

Appendix 6

Notice of Review Process – Further Submissions

Submission From

- ◆ Statement of Observations from Planning Officer on Applicant's Notice of Review

STATEMENT OF OBSERVATIONS

Planning Background

A.D Plans submitted a planning application (planning reference HM/10/0305) on behalf of their client Mr MacFarlane on 16 June 2010 to South Lanarkshire Council for the erection of 2 semi-detached dwellinghouses at Kinrara, Strathaven Road, Stonehouse. After due consideration of the application in terms of the Development Plan and all other material planning considerations, planning application HM/10/0305 was refused by the Council under delegated powers on 24 August 2010 for the reasons listed in the decision notice and supported by a delegated report.

Assessment against the Development Plan and Other Material Considerations

Section 25 of the Town and Country Planning (Scotland) Act 1997, as amended, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The Development Plan for the site comprises the approved Glasgow and Clyde Valley Joint Structure Plan and the South Lanarkshire Local Plan.

The Structure Plan sets out the strategic planning policy context against which development proposals within the Glasgow and Clyde Valley area must be assessed. However, the proposed development for the erection of 2 semi-detached dwellinghouses is not considered to be of a strategic scale.

It was therefore more appropriate to consider the application against the policies in the Local Plan, which complement Structure Plan policy. However, following assessment it was considered that the proposed development was contrary to the provisions of Policies RES6, ENV31, ENV32, DM1 and DM5 of the South Lanarkshire Local Plan.

In relation to other material considerations, consultation was carried out with Roads and Transportation Services, Scottish Water and Stonehouse Community Council. Roads and Transportation Services offered no objection however commented that if the proposed driveway position for the proposed plot nearest Manse Road is within 15 metres of the junction it would have to be moved to a more suitable location. Scottish Water and Stonehouse Community Council offered no objections to the proposal.

Statutory neighbour notification procedures were undertaken which included a press advert following which one letter of objection was received. The grounds of objection have been summarised in the delegated report.

Observations on Applicant's 'Notice of Review'

In the submitted 'Notice of Review' and associated supporting statement the applicant's agent has identified a number of matters in support of their request for a review. The applicant's statement of reasons for requiring a review of the application have been summarised below and detailed comments from the Planning Service on each of these issues are as follows:-

1) In paragraph 1, the applicant's agent has alleged that the case officer had detailed planning pre-application discussions on the phone and intimated that he could not foresee any major issues with the proposal. In paragraph 2 it is also alleged that the case officer stated during the processing of the application that there were no major issues and that approval would be granted in due course. Additionally it is also stated that when the case officer advised that the application would be refused he was not prepared to discuss in any detail.

Planning Service's Response: The applicant's agent's recollection of events do not accord with those of the Planning Officer. Notwithstanding the fact that it is not possible to have effective detailed pre-application discussions over the phone, no detailed comments are given by officers without viewing the proposed application site and the proposed plans. During the processing of the application, the case officer was contacted by the agent for updates and the agent was clearly advised that there were potentially issues with the proposal however the application would have to be assessed in detail before a decision could be made. At no point was it ever stated or even suggested that approval would be granted. Following a detailed assessment of the proposal the agent was verbally informed that the application was going to be refused and the reasons for this were discussed briefly. The agent requested a meeting to discuss this in more detail however as there was a major issue with the existing development form relative to this site, rather than a detailed matter which could be amended, a meeting would not have served any purpose.

2) The appellant considers that the proposal is not contrary to Policy RES6 because it would relate satisfactorily into the adjacent and surrounding development and it would respect the local context and make a positive contribution to the area.

Planning Service's Response: Whilst the principle of residential development is not contentious from a land use perspective, the proposal would not relate satisfactorily to the adjacent and surrounding development (as detailed in the delegated report) thereby establishing an adverse impact upon the existing levels of residential amenity within the local area.

3) The appellant considers that the proposal is not contrary to Policy ENV31 because it respects the local context, the site's topography and would make a positive contribution to the area. The materials, scale and design are typical with the local area.

Planning Service's Response: The Service contends that the proposed development would not comply with Policy ENV31. This is on the basis of its position in the street, and the fact that it would not be sensitive to the local character of the area. It would also not respect the local context in terms of layout as its building line/relationship with the adjoining house to the east would be inappropriate and would result in two dwellings which would be 'out of place' and somewhat alien to the locality. In addition there is potential for conflict with existing dwellinghouses in terms of overlooking and loss of privacy and from a visual perspective the proposed houses would be a discordant element in the streetscene which would challenge and disturb the established development pattern. One further concern is that the 'donor' house would be left with garden ground that in terms of the houses footprint would be disproportionate and unacceptable in planning terms.

4) The appellant considers that the proposal is not contrary to Policy DM1 because it respects the local context and makes a positive contribution.

Planning Service's Response: The Council contends that the proposed development does not comply with Policy DM1 because the proposal fails to take account of the existing context as it would not respect the existing layout of the area. In addition, the resulting dwellings would not reflect the established pattern of development within the area. The proposed house plots and that remaining to the existing house would not be comparable with those nearby in terms of size, shape and amenity. Indeed the size of garden ground remaining for 'Kinrara' would be significantly smaller in size and out of context with other similar sized dwellings within the area. In addition whilst the existing dwelling retains an access onto Manse Road, it is considered that as a result of the proposed development it would no longer retain its frontage and would therefore give the appearance of 'backland development'. The proposal is contrary to the Council's Residential Development Guide in terms of provision for amenity open space and window to window distance to the detriment of the surrounding residential area.

5) The appellant considers that the proposal is not contrary to Policy DM5 because the proposed house plots and the remaining house plots are comparable with those nearby in terms of size, shape and amenity in accordance with the established pattern of development in the surrounding area and the existing house would still retain its frontage onto Manse Road.

Planning Service's Response: The Council contends that the proposed development is contrary to Policy DM5 because the proposed house plots and that remaining to the existing house are not comparable with those nearby in terms of size, shape and amenity and therefore the proposal does not accord with the established pattern of development in the surrounding area. The garden space remaining for the existing house would be insufficient and it would no longer retain its frontage giving the appearance of a somewhat cramped 'backland development.' The proposed development would also cause an unacceptable reduction in privacy to existing houses and if this proposal was to be approved, it would set an undesirable precedent for further developments of this nature within the area.

6) The appellant considers that the proposed development is not contrary to the Council's Residential development Guide stating that the existing house 'Kinrara' always failed to provide a 10 metre rear garden depth and the proposed garden after development would still be noticeably larger than the vast majority of surrounding properties. In addition there are other properties in surrounding areas that do not have 10 metre rear gardens.

Planning Service's Response: The Council's Residential Development Guide (October 2001) stipulates minimum standards for new residential layouts. One requirement is a **minimum** separation distance of twenty metres between habitable windows in order to afford a reasonable degree of privacy. The present submission is at conflict with the required separation distance. According to the submitted scale drawings it would result in a direct window to window relationship of 19 metres (albeit when scaled off on plan this distance appears to be approximately 17.5 metres) and this, from a planning point of view, is not ideal as it is considered this would have a significant adverse affect on adjacent properties in terms of overlooking and loss of privacy. Clearly in terms of residential amenity this relationship is considered unacceptable. In addition the proposal also fails to provide sufficient private garden for the existing dwelling.

7) The appellant considers that the proposed development would not set an undesirable precedent because no other property in the surrounding area could subdivide their existing garden in a way that would provide a road frontage to both the existing and new property.

Planning Service's response: If the proposed development was to be approved, there are four neighbouring dwellings that are also accessed from the private road off Manse Road with large front gardens which could encourage further applications of this nature. Clearly, if this application was to be approved contrary to planning policy it would therefore set an undesirable precedent.

Conclusions

In summary, the proposed development is contrary to the provisions of the South Lanarkshire Local Plan. Subsequently, the Planning Service would therefore respectfully request that the Planning Local Review Body dismiss the applicant's request to overturn the refusal of planning permission based on the information contained in the delegated report and associated reasons for refusal.

8 November 2010