

Application No: S/06/01876/AMD

Date Registered: 10th November 2006

Applicant: **Porter Properties Ltd**
Unit 4
Flowerhill Industrial Estate
60 Flowerhill Street
Airdrie
ML6 6BH

Agent: Aitchison Architects
5 Bourne Street
Hamilton
ML3 7BW

Development: **Amendment to Planning Application S/01/01360/REM**
Comprising Amendment to Block D

Location: **Block D**
29 - 45 Bruce Avenue
Motherwell
ML1 3LB

Ward: 1 Ladywell Councillor Michael Ross

Grid Reference: 274555 657238

File Reference: S/PL/BF/13/24/GL/MM

Site History: S/00/00843/OUT Residential Development (in outline) - Granted 16th January 2001

S/01/01360/REM Erection of 27 Flatted Dwellings - Granted 11th September 2002

The site previously contained Ladywell Primary School.

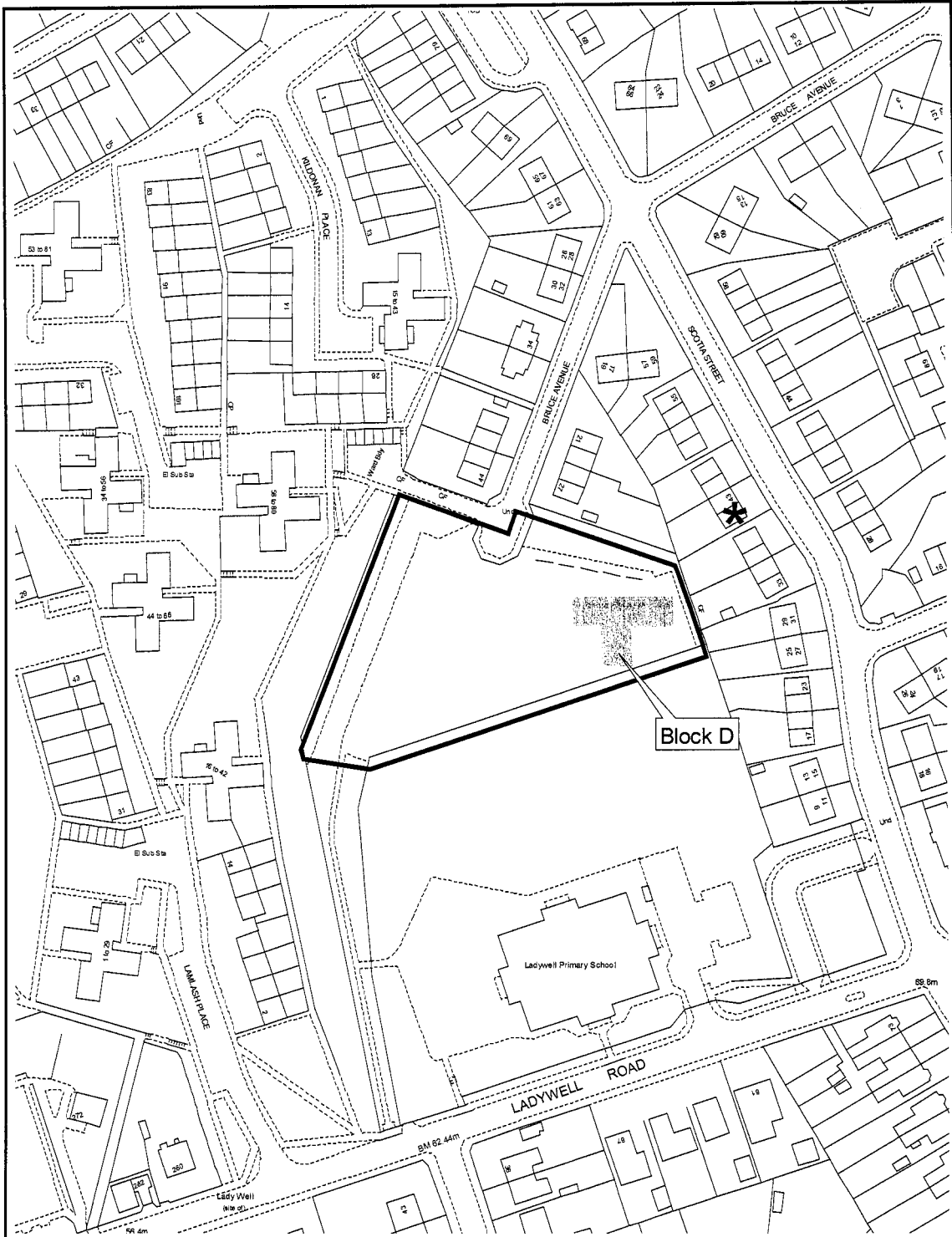
Development Plan: The site is zoned as a Primary School in the Burgh of Motherwell & Wishaw Development Plan 1953 and as Housing Site HSG2.613 in the Southern Area Local Plan (Finalised Draft) (Modified 2001, 2004 and 2005).

Contrary to Development Plan: No

Consultations: None

Representations: 1 Letter of Representation (with 6 co-signatories)


Newspaper Advertisement: Not Required



North Lanarkshire Council
 Planning and Environment
 Headquarters
 Suite 501, Fleming House
 2 Tryst Road
 CUMBERNAULD
 G67 1 JVV
 Telephone 01236 616210
 Fax: 01236 616232
 OS Licence 100023369 2004

PLANNING APPLICATION No. S / 06 / 01876 / AMD
 AMENDMENT TO PLANNING APPLICATION No. S / 01 / 01360 / REM
 COMPRISING AMENDMENT TO DESIGN OF BLOCK D
 BLOCK D, 29 - 45 BRUCE AVENUE, MOTHERWELL
 * Representation

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Recommendation: Grant Subject to the Following Conditions:-

1. That the development hereby permitted shall be started within five years of the date of this permission

Reason: To accord with the provisions of the Town and Country Planning (Scotland) Act 1997.

2. That before the development hereby permitted starts, details of the design of the previously agreed junction improvements at the Bruce Avenue/Scotia Street junction, namely sightlines of 9 metres by 90 metres at the junction of Bruce Avenue and Scotia Street, increasing the radius of the kerb at 57-59 Scotia Street to 6 metres and constructing the required footway at that corner, shall be submitted to, and approved in writing by the Planning Authority.

Reason: To enable the Planning Authority to assess these details in the interests of Road Safety and residential amenity.

3. That prior to the occupation of any of the flatted dwellings hereby approved, the junction improvement as approved under condition 2 above shall be carried out to the satisfaction of the Roads Authority.

Reason: To ensure that the site can be adequately accessed and egressed in the interests of Road Safety and residential amenity.

4. That before the development hereby permitted starts, a scheme of both hard and soft landscaping, including boundary treatment, 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
- (d) details of the phasing of these works.

Reason: To enable the Planning Authority to assess these matters in the interests of residential amenity.

5. That within one year of the occupation of the last six flatted dwellings within the development hereby permitted, hard landscaping, footpaths, parking areas, 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 ensure that all landscaping as approved under conditions 4 and 5 shall be in place timeously in the interests of residential amenity.

6. That before the development hereby permitted starts, a management and maintenance scheme for the landscaping as approved in conditions 4 and 5 above shall be submitted to, and approved in writing by the Planning Authority.

Reason: To enable the Planning Authority to assess this aspect in the interests of residential amenity.

7. That prior to the occupation of the last six flatted dwellinghouses within the development hereby permitted, the management and maintenance scheme approved under the terms of condition 6 above shall be in operation.

Reason: To ensure that an adequate management and maintenance scheme is in place, in the interests of residential amenity.

8. 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 assess these matters in the interests of residential amenity.

9. That before any of the flatted dwellings hereby permitted, situated on a site upon which a fence or wall is to be erected, are occupied, the fence, or wall, as approved under the terms of condition 8 above, shall be erected.

Reason: To ensure that the proposed fencing/walling approved under condition 8 above is erected prior to the occupation of the flatted dwellings hereby approved, in the interests of residential amenity.

10. That the screenfence as specified in condition 4 of the outline consent (S/00/00843/OUT approved 16.01.01) along the southern boundary of the site, shall be erected prior to the occupation of the flatted dwellings hereby approved.

Reason: To ensure that the prescribed fencing is erected prior to the occupation of the flatted dwellings hereby approved, in the interests of residential amenity.

11. 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 ensure that the proposed finishing materials are satisfactory in the interests of residential amenity.

Background Papers:

Application form and plans received 10th November 2006

Letter from Eleanor Cunningham (and co-signatories), 41 Scotia Street, Motherwell, ML1 3JZ received 29th November 2006.

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

Any person wishing to inspect these documents should contact Mr Gordon Liddell at 01698 302128.

Date: 29 December 2006

APPLICATION NO. S/06/01876/AMD

REPORT

1. Description of Site and Proposal

- 1.1 This application is for an amendment to planning permission S/01/01360/REM, which consisted of the erection of four 3-storey blocks of flats on the site of the former Ladywell Primary School, off Bruce Avenue, Motherwell. Three of the blocks have now been completed and this application is an amendment to the fourth block, yet to be constructed.
- 1.2 The site lies to the north of the new Ladywell Primary School and is bounded on its other sides by housing. In particular the fourth block, subject of this amendment application, lies to the rear of properties on Scotia Street and to the south of the end property in Bruce Avenue. Access to the development is taken along Bruce Avenue.
- 1.3 In terms of the details of this amendment application, there is no major change to the footprint of the block, although at one section, it is located 3 metres closer to the rear garden boundaries of the properties on Scotia Street. In the main, the proposal involves an amendment to the design and elevational details of the flats.

2. Development Plan

- 2.1 The site forms an identified housing site in HSG2.613 in the Southern Area Local Plan finalised Draft (Modified 2001, 2004 and 2005), and Policy HSG2 supports private housing development on such land. Policy HSG10 (Assessing Applications for Housing Development) is also relevant for the assessment of housing proposals.
- 2.2 The site is zoned as a Primary School in the Burgh of Motherwell & Wishaw Development Plan 1953, reflecting its previous use.

3. Consultations and Representations

- 3.1 One letter of objection has been submitted from residents (6 co-signatories) on Scotia Street. The points of objection are summarised as follows:
- a) The original plans did not clearly highlight how close Block D is to the properties on Scotia Street.
 - b) The proposed flats will be detrimental to the residents on Scotia Street, due to overshadowing, loss of sunlight and privacy and a blocking of views.
 - c) The flats will have an adverse impact on the structure of existing dwellinghouses, particularly taking into account dampness, which will be intensified due to reduced sunlight in winter months. Gardens will also suffer.
 - d) The flats will result in increased heating and lighting bills due to overshadowing and will result in a decrease in property values.

4. Planning Assessment and Conclusions

- 4.1 Planning applications require to be assessed against the Development Plan and any other material considerations. In this instance the application does not give rise to any strategic issues and consideration should be given to the relevant Local Plan.

- 4.2 The site is zoned as a Primary School in the Adopted Burgh of Motherwell & Wishaw Development Plan 1953, reflecting its previous use, however, this plan is significantly out of date. The principle of residential development on the site is supported by both its allocation in the Southern Area Local Plan Finalised Draft (Modified 2001, 2004 & 2005) as a housing site and by the existing detailed consent, which also specifically includes a block of flats on a similar footprint to the current proposal. This application is simply an amendment to the previously approved building. It is necessary, therefore, to assess the development in terms of the relevant points set out in Southern Area Local Plan Policy HSG10 (Assessing Applications for Housing Development) and any other material considerations.
- 4.3 Policy HSG10 sets out criteria against which housing developments should be assessed. As permission already exists for the wider development of the site (3 blocks have already been constructed) not all points are relevant. The relevant points in relation to the amended proposals are:
- impact of the proposal on the existing built environment; and,
 - detailed design elements such as building height, materials and positioning.
- 4.4 Block D as proposed by the current application is different from the previously approved block, firstly by virtue of a slightly different building design. The proposed number of units remains the same, the height remains 3 stories (although 300mm in height lower), with the walls a mixture of render and stonework. Some of the windows, roof and wall detailing is changed and two turrets in the previous scheme are removed. Secondly, there is a small change in the footprint from an irregular t-shape design to a more symmetrical t-shape. The change in shape of the building takes it closer to the rear property boundaries of dwellinghouses on Scotia Street by approximately 3 metres. In terms of visual impact and overbearing effects, the difference this will have in comparison to the previously approved block of flats will be marginal and the slightly closer distance is offset by the height being 300mm lower. There remains a distance of 25 metres between the block and the nearest property on Scotia Street, while the block is now located further from the nearest dwellinghouse on Bruce Avenue. Given the marginal differences in building position compared to the approved block (which could be built as a matter of course), I do not consider there to be any over riding issues that would render the current application unacceptable. There is no significant difference from a privacy point of view and current minimum window to window distances are still exceeded. The difference of the new design to that already approved in respect to loss of light will also be marginal. The building design is equally acceptable and materials could be controlled via a planning condition as per the existing consent.
- 4.5 Turning to the detailed points of objection I would comment as follows:
- a) The siting of Block D as shown on the approved plans is clear. It is acknowledged that the revised proposals for this block takes one section of the building closer to the properties on Scotia Street than previously approved. However, at its closest point (the corner of the building) this is only closer by 3 metres. There remains a distance of 25 metres between the block and the closest properties of Scotia Street. As it is the corner of the building that is closest to the properties on Scotia Street, the building thereafter retreats into the site reducing the overall impact. The building also has a hipped roof at this location which will reduce the overall massing when viewed from the existing properties.
 - b) In relation to loss of light, as highlighted, the proposed amendment takes the building 3 metres closer (at the closest point) to existing properties on Scotia Street. However, given the distance between the block and the existing properties, the reduction in height of 300mm and taking into account the overall marginal difference compared to the approved plans, I do not consider this a substantial enough reason to recommend that the flats be refused. Neither do I consider there will be any significant impact on privacy or outlook compared with the approved plans.

- c) In relation to any adverse impact on the structure or gardens of existing dwellinghouses, I do not consider this to constitute a valid reason for refusal. I would reiterate that the proposals are only marginally different to those which currently have consent. It is the developers responsibility to ensure the ground conditions are suitable in terms of stability and there is no evidence to demonstrate that the flats would result in unacceptable levels of dampness for existing properties.
- d) In relation to property prices and envisaged increases in the heating and lighting bills of surrounding properties, these are not valid planning considerations. When assessed against current standards in relation to the proposals impact on the surrounding built environment (privacy, loss of sunlight, visual impact etc) the proposals are found to be acceptable.

4.6 In conclusion, taking the provisions of the development plan and all other material considerations into account, it is recommended that permission be granted subject to conditions similar to those of the previous planning permission.