document is the Adopted South Lanarkshire Local Plan (March 2009). Having assessed this proposal, I am satisfied the proposal complies with the relevant local plan policies as detailed in Section 6 of this report.
- i) **The new dwelling will overlook adjacent properties, in particular 3 Hazelwood Road. There will also be a loss of sunlight and overshadowing to this property.**
Response: The windows in the proposed dwelling have been positioned so as to reduce any impact on the adjacent properties. The upper storey window on the rear elevation is a high level window therefore is for light purposes only and cannot be viewed from. In terms of the ground floor glazed windows and doors, these will be screened by the existing fencing; therefore I do not consider there to be any overlooking issues for 3 Hazelwood Road. Furthermore, given the distance between 3 Hazelwood Road and the proposed dwelling, I do not consider there will be any significant overshadowing or sun lighting issues.

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

6 Assessment and Conclusions

- 6.1 Planning permission is sought for the sub-division of garden ground and the erection of a detached two storey dwelling at 42 Colinhill Road, Strathaven. The determining issues of this application are its compliance with local plan policy and in particular, its impact on the amenity of the surrounding area and any adjacent properties.
- 6.2 As the proposal lies within a residential area, the principle of redevelopment of this site is acceptable. In this regard, Policy RES6 (Residential Land Use) states that the proposed development must relate satisfactorily to adjacent and surrounding development in terms of scale, massing, materials and intensity of use.

- 6.3 Policy DM5 of the Local Plan states that there will be a presumption against the development of a new dwelling within the curtilage of an existing dwelling unless the criteria outlined in paragraph 3.3 above can be met. In this case, it is considered that the proposal complies with the above policies. The scale, size of plot and dwelling type are acceptable with the surrounding area. Furthermore, the existing dwelling will be left with sufficient garden ground and parking provision. The proposal will not result in any direct overlooking due to the placement of the windows and adequate parking will be provided to the front of the dwelling. The proposal involves the removal of two trees; a rowan at the front and a beech to the rear, whilst the remaining three will be retained. However, those to be removed are not considered to merit retention. Whilst the garden depth of the proposed dwelling is 7.7 metres; the rear garden space exceeds the required 70 sqm as per the Residential Development Guide. Furthermore, there will be 4 metres between the existing and proposed dwellings. No significant overshadowing will result in respect of the relationship of the proposed property to existing neighbouring properties. The proposed design and materials are acceptable and it is considered the proposal will not adversely affect the surrounding area.
- 6.4 Roads and Transportation Services were consulted as part of this application and have offered no objections provided that the parking area is implemented as per the proposed plans and that the required sightlines are maintained. Conditions 12, 13 and 14 refer to these requirements. Environmental Services also had no objections provided that the applicant provide details of refuse storage and uplift prior to the dwelling being occupied. As such, Condition 7 refers to this requirement.
- 6.5 Following neighbour notification and an advert in the local press due to non-notification of neighbours, 9 letters of objection were received, the points of which are summarised above. It is not considered that the points raised merit refusal of the application.
- 6.6 In summary, it is considered that the proposal complies with the relevant local plan policies and I therefore recommend that planning permission be granted subject to the attached conditions.

7 Reasons for Decision

- 7.1 The proposal has no adverse impact on residential or visual amenity and complies with Policies DM1, RES6 and DM5 of the Adopted South Lanarkshire Local plan (March 2009) and related guidance on new dwellings.

Colin McDowall
Executive Director (Enterprise Resources)

28 February 2011

Previous References

- ◆ None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans

- ▶ Consultations
 - Environmental Services 26/11/2010
 - Roads and Transportation Services (East Kilbride Area) 07/12/2010
- ▶ Representations
 - Representation from : Alex McNair, 43 Colinhill Road, Strathaven, ML10 6HF, DATED 01/12/2010
 - Representation from : Robert Hunter, 2 Linden Walk, Strathaven, ML10 6HQ, , , DATED 03/12/2010
 - Representation from : Elaine Barclay, 6 Hazelwood Road, Strathaven, ML10 6HG, DATED 03/12/2010
 - Representation from : Elizabeth Rodger, 15 Woodside Walk, Strathaven, ML10 6HL, DATED 03/12/2010
 - Representation from : Ronald Hill, 12 Rowan Walk, Strathaven, ML10 6HH, DATED 03/12/2010
 - Representation from : Margaret and Tony Brown., 40 Colinhill road, Strathaven, ML10 6HF, , DATED 02/12/2010
 - Representation from : Heather Falconer, 3 Hazelwood Road, Strathaven, ML10 6HG, DATED 02/12/2010
 - Representation from : Linda Ormiston, 39 Colinhill Road, Strathaven, ML10 6HF, , DATED 02/12/2010
 - Representation from : E Rodger, 41 Colinhill Road, Strathaven, ML10 6HF, , , DATED 02/12/2010

Contact for Further Information

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

Julie Stanfield, Planning Officer, Civic Centre, East Kilbride
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E-mail: Enterprise.ek@southlanarkshire.gov.uk

Detailed Planning Application

PAPER APART – APPLICATION NUMBER: EK/10/0395

CONDITIONS

- 1 This decision relates to drawing numbers:
 - AL(0)00 - Location Plan
 - AL(0)11 - Block Plan As Proposed
 - AL(0)01 - Existing Site Plan
 - AL(0)02 - Proposed Site Plan
 - AL(0)04 - Proposed Floor Plan
 - AL(0)05 - Contextual Elevation
 - AL(0)06 - Proposed South Elevation
 - AL(0)07 - Proposed West Elevation
 - AL(0)08 - Proposed East Elevation
 - AL(0)09 - Proposed North Elevation
- 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 That no trees within the application site, other than those indicated on the approved plans, shall be lopped, topped, pollarded or felled, or otherwise affected, without the prior written consent of the Council as Planning Authority.
- 5 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.
- 6 That before any of the dwellinghouses situated on the site upon which a fence is to be erected is occupied, the fence or wall for which the permission of the Council as Planning Authority has been obtained under the terms of Condition 5 above, shall be erected and thereafter maintained to the satisfaction of the Council.
- 7 That before any development commences on site, details of facilities for the storage of refuse within the site, including design, location, external finishes and access for its uplift, shall be submitted to and approved in writing by the Council as Planning Authority. No dwelling unit shall be occupied until these facilities have been provided in accordance with the approved scheme or such alternative as may be agreed in writing with the Council as Planning Authority.
- 8 That no balconies shall be erected at first floor level without the prior consent of the Council as Planning Authority.
- 9 That the developer shall arrange for any alteration, deviation or reinstatement of statutory undertakers apparatus necessitated by this proposal all at his or her own expense.
- 10 That no dwellinghouse shall be occupied until the site is served by a sewerage

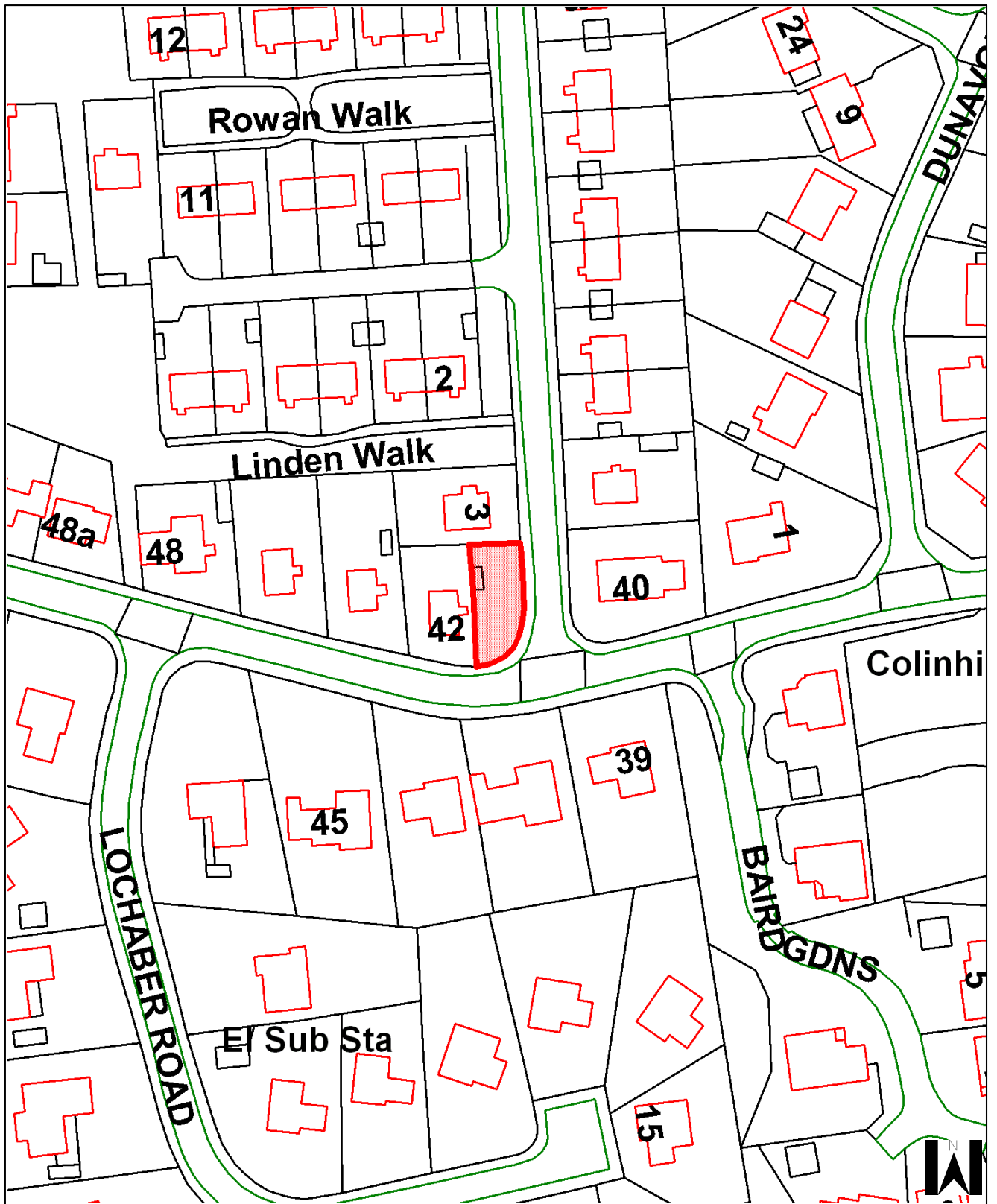
scheme constructed in accordance with Scottish Water standards and as approved by the Council as Planning Authority in consultation with Scottish Water as Sewerage Authority.

- 11 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 and with the Council's Sustainable Drainage Design Criteria and requirements.
- 12 That before the development hereby approved is completed or brought into use, a private vehicular access or driveway shall be provided and the first 2 metres of this access from the heel of the footway/service strip shall be hard surfaced across its full width to prevent deleterious material being carried onto the road.
- 13 That before the dwelling hereby approved is completed or brought into use, 2 no. parking spaces (2.5m x 5m modules) shall be laid out, constructed and thereafter maintained to the specification of the Council as Roads and Planning Authority.
- 14 That before the development hereby approved is completed or brought into use, a visibility splay of 2.5 metres by 35 metres measured from the road channel shall be provided on both sides of the vehicular access and everything exceeding 0.9 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.
- 15 That all materials shall be stored within the application site.

REASONS

- 1 For the avoidance of doubt and to specify the drawings upon which the decision was made.
- 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 To ensure the protection and maintenance of the existing mature trees within the site
- 5 These details have not been submitted or approved.
- 6 In order to retain effective planning control
- 7 To ensure that adequate refuse arrangements are provided that do not prejudice the enjoyment of future occupiers of the development or neighbouring occupiers of their properties, to ensure that a satisfactory external appearance is achieved and to ensure that appropriate access is available to enable refuse collection.
- 8 In the interests of amenity.
- 9 In order to retain effective planning control
- 10 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 on-site and off-site flooding.
- 11 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 on-site and off-site flooding.
- 12 To prevent deleterious material being carried into the highway.
- 13 To ensure the provision of adequate parking facilities within the site.

- 14 In the interest of road safety.
- 15 To safeguard the amenity of the area.



For information only

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