

Application No: S/06/01439/FUL

Date Registered: 29th August 2006

Applicant: Allanton Properties Ltd
119 Morningside Road
Morningside
Newmains
ML2 9AS

Agent Stanley C. Cook M.R.T.P.I.
12 Beveridge Terrace
Mossend
Bellshill
ML4 2RJ

Development: Erection of Two Semi - Detached Dwellinghouses

Location: Land Adjacent To 2 Station Road
Cleland
Motherwell
ML1 5QP

Ward: 19 Cleland Councillor James Martin

Grid Reference: 279970 658007

File Reference: S/PL/BF/4/27/FM/MM

Site History: S/06/00334/FUL – Permission refused for the Erection of Three Terraced Dwellings on land adjacent to 2 Station Road, Cleland on the 2nd August 2006.

Development Plan: The site is zoned as RTL 6 (Village and Neighbourhood Commercial Areas) in the Southern Area Local Plan, Finalised Draft (Modified 2001, 2004 and 2005), to which Policies HSG11 (Infill Housing Development) and TR13 (Assessing the Transportation Implications of Development) also apply.

Contrary to Development Plan: No

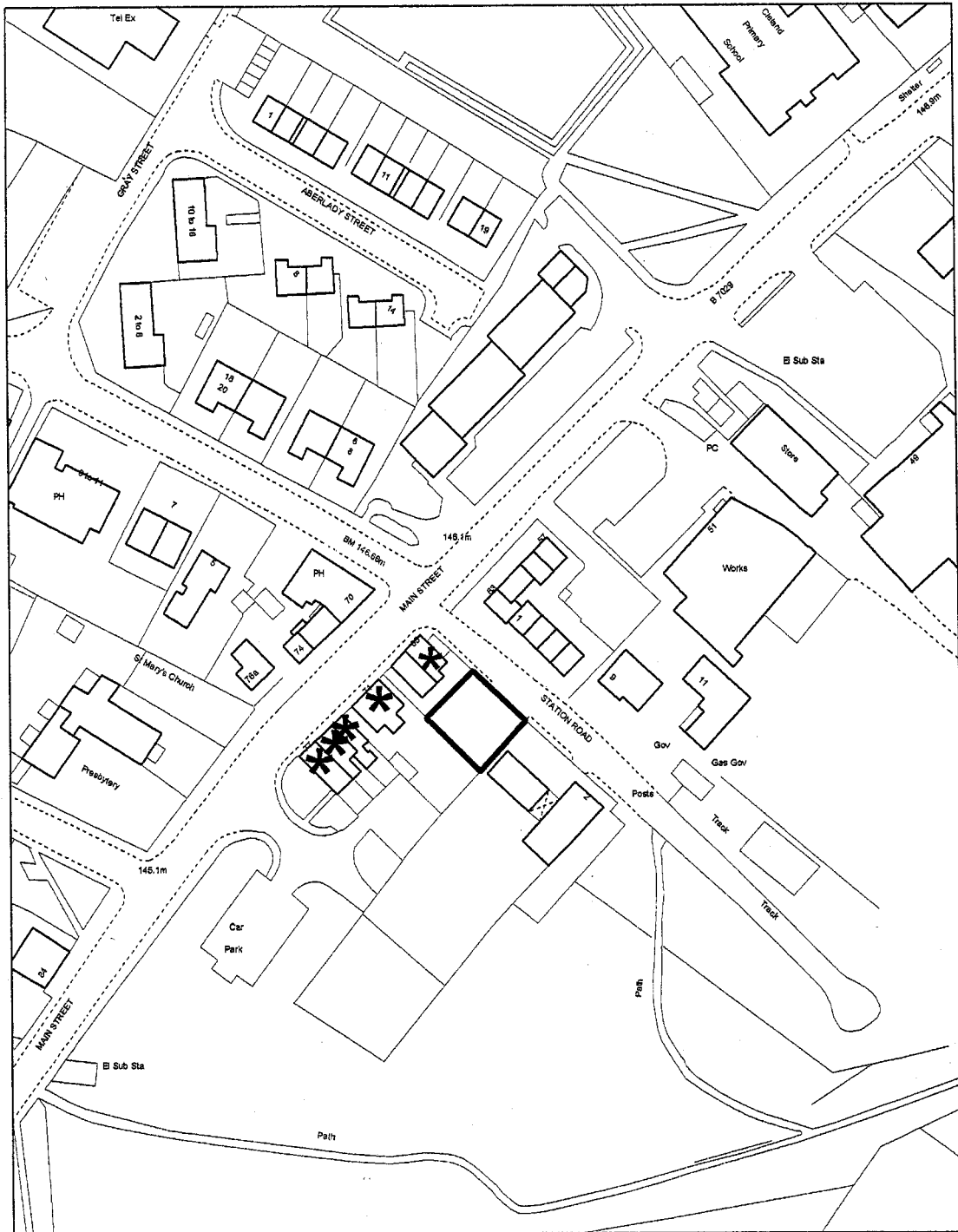
Consultations: No external consultations required

Representations: Five letters of representation received

Newspaper Advertisement: Advertised on 6th September 2006

Recommendation: Refuse for the Following Reason:-

1. That the proposed development is contrary to Policy HSG11 of the Southern Area Local Plan, Finalised Draft (Modified 2001, 2004 and 2005) in that it constitutes over-development of a restricted site, due to the lack of adequate useable garden ground and would be detrimental to the levels of privacy and general amenity currently enjoyed by residents.



Produced by
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 North Lanarkshire Council 100023998 2004

Planning Application No. S/06/01439 / AMD

Erection of Two Semi - Detached Dwellinghouses

Land Adjacent To 2 Station Road Cleland
 Motherwell

* Representation



1:1,250



Background Papers:

Application form and plans received 29th August 2006

Memo from NLC Transportation Manager received 7th September 2006.

Memo from NLC Head of Protective Services received 22nd March 2006.

Letter from Mr Paul Gallacher, 71 Main Street, Cleland, Motherwell, ML1 5QR received 6th September 2006.

Letter from Mrs Margaret McKenna, 73 Main Street, Cleland, Motherwell, ML1 5QR received 6th September 2006.

Letter from Mr John Kane, 75 Main Street, Cleland, Motherwell, ML1 5QR, received 6th September 2006.

Letter from Owner/Occupier, 77 Main Street, Cleland, Motherwell, ML1 5QR received 6th September 2006.

Letter from Sau Ying Lam, The Richmond Inn, 65 Main Street, Cleland, ML1 5QR received 1st September 2006.

Southern Area Local Plan, Finalised Draft (Modified 2001, 2004 and 2005).

Any person wishing to inspect these documents should contact Mr Fraser Miller at 01698 302087.

Date: 3 October 2006

APPLICATION NO. S/06/01439/FUL

REPORT

1. Description of Site and Proposal

- 1.1 Detailed planning permission is sought for the erection of two semi-detached dwellings on land to the northwest of 2 Station Road, Cleland. The application site is a level area of vacant land approximately 18 metres in length along the frontage of Station Road by 16 metres in depth. The proposed dwellings would be two stories in height measuring 5 metres to the eaves and 7 metres to the ridge, with the footprint of each dwelling measuring approximately 44 square metres. Front gardens with a depth of 1.6 metres and rear gardens with a depth of 7.3 metres are shown. Each plot is allocated two parking spaces 3 metres wide by 12 metres in length, fronting onto Station Road. The application site is bounded by a two storey flatted development and a two storey dwelling to the north east, a single storey dwelling to the south east, the private garden ground of 71 Main Street to the south west and by a hot food takeaway and vacant shop unit to the north west.
- 1.2 Planning permission was refused on the 2nd August 2006, following a site visit and hearing, for the erection of three terraced dwellings on the site. The reason for the refusal of the application was that the proposed development was contrary to Policies HSG11 and TR13 of the Southern Area Local Plan, Finalised Draft (Modified 2001, 2004 and 2005) in that it constituted over-development of a restricted site due to the lack of adequate useable garden ground and inadequate parking provision to the detriment of pedestrian and road safety.

2. Development Plan

- 2.1 The site is zoned as Policy RTL6 (Village and Neighbourhood Commercial Area) in the Southern Area Local Plan Finalised Draft (Modified 2001, 2004 and 2005). Policies HSG 11 (Infill Housing Development) and Policy TR13 (Assessing the Transport Implications of Development) are also applicable.

3. Consultations and Representations

- 3.1 My Transportation Section have raised serious concerns over the proposal as in order to comply with current guidelines, a turning facility should be provided on Station Road, which is unachievable as the applicant has no control over the area of land required.
- 3.2 My Protective Services Section have commented that a comprehensive site investigation requires to be submitted, prior to the commencement of any works on site to confirm that the site is free of any harmful contaminants.
- 3.3 There have been five letters of objection received following the press advertisement and neighbour notification procedures. One letter has been received by the adjoining hot food takeaway and the remaining four have been received from the adjoining residential properties. The points of objection can be summarised as follows:
- (1) The layout of the proposed site would lead to an invasion of privacy of the objectors properties.
 - (2) The design and proposed materials are not in keeping with the surrounding properties.
 - (3) The development would be detrimental to the environment of the natural wildlife in the area.
 - (4) Adverse affect on the potential re-sale value of the objectors properties.

- (5) Customers of the hot food takeaway park on Station Road and the objector is concerned that future residents would object to customers parking in this area, reducing trade to the hot food takeaway.
- (6) The hot food takeaway is open till midnight and the proprietors do not want complaints from residents due to noise, cars being parked, the extractor fan, or summer cooking with the back door open.
- (7) There is another new development site less than 200 yards away.

4. Planning Assessment and Conclusions

- 4.1 It should be noted that the application raises no strategic issues. This application must be assessed against the relevant development plan policies, which are Southern Area Local Plan Policies RTL6 (Village and Neighbourhood Commercial Areas), HSG11 (Infill Housing Development) and TR13 (Assessing the Transportation Implications of Development), together with the Council's Minimum Space Standards around dwellings.
- 4.2 The application site lies within the Village Commercial Area of Main Street, Cleland. Policy RTL6 (Village and Neighbourhood Commercial Areas) of the Southern Area Local Plan Finalised Draft (Modified 2001, 2004 and 2005) applies and outlines that the Council will support the retention and provision of other uses which compliment the role and function of the Commercial Areas and improve the environment of such areas. However in this particular case the application site lies at the rear of the commercial area and although the site is adjacent to a commercial property, the surrounding land uses are predominantly residential. It is therefore considered that the application site is a gap site and that in principle a residential development on the site could be acceptable, subject to the detailed assessment of the proposals.
- 4.3 In considering applications for infill residential developments on suitable gap sites Policy HSG11 applies and states that consideration is to be given to the:
 - (1) Overall, impact of the proposal on the character and amenity of the surrounding area,
 - (2) Dimensions of the site relative to the proposed development and associated garden ground,
 - (3) Effect of infill on the garden space, privacy and sunlight received by surrounding properties,
 - (4) Consideration given to scale, materials, roof height/pitch and window patterns, and
 - (5) Provision of vehicular access and parking arrangements.

In assessing the impact of the proposal on the character and amenity of the surrounding area it is worth noting that there are a mixture of single storey and two storey dwellings in the area. It is therefore considered that a two-storey development in principle is acceptable. However I have serious concerns regarding the impact of the proposed development on the privacy and amenity experienced by the dwellings at 71 and 73 Main Street as a result of the proposed rear garden ground depth and the close proximity of habitable room windows to the garden ground of the dwellings on Main Street. The proposed plot sizes are small and out of character with those of other houses nearby. A front garden depth of 1.6 metres and a rear garden depth of 7.3 metres falls significantly short of the Council's guidelines on open space. This specifies that a minimum front garden depth of 6 metres and a minimum rear garden depth of 10 metres should be provided for each plot to provide a suitable area of useable garden ground for each dwelling. It is worth pointing out that these are minimum standards. In relation to the sunlight received by adjoining properties, due to the orientation of the site, it is considered that there will be no significant loss of sunlight or daylight experienced by the adjoining dwellings. The adjoining dwellings on Station Road have been finished predominantly in facing brick and interlocking roof tiles, however as no finishing materials have been submitted with the application a planning condition could be used to secure acceptable materials. It is considered that the scale of the proposed dwellinghouses are in keeping with the area in general, however as discussed above, the proposals do not comply with Policy HSG11 on the basis that the application represents the over development of a restricted site. The provision for vehicular access and parking

arrangements are considered in the following paragraph.

- 4.4 In assessing the transportation implications of a development, Policy TR13 is a material consideration and states that the Council will take account of criteria including the impact of the development on road traffic circulation/ road safety and the provision made for access, parking and vehicle manoeuvring and access for all. My Transportation Section have advised that they have objected to the proposals, as detailed in paragraph 3.1 above. In relation to the requirements of the Transportation Section for the applicant to provide a turning facility on Station Road, it is considered inappropriate to request this given that this requirement was not stipulated for the existing dwellings on Station Road. Turning to the off street parking requirements of new developments, it is a requirement that each dwelling makes provision for two off street parking spaces. Each plot can provide two off street parking spaces and as such the proposed parking arrangements for the site comply with Policy TR13. In relation to the comments made by my Protective Services Section, I can advise that in the event of the application being approved a planning condition can be attached to the consent requiring the submission of a detailed site investigation report prior to the start of works on the site.
- 4.5 In relation to the points of objection, I would comment as follows:-
- (1) In relation to the objector's concerns regarding the impact on privacy and amenity on their rear garden ground, I consider that these concerns are valid as discussed in paragraph 4.3 above.
 - (2) The area is characterised by both single storey dwellings on Main Street and 2 storey dwellings/flats on Station Road. I do not consider that a two-storey development on this site would be out of keeping with the area in general. Materials have not yet been specified but could be conditioned.
 - (3) It is considered that there would be no significant detrimental impact on natural wildlife sufficient to warrant refusal of this application.
 - (4) The potential de-valuing of residential properties is not a material consideration in the assessment of this application.
 - (5) In relation to the objector's concerns in respect of vehicles parking on Station Road to utilise the takeaway, I can advise that there are no waiting restrictions on Station Road.
 - (6) In relation to the objector's concerns regarding potential noise or other complaints about the takeaway, I can advise that this is primarily controlled by Environmental Health Legislation and as discussed in paragraph 3.2 above, my Protective Services Section have not objected to the application.
 - (7) Each application must be considered on its merits and the fact that there is a new residential development site nearby is not relevant to the consideration of this application.
- 4.6 In conclusion, the application is considered to be contrary to Policy HSG11 of the Southern Area Local Plan, Finalised Draft (Modified 2001 and 2004) in that the lack of useable garden ground means that the proposal represents over-development of a restricted site due to the lack of adequate useable garden ground and would be detrimental to the levels of privacy and general amenity currently enjoyed by residents. As such, I recommend that consent be refused.
- 4.7 It should be noted that the applicant has requested that a site visit and hearing be carried out prior to the determination of the application.

Southern Area Local Plan, Finalised Draft (Modified 2001, 2004 and 2005)

Any person wishing to inspect these documents should contact Mr Fraser Miller at 01698 302087.

Date: 3 October 2006