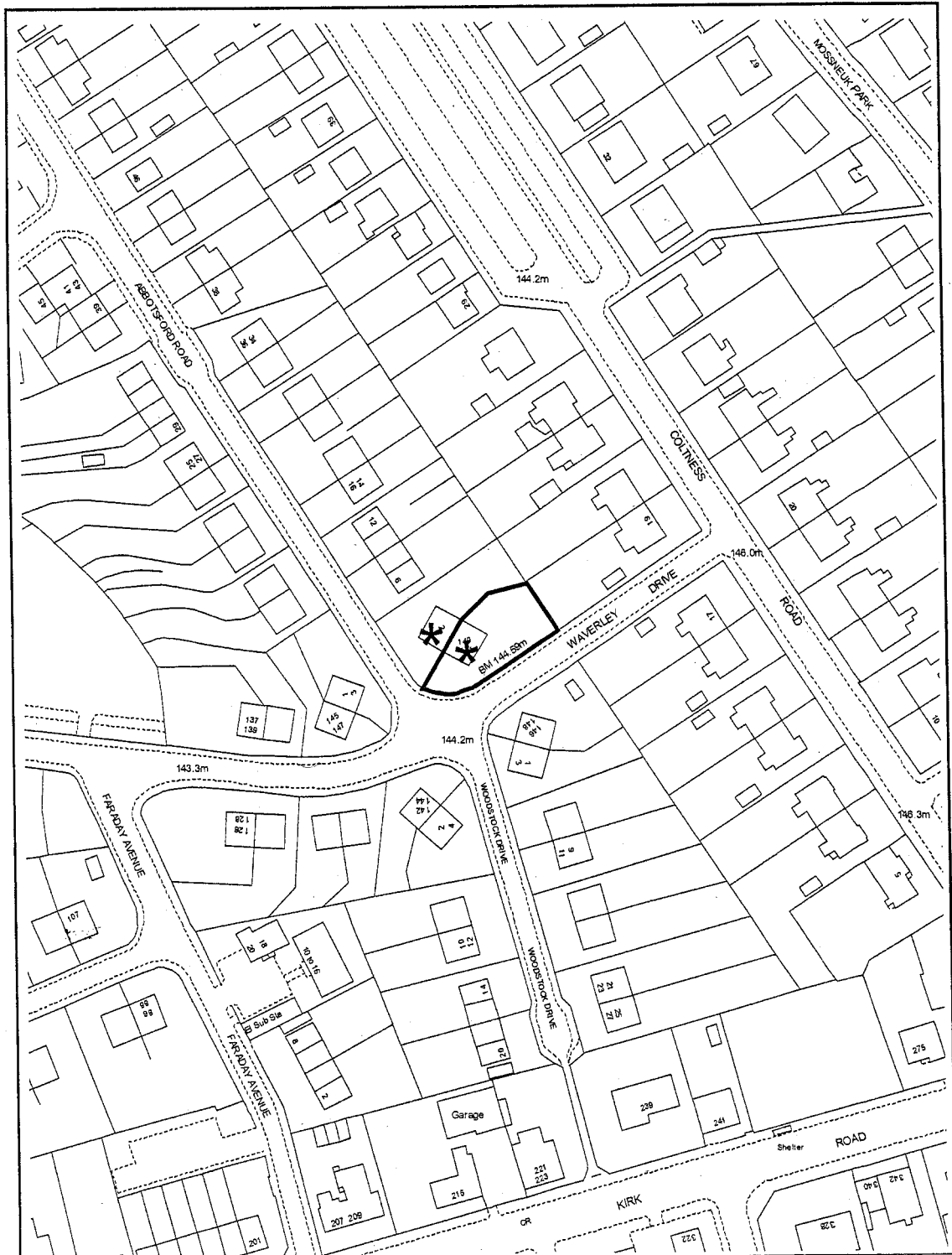


Application No: S/04/00437/AMD  
Date Registered: 26th March 2004  
**Applicant:** Mr I More  
149 Waverley Drive  
Wishaw  
Lanarkshire  
ML2 7DW  
**Development:** Amendment To Alter Monoblock Parking Area To Front Of House  
**Location:** 149 Waverley Drive Wishaw Lanarkshire ML2 7DW  
Ward: 7: Belhaven Councillor Samuel Love  
Grid Reference: 280310. 655574.  
File Reference: S/PL/B/10/3/MR  
Site History:  
1. April 2003 – Permission granted for erection of garage for the parking of a commercial vehicle, ref S/02/00905/FUL  
2. December 2003 – Appeal granted by Scottish Executive for removal of condition 3 which required the reinstatement of a 1 metre high boundary wall adjacent to Waverley Drive, planning consent S/02/00905/FUL, ref P/PPA/320/158  
**Development Plan:** The application site is covered by residential policies within the Southern Area Local Plan Finalised Draft (Modified 2001).  
**Contrary to Development Plan:** No  
**Consultations:** None Received  
**Representations:** 3 Representation Letters  
**Newspaper Advertisement:** Not Required

**Comments:**

This planning application seeks planning permission for an amendment to alter the monoblock parking area to the front of the flatted dwellinghouse at 149 Waverley Drive, Wishaw. This application was submitted as an amendment to a previous planning application in order to regularise the existing unauthorised driveway/parking space and to provide access and egress in such a manner that vehicles are always moving in forward gear. Three letters of representation have been received from adjoining neighbours in relation to the application proposal, the details of which are discussed in my attached report. For reasons contained in my report it is recommended that planning consent be granted subject to the attached conditions. It should be noted that both objectors have requested a site visit.

**Recommendation: Grant Subject to the Following Conditions:-**



PLANNING APPLICATION No.S / 04 / 00437 / AMD

AMENDMENT TO ALTER MONOBLOCK  
PARKING AREA TO FRONT OF HOUSE

149 WAVERLEY DRIVE, WISHAW.

\* Representations



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1. That within two months from the date of this permission to proposed development should be completed and brought into use.

**Reason:** In the interests of road and pedestrian safety.

2. That before development starts, details of the surface finishes to all parking and manoeuvring areas shall be submitted to and approved in writing by the Planning Authority.

**Reason:** To ensure the provision of adequate parking facilities within the site.

3. That before the development hereby permitted is brought into use, a dropped kerb vehicular access shall be constructed in the position shown on the approved plans, in accordance with the specifications of the Roads Authority as described in the Roads Guidelines published by the Roads Authority.

**Reason:** To ensure the provision of satisfactory vehicular and pedestrian access facilities.

#### **Background Papers:**

Application form and plans received 24th March 2004

Memo from NLC Transportation Section received 6th April 2004

Letter from Mr And Mrs Watson, 4 Abbotsford Road, Wishaw, ML2 7DW received 1st April 2004.

Letter from Mr Patrick McMonagle, 151 Waverley Drive, Wishaw, ML2 7DW received 1st April 2004.

Letter from McMonagle and Mr and Mrs Watson, addressed 151 Waverley Drive, Wishaw ML2 7DW, received 6th April 2004

Southern Area Local Plan Finalised Draft (Modified 2001)

Any person wishing to inspect these documents should contact Murray Reid at 01698 302102.

## APPLICATION NO. S/04/00437/AMD

### REPORT

#### 1. Description of Site and Proposal

- 1.1 The applicant seeks planning permission to alter the monoblock parking area to the front of the flatted dwellinghouse at 149 Waverley Drive, Wishaw. This application was submitted as an amendment to a previous planning application Ref. No S/02/00905/FUL in order to regularise the existing unauthorised driveway/parking space. The proposal is to create an extension to the existing driveway to facilitate a second access from the site onto Waverley Drive in order that a car can enter and exit the application site without having to use reverse gear. The site fronts onto a crossroad where Abbotsford Road and Woodstock Road meet Waverley Drive and is surrounded by residential properties.
- 1.2 It should be noted that in April 2003 retrospective planning consent was granted for the erection of a garage for the parking of a commercial vehicle (ref. S/02/00905/FUL.) Prior to this application an unauthorised garage and driveway were built at the application site and although that planning application did not include the formation of the unauthorised driveway in the title, this issue was discussed as part of the Committee Report that was granted consent at the Planning Committee. Condition 3 of this consent related to a wall being constructed across the existing entrance to the driveway to prevent the parking of a vehicle at any time in the interests of road and pedestrian safety.
- 1.3 Committee's attention is also drawn to the fact that in December 2003 an appeal was granted by the Scottish Executive (Ref.No. P/PPA/320/158) for the removal of condition 3 of the planning consent ref. S.02/00905/FUL as discussed above in paragraph 1.2. The Scottish Executive considered that the use of the condition failed to satisfy the test of relevance to the development permitted and was consequently ultra virus. It should also be noted that the reporter stated that the decision 'does not prevent the Council from dealing with the formation of the driveway/parking space as a separate issue.'

#### 2. Development Plan

- 2.1 This planning application raises no strategic issues and therefore the Development Plan is established through the Local Plan.
- 2.2 The site is zoned as an 'Established Housing Area' within the Southern Area Local Plan Finalised Draft (Modified June 2001). Policy HSG8 is the relevant policy that seeks to protect the established character of the existing housing areas.

#### 3. Consultations and Representations

- 3.1 The Transportation Section have recommended that permission be refused, as the existing driveway to the front of the property is unacceptable as it is situated on the radii of a junction. Any manoeuvring to and from this driveway could be detrimental to road safety.
- 3.2 Three letters of representation were received from the neighbouring properties at 4 Abbotsford Road and 151 Waverley Drive, Wishaw. The main points of which are as follows:-
  - (i) Invasion of privacy in that the car is parking close to bedroom windows.
  - (ii) Impact on amenity as a result of the noise of the car.

- (iii) Impact on pedestrian and road safety at a dangerous location where the car reverses over a pavement on Abbotsford Road leading to a four way junction that has heavy traffic.
  - (iv) As a result of the dangerous location and 3 crashes into the garden of the application site in the last year, there is a constant fear of a vehicle crashing into the garden especially at night and a need for compulsory crash barriers at the four corners of Abbotsford Road, Woodstock Drive and Waverley Drive.
  - (v) Breach of tenancy agreement – in that our tenancy agreement states plainly that no vehicle belonging to you or anyone visiting, may be parked on our land unless that land is set aside for parking or permission has been granted and that it causes no nuisance or annoyance to your neighbours.
  - (vi) The applicant's non-compliance with the original condition and the duration of this dispute dating back to the original planning consent that was granted in April 2003.
  - (vii) The More's have a large garage which has never been used to store their van or car. The garage has ample room for the van and more than enough space for the car to be parked on the tarmac area in front of the garage.
- 3.3 Both objectors have asked the Committee to visit the site before making a decision on the application.

#### **4. Planning Assessment and Conclusions**

- 4.1 As noted above, the site lies within a residential area and therefore the principle in land use terms of the proposal is acceptable. Thus the application raises no strategic issues. In assessing this application local plan policy HSG8 (Established Housing Areas) is the relevant policy in the Southern Area Local Plan Finalised Draft (Modified June 2001) which seeks to protect the established character of existing and new housing areas by opposing development which is incompatible with a residential setting or adversely affects the amenity of Established Housing Areas.
- 4.2 In assessing this particular application it is considered that the relevant determining factors are whether the proposal is in accordance with Policy HSG8 and also the impact of the proposal on pedestrian and vehicular safety.
- 4.3 The existing driveway and associated landscaping are complementary to the existing house and surrounding residential properties in terms of the scale, design and materials used. The proposal to extend the existing driveway by monoblocking the relevant area and removing the appropriate part of the fence would be in keeping with the current development. With regard to Policy HSG8 the proposal is considered to be acceptable both in terms of its residential setting and its impact on the amenity of the property and surrounding residential area.
- 4.4 It is clearly evident that there are concerns with regards to pedestrian and road safety for both the existing development and the proposed development, a view that is supported by my Transportation Section who have recommended refusal of this application because of the dangers of manoeuvring from such an access. This view was supported by the Planning Department in relation to the existing unauthorised development which required any car using the parking space to take access over the radius of the cross road junction of Waverley Drive, Woodstock Road and Abbotsford Road as any manoeuvring to and from the parking space would be detrimental to road safety. However in cognisance of this current application that involves the formation of a second access to the application site enabling vehicles to always enter and exit the site in forward gear, it is considered that this proposal provides a better

solution to both the present scenario and the alternative solution of closing of the driveway and parking a car on the road at a busy and dangerous junction.

- 4.5 In response to the points of representation listed in paragraph 3.2 above I would comment as follows:-
- (i) With regard to point (i) the existing driveway that forms a part of this application is located approximately three metres back from the bedroom windows and is partly blocked by the existing landscaped area. It is common practice for driveways to be built facing onto properties and taking all concerns into account it is not considered that the proposal will result in an invasion of privacy that merits refusal of this application.
  - (ii) With regard to the possible negative impact on the amenity of the area as a result of the noise from the car it should be noted that the application site is located next to a crossroad and adjacent to Waverley Drive which has heavy traffic and therefore the impact of the noise of the car is not considered a valid reason for refusal of this application.
  - (iii) Point (iii) has been discussed above in paragraph 4.4 and whilst it is considered that the proposal is not an ideal solution with regards to the impact on pedestrian and road safety it is however considered the best possible solution for the application site.
  - (iv) Whilst the concerns raised over vehicles crashing into the application site and the related history to this is recognised, this aspect and the possible solution of a compulsory crash barrier is a separate issue to the consideration of this application and therefore does not constitute a material consideration. The possible pedestrian and vehicular implications of this point that tie in with point (iii) have been discussed in paragraph 4.4 above.
  - (v) With regard to the tenancy agreement this is an issue for the Housing and Property Services Department and does not constitute a material consideration in the assessment of this application.
  - (vi) The applicant did not comply with condition 3 of the original planning consent that was granted on 23rd April 2003 however they exercised their right to submit an appeal against the planning decision within 6 months of the date of the consent and consequently won their appeal to have condition 3 removed as discussed above in paragraph 1.3. The duration of this procedure that reference is made to is a consequence of the current National Planning System procedures and does not constitute a material consideration in the assessment of this application.
  - (vii) The large garage that is referred to formed the basis of the retrospective planning application that was granted consent in April 2003 as discussed above in paragraph 1.2. The consent had a condition that the use of the garage shall be restricted to the parking of the commercial vehicle only. Again this issue does not constitute a material consideration in the assessment of this application.
- 4.6 It is considered that the proposed development is in accordance with Policy HSG8 of the Southern Area Local Plan Finalised Draft (Modified 2001). In view of the above and given the proposed improvements to the existing site in terms of access it is considered that my Transportation section's comments do not on balance justify refusal of this application as the alternative of having vehicles either reversing out onto the junction or parking at the junction are even more unacceptable. I have considered the points of representation but find no reason to uphold the points or request amendments to the proposals. The application raises no strategic issues and does accord with the policies of the local plan. I therefore recommend that planning permission be granted subject to the attached conditions.