

Application No: S/06/01207/REM

Date Registered: 22nd August 2006

Applicant: Mr J. Halliday
14 Cotton Vale
Cleland

Agent Fouin And Bell Architects Ltd
3/2 Boroughloch Square
Edinburgh
EH8 9NJ

Development: Erection of a Dwellinghouse and Installation of a Driveway

Location: Plot B
189 Merry Street
Motherwell
North Lanarkshire
ML1 1LN

Ward: 2 Calder Valley Councillor Annita McAuley

Grid Reference: 275565 657392

File Reference: S/PL/BF/5/50/SM/MM

Site History: 433/88 Change of Use from Dwelling to Office – Granted
27 September 1988
155/84 Erection of Dwelling – Refused 04 July 1984
130/85 Erection of Dwelling – Recommended for approval, Consent
not granted as Section 50 Agreement not completed.
S/05/01579/OUT Erection of Dwellinghouse – Granted 30
November 2005

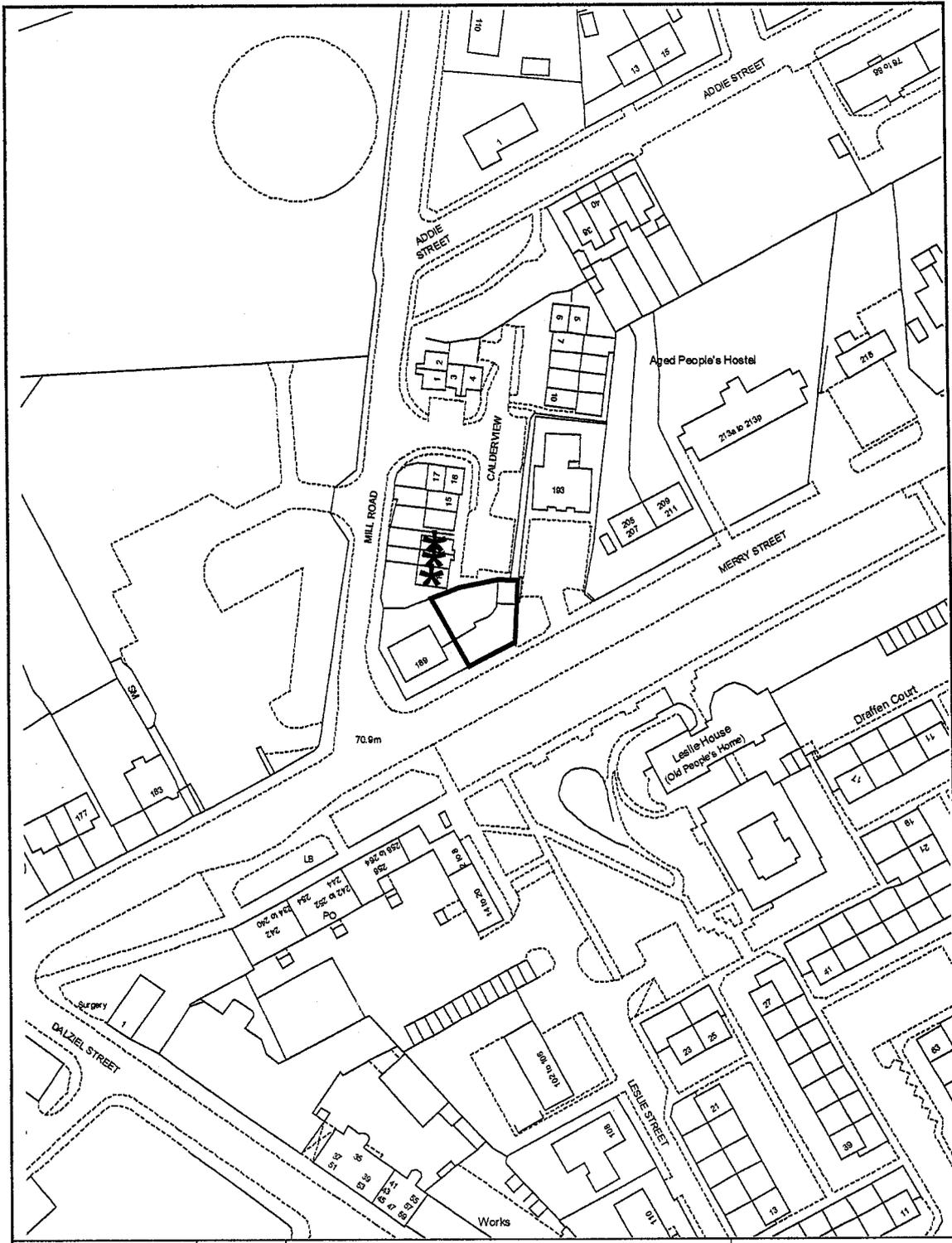
Development Plan: The site is zoned as Policy HSG 8 (Established Housing
Development Opportunities) within the Southern Area Local Plan
Finalised Draft (Modified 2001, 2004 and 2005).

Contrary to Development Plan: No

Consultations: Scottish Power (No objections)
British Gas (No objections)

Representations: 3 letters of representation

Newspaper Advertisement: Not Required



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PLANNING APPLICATION No. S / 06 / 01207 / REM

ERECTION OF A DEWLLINGHOUSE AND INSTALLATION OF A DRIVEWAY

Plot B, 189 MERRY STREET, MOTHERWELL

* Representation

Site Area = 0.03 ha.

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Recommendation: Grant Subject to the Following Conditions:-

1. That the development hereby permitted shall be started not later than 12th December 2010.

Reason: To accord with the outline permission.

2. That before the development hereby permitted starts, full details of all external materials to be used in construction, including walls, roofs, windows, doors, gutters and downpipes, 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 before the development hereby permitted starts, the applicant shall provide written confirmation to the Planning Authority that all the requirements of Scottish Water have been fully met to demonstrate that the development will not have an impact on their assets, and that suitable infrastructure can be put in place to support the development.

Reason: To prevent groundwater or surface water contamination in the interests of environmental protection.

4. That before the 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. In particular a turning area to allow vehicles to enter and leave the site in forward gear must be provided.

Reason: To ensure the provision of satisfactory vehicular and pedestrian access facilities and to enable vehicles to enter and leave the site in forward gear at all times.

5. That notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, no development shall take place within the curtilage of the dwellinghouse hereby permitted, other than that expressly authorised by this permission.

Reason: To enable the Planning Authority to retain effective control, in order to restrict further development which may impede the vehicle manoeuvrability within the site.

6. That before the dwellinghouse hereby permitted is occupied a turning area must be provided within the curtilage of the existing house at 189 Merry Street to allow vehicles to enter and leave the site in forward gear.

Reason: To enable vehicles to enter and leave the site in forward gear at all times.

7. That before the dwellinghouse hereby permitted is occupied a 1.8 metre high, close boarded, timber screen fence shall be erected along the boundaries marked orange on the approved plans.

Reason: To safeguard the residential amenity of the area.

Background Papers:

Application form and plans received 22nd August 2006

Memo from Transportation Team Leader received 13th October 2006.

Letter from Scottish Power received 28th August 2006

Letter from British Gas received 25th August 2006

Letter from John Duddy, 11 Calderview, Motherwell, ML1 1EQ received 3rd August 2006.
Letter from Heather Learmonth, 13 Calderview, Motherwell, ML1 1EQ received 8th August 2006.
Letter from John & Elizabeth Dunn, 12 Calderview, Motherwell, ML1 1EQ received 9th August 2006.

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

Any person wishing to inspect these documents should contact Mr Stewart MacCallum at 01698 302085.

Date 1 November 2006

APPLICATION NO. S/06/01207/REM

REPORT

1. Description of Site and Proposal

- 1.1 This application seeks reserved matters consent for the erection of a dwelling within the eastern garden area of 189 Merry Street, Motherwell, a one and a half storey detached sandstone dwelling, following the grant of outline consent in November 2005. The proposed site has an area of approximately 315 square metres and is currently in an unsightly state of dereliction. It is bounded to the north by Calderview, a terraced residential development, to the east by the communal car park of a 3 storey flatted development, to the west by the dwelling at 189 Merry Street and to the south by Merry Street itself, with the grounds of an old people's home opposite.
- 1.2 At present, the existing vehicular access to 189 Merry Street lies at the front of the application site onto Merry Street. The applicant proposes to remove this access and provide two new access points adjacent to one another, one to serve the existing dwelling and one to serve the proposed dwelling.

2. Development Plan

- 2.1 The proposal raises no strategic issues in terms of the Glasgow and Clyde Valley Joint Structure Plan 2000 and can therefore be assessed against Local Plan Policies.
- 2.2 The site is covered by Policy HSG 8 (Established Housing Development Opportunities) of the Southern Area Local Plan Finalised Draft (Modified 2001, 2004 and 2005). Policies HSG 11 (Infill Housing Development) and TR13 (Assessing the Transport Implications of Development) are also relevant to the consideration of this application.

3. Consultations and Representations

- 3.1 Scottish Gas and Scottish Power have no objections to the development. The Transportation Team Leader recommended that access for the new dwellinghouse be taken via Calderview and that the turning head be located to the front of the property.
- 3.2 Three letters of objection were received as a result of the neighbour notification procedure. The points raised are summarised as follows:
- (1) The proposal would reduce the privacy of objectors' property as the upper floor windows will overlook front windows of existing properties.
 - (2) Concern at the 7.6 metre height of the proposed dwellinghouse.
 - (3) The proposal would cause overshadowing and reduce natural light to objectors' property with the new house only 8.5 metres away.
 - (4) The proposal would be likely to cause light pollution from the new house and from vehicles entering the site.
 - (5) The embankment between the plot and Calderview could be undermined.
 - (6) Concern at the adequacy of the proposed rear garden depth of 6 metres.
 - (7) The proposed dwellinghouse would be out of character with the existing dwellinghouse at 189 Merry Street.
 - (8) Concern over privacy unless the 1.8 metre high rear fence is double-boarded.
 - (9) There could be a later application for a garage at the rear of the proposed dwellinghouse.
 - (10) Visibility along Merry Street including from the flats at 193 Merry Street will be impeded by additional parked cars and double yellow lines are required.

- (11) Inadequate off-street parking for existing and proposed dwellings and the proposal would be likely to affect road safety at this location owing to increased number of vehicles parking along the main road and reduction of parking for existing dwelling.
- (12) Construction access should not be taken from Calderview.
- (13) All utility services and drainage should be taken via Merry Street, not Calderview.

4. Planning Assessment and Conclusions

- 4.1 The application raises no strategic issues and therefore can be assessed in terms of the Local Plan Policies. The primary issues to be considered here are the compliance with the relevant development plan policies, the terms of the outline planning consent for a dwellinghouse on this site, and the affect the proposal will have on the neighbouring properties.
- 4.2 Policies HSG 8 (Established Housing Areas), HSG 11 (Infill Housing Development) and TR 13 (Assessing the Transport Implications of Development) of the Southern Area Local Plan Finalised Draft (Modified 2001, 2004 and 2005) are relevant to the consideration of this application. Policy HSG 8 seeks to protect the established character of existing and new housing areas by opposing development which adversely affects the amenity of Established Housing Areas. Policy HSG 11 requires a number of criteria to be taken into account when considering applications for infill residential developments, including: the overall impact of a proposal on the character and amenity of the surrounding areas; the dimensions of a site relative to the proposed development and associated private garden ground; the effect of infill on garden space, privacy and sunlight received by surrounding properties; consideration of the scale, materials, roof height/pitch, window patterns and the provision of vehicular access and parking arrangements. Policy TR 13 also requires a number of criteria be taken into account including; level of traffic generated and its impact on the environment and adjoining land uses, impact of the development on road traffic circulation and road safety and provisions made for access, parking and vehicle manoeuvring.
- 4.3 Regard should also given to North Lanarkshire Councils 'Developers Guide to Open Space' which provides guidance with regard to the minimum space standards required for garden areas around new house plots.
- 4.4 Outline Planning Consent (ref. 05/01579/OUT) was granted with conditions on 30 November 2005 for one dwellinghouse thus the assessment of this reserved matters application rests primarily on whether the detailed submission is in accord with the conditions imposed in the outline consent as well as consideration of the points raised in the objections received.
- 4.5 The principle of residential development is established by the outline consent and as the site is zoned within an Established Housing Area (Policy HSG 8) in the Southern Area Local Plan Finalised Draft (Modified 2001, 2004 and 2005). In considering the criteria in Policy HSG 11 (Infill Housing Development) the development would not have a negative impact on the character and amenity of the surrounding area as the proposal would have a site frontage onto Merry Street and would not be regarded as back land development. There would be no detrimental impact on the existing house at 189 Merry Street, nor the dwellings in Calderview in terms of privacy / overlooking or sunlight / daylight. It is recognised that the plot does not have the minimum 10 metre rear garden depth which is a Council standard for new residential development. However, this infill development is considered to be a justifiable exception to this standard as the site slopes downwards towards Merry Street and is on lower lying ground than the dwellings in Calderview. Additionally, a minimum window to window distance of 9 metres can be achieved which is acceptable given the relative window angles between the proposed and existing dwellings. The footprint of the house accords with the condition on the outline consent and overall garden area meets Council standards. In terms of design and materials there is a mix of materials within the area and while this house will not be of similar materials to those adjacent it will not be out of place in the wider context. With regard to vehicle access,

there is an existing access which will be reformed to two individual accesses and each plot will have a turning area within the plot to allow vehicles to enter and leave the site in forward gear. In terms of assessing the application in terms of Policy TR 13, the Transportation Team Leader indicated that access should be taken from Calderview. However this was not a requirement of the outline planning permission and the applicant has no right of access over this private parking area. Furthermore the application site lies at a lower level, thus this is not a realistic proposition. The impact of one additional house has already been accepted in principle and will not result in significant additional traffic flows and, as outlined above, the proposals to create a turning area will help mitigate traffic safety concerns.

4.6 With regard to the concerns raised in the objections I would comment as follows:

- (1) The distance between the rear windows of the proposed development and the existing properties on Calderview is a minimum of 9 metres which is acceptable given the relative window angles between the two dwellings, thus privacy will not be significantly compromised.
- (2) The proposed height of 7.6 metres accords with the terms of the outline planning consent and is considered acceptable.
- (3) The objectors properties at 11 and 12 Calderview are located to the north of the proposal site however these would suffer no overshadowing due to their location and Calderview is raised higher than the ground level of the plot site. Any overshadowing would only be in the back garden area of the proposed new house plot.
- (4) Light pollution created by vehicles accessing the site would be unlikely as the car lights would project onto the existing fence and filter through only to the gable end of 11 Calderview, and light impact from the new house is not considered to be significant.
- (5) While undermining of the existing embankment between Calderview and the plot site is considered unlikely this would be a legal matter between the developers and the owners of the existing houses at Calderview.
- (6) In view of the existing outline consent, that the overall garden area meets Council standards, and the lower level of the application site, the rear garden depth, which varies between 6.0 and 7.5 metres, is considered acceptable in this case.
- (7) The proposed dwellinghouse although not exactly matching the existing one and a half storey traditional style building of 189 Merry Street to the west, is regarded as acceptable. The proposed dwellinghouse uses a mix of facing bricks on the lower part of the exterior and roughcast on the upper half of the building with concrete roof tiles. A chimney has been added to the building to create a more traditional style appearance and the building line established by 189 Merry Street is also maintained. Merry Street and properties in close proximity are of varying styles and design with the red brick terraced 2 storey properties on Calderview to the north, the 4 storey roughcast exterior flats to the south of the site and the 4 in a block flatted properties to the east of the site which are also finished in roughcast. There is a very varied mix of style and design in the vicinity and the proposal would not detract the appearance of this area.
- (8) Close-boarded fencing is specified on the application plans and can be secured by conditions.
- (9) It is proposed to remove permitted development rights in this case, so any future development would require a new planning application.
- (10) Sufficient off-street parking is indicated within the plot area and for the existing house, both of which would accommodate 2 off street parking spaces as required.
- (11) There are parking restrictions already in place on Merry Street and it is police matter to enforce them.
- (12) Calderview is a private road / parking area and construction traffic would have no right of access over the road. This is a legal matter and could not be covered by planning conditions
- (13) Any development has to accord with the requirements of the utility companies and afford access to existing services.

- 4.7 In conclusion the proposal is acceptable and accords with Local Plan Policy. Therefore, taking all matters into consideration including the criteria stipulated in Local Plan Policy HSG 8, HSG 11 and in TR 13 the Council's open space guidelines and concerns raised by the objectors, I would recommend that planning consent be granted.
- 4.8 It should be noted that one of the objectors has requested a Site Visit and Hearing prior to the Council making a decision on the application.