

Application No: S/04/00281/AMD

Date Registered: 26th February 2004

Applicant: SMS Construction
Quarry Road
Shotts
ML7 4 AF

Agent Dalziel Design Partnership
136 Coursington Road
ML1 1

Development: Amendment To Planning Approval S/02/01520/FUL For The
Erection of 3 Dwellings and Landscape Area

Location: Land East Of Cedar Wynd Shotts Lanarkshire

Ward: 17: Stane Councillor Frank Gormill

Grid Reference: 288762 660067

File Reference: S/PL/17/53/MR/MAW

Site History: S/97/00039/FUL Erection of Residential Development granted 31st
March 1997

S/02/00098/AMD Erection of 3 Detached Dwellinghouses refused
5th June 2002

S/02/01520/FUL Erection of 3 No. Dwellinghouses & Relocation of
Kick-About Pitch/Public Open Space granted 1st April 2003
following a site visit to the site and a Hearing

Development Plan: The site is covered by residential policies in the Southern Area Local
Plan Finalised Draft (Modified 2001)

Contrary to Development Plan: No

Consultations: None Received

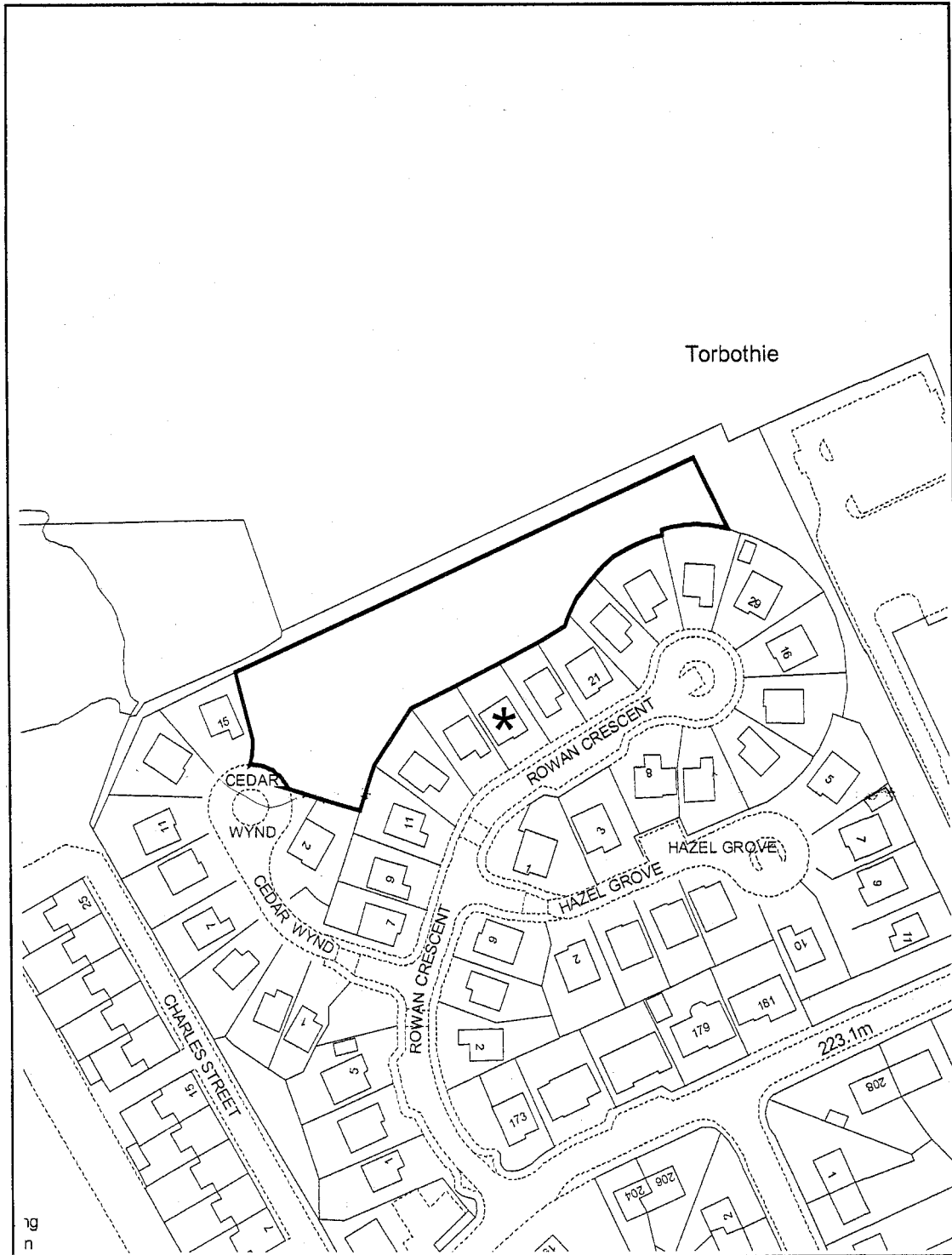
Representations: 5 Representation Letters

Newspaper Advertisement: Not Required

Comments:

This amended planning application seeks consent for the erection of 3 detached dwellinghouses and landscape area on land east of Cedar Wynd, Torbothie Road, Shotts. The proposed development is presently under construction. Five letters of representation have been received from the same household on behalf of notified neighbours and these are detailed in the attached report together with my observations on them. Having taken all concerns into account, it is considered that the amended plans are acceptable in terms of the impact on neighbouring properties and I therefore recommend that consent be granted subject to the attached conditions. It should be noted that one of the objectors has requested a site visit and a hearing.

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PLANNING APPLICATION No S / 04 / 00281 / AMD

AMENDMENT TO PLANNING APPROVAL S / 02 / 01520 / FUL
FOR THE ERECTION OF THREE DWELLINGS AND
LANDSCAPE AREA

LAND EAST OF CEDAR WYND, SHOTTS.

* Representations



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Recommendation: Grant Subject to the Following Conditions:-

1. That before any of the dwellinghouses hereby permitted, situated on a site upon which a fence or wall is to be erected, are occupied, the fence or wall shall be erected.

Reason: To safeguard the amenity of future residents.

2. That before the development hereby permitted starts, full details of the design and location of all fences and walls to be erected on the site shall be submitted to, and approved in writing by the Planning Authority.

Reason: To enable the Planning Authority to consider these aspects in detail.

3. That notwithstanding the requirements of conditions (1) and (2) above before the dwellinghouse on Plot C is occupied a 2 metres high, close boarded, dark brown stained timber screen fence shall be erected along the boundary marked GREEN on the approved plans.

Reason: To safeguard the amenity of the future occupants of that property.

4. That within one month of the date of this permission, a scheme of landscaping, for the hatched area on the approved plans, shall be submitted to, and approved in writing by the Planning Authority, and it shall include:-
 - (a) details of any earth moulding and hard landscaping, grass seeding and turfing;
 - (b) a scheme of tree and shrub planting, incorporating details of the location, number, variety and size of trees and shrubs to be planted;
 - (c) 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.

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

5. That within one year of the occupation of the last dwellinghouse within the development hereby permitted, all planting, seeding, turfing and earth moulding included in the scheme of landscaping and planting, approved under the terms of condition (4) above, shall be completed; and any trees, shrubs, or areas of grass which die, are removed, damaged, or become diseased within two years of the completion of the development, shall be replaced within the following year with others of a similar size and species

Reason: To safeguard the amenity of the adjoining residential area.

6. That within two months of the date of this permission, a management and maintenance scheme shall be submitted to, and approved in writing by the Planning Authority, and it shall include proposals for the continuing care, maintenance and protection of the hatched area detailed in condition number (5) above.

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

7. That before completion of the last dwellinghouse hereby permitted, the management and maintenance scheme approved under the terms of condition (6) shall be in operation.

Reason: To safeguard the amenity of the adjoining residential area.

8. That the garage shall not be altered for use as a habitable room without the prior written consent of the Planning Authority.

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

9. That notwithstanding the provisions of Class 7 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, no gates, fences, walls, or other means of enclosure, shall be erected between the front of the dwellinghouse hereby permitted and the adjoining road.

Reason: To safeguard the residential amenity of the surrounding area.

10. That before the first dwellinghouse hereby permitted is occupied all the parking and manoeuvring areas shown on the approved plans, shall be levelled, properly drained, surfaced in a material which the Planning Authority has approved in writing before the start of surfacing work and clearly marked out, and shall, thereafter, be maintained as parking and manoeuvring areas.

Reason: In the interests of traffic and pedestrian safety.

Background Papers:

Application form and plans received 26th February 2004

Amended plans received 17th March 2004

Southern area Local Plan Finalised Draft (Modified 2001)

Letter from Mrs Margaret Brennan, 17 Rowan Crescent, Shotts, ML7 5NJ received 8th March 2004

Letter from Mr Thomas Brennan, 17 Rowan Crescent, Shotts, ML7 5NJ received 8th March 2004

Letter from Mr Thomas Brennan, 17 Rowan Crescent, Shotts, ML7 5NJ received 9th March 2004

Letter from Mr Thomas Brennan, 17 Rowan Crescent, Shotts, ML7 5NJ received 16th March 2004

Letter from Mr Thomas Brennan, 17 Rowan Crescent, Shotts, ML7 5NJ received 13th April 2004

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

APPLICATION NO. S/04/00281/AMD

REPORT

1. Description of Site and Proposal

- 1.1 This planning application seeks an amendment to planning approval S/02/00281/AMD for the erection of 3 dwellings and landscape area on land east of Cedar Wynd, Torbothie Road, Shotts. The proposed amendment that is presently under construction involves changes both to the site layout and to the design of the houses.
- 1.2 With regard to the site layout, Plot A is proposed to be located approximately 0.9 metres to the east of the western boundary fence hence the cumulative effect of Plots B & C moving them approximately 0.9 metres east of their original site. In terms of the site area, each plot will have a marginal decrease in size with Plot A decreasing from 411 to 407 square metres, Plot B decreasing from 395 to 376.7 square metres and Plot C decreasing from 389.5 to 388.75 square metres.
- 1.3 With regard to the design of the houses, the most significant amendment is that for each of the 3 plots the double garages will be reduced to a single garage and an additional public room and cupboard will be built in that area. There are also small internal modifications to the house type and resultant amendments to the fenestration.
- 1.4 The Fairways residential development received detailed planning permission for 44 dwellinghouse and outline planning permission for 5 dwellinghouses on 26 March 1997 (planning reference no: S/97/00039/FUL). The approved plans for the development detailed a landscaping and kick-about pitch to the north of the site and a play area on the site of plot 30. The applicant successfully appealed the condition relating to the play area as Plot 30 fell short of the Councils minimum size for a play area and required distance from the nearest dwellinghouse, leaving the kick-about pitch as the only play provision within the development.
- 1.5 A planning application was granted planning permission for the erection of three dwellinghouses on 1 April 2003 (planning reference no: S/02/01520/FUL.) and therefore the principle of residential development in the area has been established.

2. Development Plan

- 2.1 The application raises no strategic issues and therefore the Development Plan is established through the Local Plan.
- 2.2 Within the Southern Area Local plan the site is zoned as an Established Housing Area and is covered by Policy HGS 8 which seeks to protect the established character of the existing housing areas.

3. Consultations and Representations

- 3.1 No consultations were required in respect of this amended application.
- 3.2 Five letters of objection were received from the neighbouring property at 17 Rowan Crescent, Shotts. The points of objection may be summarised as follows:-
 - (i) The alteration from a double to a single garage will exacerbate the access and ultimately compromise the safety of the site.

- (ii) The original plans submitted by SMS have been changed substantially with each of the houses being removed and the layout altered.
- (iii) The applicant's continuing work on site without the necessary permission for the relocation of the dwellings and the amendments to the design, and the Planning Department's failure to respond satisfactorily to this situation. As a result the residents feel they have been lied to and rules and regulations both broken and ignored,

3.3 The objector has also asked for a site visit and hearing.

4. **Planning Assessment and Conclusions**

4.1 The proposed development is in accordance with the Development Plan therefore there are no objections to the principle of this development in land-use terms. The application raises no strategic issues. The site is covered by Policy HSG8 (Established Housing Area) within the Southern Area Local Plan Finalised Draft (Modified 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. On assessing this proposal it is considered that given the location and changes involved to the amended housing (as discussed in paragraphs 1.2 and 1.3 above), the proposal is acceptable in terms of its impact on the amenity of the surrounding residential properties.

4.2 In response to the points of objection listed in paragraph 3.2 above I would comment as follows:-

- (i) It is not considered that the alteration from a double to a single garage will exacerbate the access and compromise the safety of the site to a degree that merits refusal of the application given the previous planning history and status of the application site.
- (ii) It is common practice for house builders to alter their development as they progress a site and it is not considered a material planning consideration in the assessment of this application.
- (iii) It is unfortunate that the developer moved the proposed house plots and amended the house types without first seeking the necessary consents. Likewise it is understandable that objectors feel they are being ignored when the developer continues to work on the site despite being asked to stop work and submit the relevant application. I did draw to the company's attention that the continuing work was entirely at their own risk. I have not, however, sought enforcement proceedings against the applicant pending a decision on this amended application.

4.3 In conclusion I have considered the points of representation but find no reason to uphold the points raised 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.