

Report

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| Report to: | Planning Committee |
| Date of Meeting: | 11 October 2022 |
| Report by: | Executive Director (Community and Enterprise Resources) |

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| Application no. | P/21/0521 |
| Planning proposal: | Erection of three car garage and store with vehicular access from Moss Road |

1 Summary application information

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| Application type: | Householder |
| Applicant: | Alan and Margaret Blackwood Frame |
| Location: | 9 Newton Road Strathaven ML10 6BQ |

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 this application.

3 Other information

- ◆ Applicant's Agent: Jack Blackwood
- ◆ Council Area/Ward: 05 Avondale and Stonehouse
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2**
Policy 2 – Climate Change
Policy 3 – General Urban Areas/Settlements
Policy 5 – Development Management and Placemaking
Policy DM2 - House Extensions and Alterations

◆ Representation(s):

| | | |
|---|----|-------------------|
| ▶ | 13 | Objection Letters |
| ▶ | 0 | Support Letters |
| ▶ | 0 | Comment Letters |

♦ **Consultation(s):**

Roads Development Management Team

Arboricultural Services

Scottish Water

Environmental Services

Planning Application Report

1 Application Site

- 1.1 The application site consists of a rear garden at 9 Newton Road, Strathaven. The site partly incorporates a grassed area adjacent to Moss Road to the south and covers an area of approximately 540sqm. The existing house at 9 Newton Road is situated to the north of the house plot and the rear garden slopes down to a stream in the middle of garden, referred to as the Goods Burn. The associated garden rises again to the rear (south) towards Moss Road. The area in question was purchased from the Council for use as garden ground. The applicant proposes to take access from Moss Road to the garage and provide the necessary turning area. A mature tree sits on the outside of the site to the east. The existing plot is similar to those adjacent in that the house faces onto Newton Road and the garden backs on to Moss Road. An existing access sits adjacent to the site and serves the property at 24 Moss Road.

2 Proposal(s)

- 2.1 The applicants propose the erection of a split level, two storey garage within the area previously acquired by the applicant to utilise as garden ground. The garage will cover an area of 60sqm and will be a height of 3.74m when viewed from the north, east and west and 2.92m when viewed from the south. Approximately 1.3m of the garage will be underground. The proposed garage will be accessed via its own separate access from Moss Road to the south-west. The lower ground floor will be for the parking of the applicant's vehicles and the upper storey will be for storage.

3 Background

3.1 Local Plan Status

- 3.1.1 In terms of the South Lanarkshire Local Development Plan 2 (adopted 2021), the site is located within a general urban area, and is therefore subject to an assessment against the following policies:-

- ◆ Policy 2 Climate Change
- ◆ Policy 3 General Urban Areas and Settlements
- ◆ Policy 5 Development Management and Placemaking
- ◆ Policy DM2 House Extensions and Alterations

3.2 Relevant Government Advice/Policy

- 3.2.1 None relevant.

3.3 Planning Background

- 3.3.1 EK/04/0390 - Change of use from open space to garden ground and erection of 2 storey extension and detached triple garage - granted October 2004. Consent never implemented.

P/21/1543 - External alterations to dwellinghouse including the infill of the existing pend to form additional habitable space, the removal of the existing front door and steps and the erection of a single storey rear extension. Currently under consideration.

4 Consultation(s)

- 4.1 **Roads and Transportation Services** – no issues with the proposal subject to the provision of a satisfactory visibility splay.

Response: Noted. The provision of an appropriate visibility splay has been conditioned.

4.2 **Environmental Services** – no objections.

Response: Noted

4.3 **Scottish Water** – no objections, however, the applicant should contact Scottish Water prior to development commencing. The applicant has been made aware of this.

Response: Noted.

4.4 **Arboricultural Services** – advise that the adjacent tree must be protected during construction.

Response: Noted. A condition requiring this will be attached to any consent.

5 **Representation(s)**

5.1 Statutory neighbour notification was undertaken following which, 13 letters of representation have been received. The points raised are summarised as follows:

a) **The proposal is a means to establish the site for the erection of a dwelling.**

Response: Each application is determined on its own merits. The policies for a proposed dwellinghouse are different to those in relation to the erection of a building ancillary to the enjoyment of a dwellinghouse.

b) **When the land was sold for the purposes of additional garden ground, it stipulated that it could not be sold for the purposes of erecting structures. The applicant does not own the relevant land.**

Response: These are legal matters and not material planning considerations. An applicant does not require to own the land they are proposing to develop but requires the permission of the owner to commence work. Notwithstanding this, the applicant has confirmed that they own the relevant land.

c) **There is a protected tree outwith the site which may be subject to damage through construction of the proposed garage.**

Response: Noted. A condition has been attached requiring root protection of the relevant tree.

d) **The works to form the site could cause subsidence and the site will require substantial regrading**

Response: A condition has been attached requiring the submission of details of the regrading works to be submitted and approved prior to work commencing.

e) **The proposed garage is not in keeping with the locality. A three-storey garage is inappropriate.**

Response: The proposed garage will be in proportion with the rear garden which covers an area of 500sqm beyond the application site. The applicants propose to finish the garage in timber and in this regard, would not be of an appearance uncommon in the area. The garage is not three storey but is split level with a lower ground and a ground level.

f) **The previous application approved on the site expired in 2009 and should not be a material consideration in the determination of this application.**

Response: Noted. Each application is determined on its own merits.

- (g) **Two main sewers run through the plot. Scottish Water should be consulted.**

Response: Scottish Water were consulted and have confirmed that they have no objections. The applicant has been advised to contact Scottish Water prior to any work commencing.

- (h) **There is no lower basement plan shown on the drawings.**

Response: These details have been submitted and are available for inspection on the portal.

5.2 These letters are available for inspection on the planning portal.

6 Assessment and Conclusions

- 6.1 The applicant seeks planning permission for the erection of a three-car garage and store with vehicular access from Moss Road at 9 Newton Road, Strathaven. The proposed development requires to be assessed against the provisions of the South Lanarkshire Local Development Plan 2 (adopted 2021). In this instance Policies 3, 5 and DM2 of the development plan and the associated guidance are applicable.
- 6.2 Policy 3 – General Urban Area/Settlements of the adopted plan supports the principle of residential developments in residential designated areas such as the area within which the application site is located. The proposal seeks to ensure that proposed developments do not adversely affect the surrounding area in terms of issues such as layout, scale, massing and amenity. With regard to the specific design and layout of the site, Policy 5 – Development Management and Placemaking requires all proposals to take account of and be integrated with the local context and built form. The policy states that development proposals should have no significant adverse impacts on the local community in terms of issues such as noise, smell, disturbance and traffic or public safety issues.
- 6.3 Policy DM2 generally reflects the content of Policies 3 and 5 of the adopted plan and states that proposed developments are required to relate satisfactorily to nearby development in terms of scale, massing and materials. Additionally, the policy requires that development proposals do not adversely affect neighbours by overshadowing or overlooking their property.
- 6.4 The application is for the erection of a three-car garage and store with vehicular access which will be taken from Moss Road to the south-west. Due to the geography of Newton Road and the associated settlement pattern, parking is limited to the front for a number of properties – including the application site. The applicant is therefore proposing to provide parking to the rear of the property by taking access from Moss Road. In addition, they are proposing the erection of a two-storey garage with parking on the lower floor together with associated driveway adjacent. Planning permission was previously granted in 2004 for a change of use of garden ground, a rear extension and a triple garage, however, this consent was never implemented and has since expired.
- 6.5 In terms of design, the proposed garage will be constructed from metal containers and will be clad in timber. Whilst this type of design is not common in residential areas, it is contemporary, and the timber finish is sympathetic to the existing landscaping in both the application site and the properties adjacent. In addition, the flat roof of the garage and timber finish will reduce its visual impact. Previously a garage/shed was situated in the rear garden at right angles to the proposed garage, however, this has

since been removed. Under the proposal, the applicant will access the garden from the rear off Moss Road and the access road will open out into a turning area to allow access and egress into the garage. On the upper floor, storage is proposed.

- 6.6 Whilst there are few buildings in the gardens to the rear of the properties on Newton Road, a domestic garage is not an uncommon form of development in a residential area. It would be unreasonable to expect that the proposal would result in a loss of privacy to adjacent properties at the site given that it is a domestic garage. Whilst the garden is sloping and the structure will require an element of under build, the rear garden covers a substantial area and will be situated in excess of 23 metres from the nearest property. In addition, it will sit below the plot to the south at 24 Moss Road.
- 6.7 Adjacent to the site is a mature beech tree which is covered by a Tree Preservation Order (TPO). The tree sits outwith the site and does provide amenity to the locality. A condition has been attached to ensure that the access road is constructed appropriately to avoid damaging the tree or its roots.
- 6.8 As a result of the statutory neighbour notification process, thirteen letters of objection were received in relation to this application. The contents of these representations are addressed in section five above.
- 6.9 In summary, following a full and detailed assessment of the proposed development, it is considered that it would have no significant adverse impact upon residential or visual amenity and that it is in accordance with the relevant policies of the adopted South Lanarkshire Local Development Plan 2 (adopted 2021). As such, the granting of planning permission is recommended.

7 Reasons for Decision

- 7.1 The proposal complies with policies 2, 3, 5 and DM2 of the adopted South Lanarkshire Local Development Plan 2 and will have no detrimental impact on character or amenity.

David Booth

Executive Director (Community and Enterprise Resources)

Date: 29 September 2022

Previous references

- ◆ None

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated 29 March 2021
- ▶ Consultations

Roads Development Management Team 13.05.2021

Scottish Water 24.09.2021

Arboricultural Services 13.10.2021

Environmental Services 10.06.2021

- ▶ Representations

Dated:

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| Keith and Ann Dalzell Dalkin, 15 Newton Road, Strathaven, South Lanarkshire, ML10 6BQ | 26.04.2021 |
| Mr William Smith, 24 Moss Road, Strathaven, South Lanarkshire, ML10 6BY | 19.05.2021 |
| Colin Frew, Via Email | 17.05.2021 |
| Louise Frew, Via Email | 17.05.2021 |
| John Todd, 8 Newton Road, Strathaven, ML10 6BQ | 17.05.2021 |
| Dr Robert MacNair, Glenbrook House, 22a Lesmahagow Road, Strathaven, ML10 6DA | 01.05.2021 |
| Mr John Patrick, 10 Newton Road, Strathaven, ML10 6BQ | 01.05.2021 |
| Colin Frew, Via Email | 12.05.2021 |
| John Todd, Via Email | 12.05.2021 |
| Louise Frew, Via Email | 12.05.2021 |
| Mrs Doreen Frew, 15 Lesmahagow Road, Strathaven, ML10 6BG | 05.05.2021 |
| Mrs Janet Morton, 18 Lesmahagow Road, Strathaven, ML10 6BG | 04.05.2021 |
| Mr Keith Dalkin, 15 Newton Road, Strathaven, ML10 6BQ | 11.05.2022 |

Contact for further information

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

Iain Morton, Team Leader, Floor 6, Council Offices, Almada Street, Hamilton, ML3 0AA
Phone: 07551 842 788
Email: iain.morton@southlanarkshire.gov.uk

Conditions and reasons

01. That no trees within the application site shall be lopped, topped, pollarded or felled, or otherwise affected, without the prior written consent of the Council as Planning Authority.

Reason: In the interests of amenity and to ensure the protection and maintenance of the existing trees within the site.

02. 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., including, where appropriate, the planting of fruit/apple trees;
 - (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.

Reason: To ensure the appropriate provision of landscaping within the site.

03. That the landscaping scheme required by condition 2 above shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of the building(s) 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.

Reason: In the interests of the visual amenity of the area.

04. 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.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

05. That the use of the garage hereby permitted shall be restricted to private use incidental to the enjoyment of the dwellinghouse on the site and no commercial activity shall be carried out in or from the garage.

Reason: To safeguard the residential amenity of the area.

06. That unless otherwise agreed, prior to the commencement of the development hereby approved (including any demolition and all preparatory work), a scheme for the protection of the existing tree to the east of the site shall be submitted to and approved in writing by the Council as Planning Authority. In accordance with BS 5837:2012, the

scheme shall include a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Council as Planning Authority. Specific issues to be dealt with in the TPP and AMS:

- a) Location and installation of services/ utilities/ drainage.
- b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
- c) Details of construction within the RPA or that may impact on the retained trees.
- d) A full specification for the installation of boundary treatment works.
- e) A full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.
- f) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
- g) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- h) A specification for scaffolding and ground protection within tree protection zones.
- i) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- j) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires
- k) Boundary treatments within the RPA
- l) Methodology and detailed assessment of root pruning
- m) Arboricultural supervision and inspection by a suitably qualified tree specialist
- n) Reporting of inspection and supervision
- o) Methods to improve the rooting environment for retained and proposed trees and landscaping
- p) Veteran and ancient tree protection and management.

The development shall thereafter be implemented in strict accordance with the approved details.

Reason: To ensure that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality.

07. 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.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

08. That before the development hereby approved is completed or brought into use, a visibility splay of 2 metres by 25 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.

Reason: In the interests of traffic and public safety.

09. That notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), the change of use of the garage (hereby approved) to living accommodation shall be subject to a further planning application to the Council as Planning Authority.

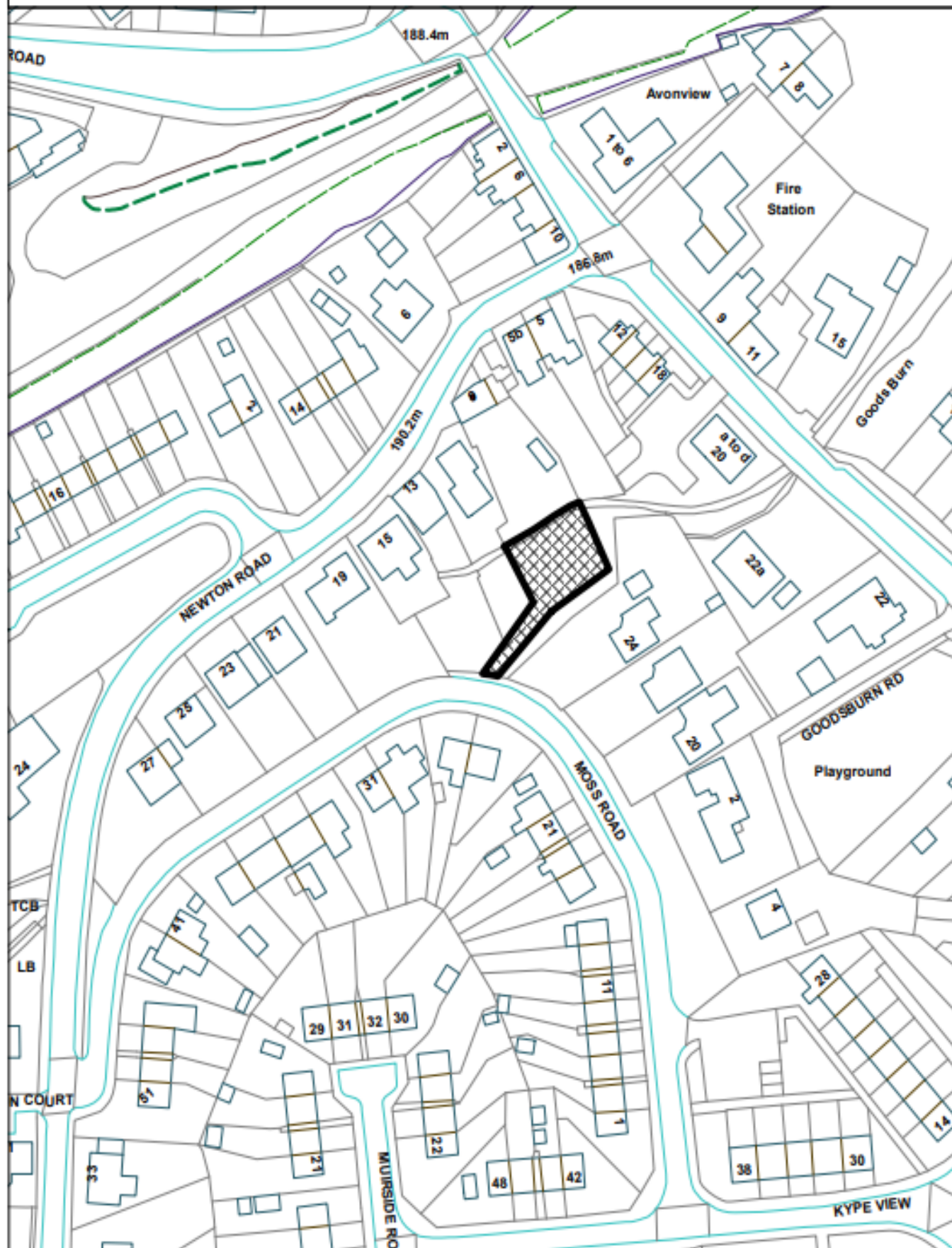
Reason: In order to retain effective planning control.

10. That prior to development commencing, the applicant shall submit a method statement in relation to the proposed regrading of the land and no works shall commence until this statement has been approved in writing by the Council as Planning Authority.

Reason: In order to retain effective planning control.

P/21/0521

9 Newton Road, Strathaven



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Scale:
1:1,250
Date:
16/09/2022



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development