

Report

Report to:	Hamilton Area Committee
Date of Meeting:	7 November 2007
Report by:	Executive Director (Enterprise Resources)

Application No	HM/06/0909
Planning Proposal:	Erection of house to Rear of 14 Allanshaw Gardens, Hamilton

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Mr & Mrs McGuire
- Location : Land to the rear of
14 Allanshaw Gardens
Hamilton

2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Grant detailed planning permission (subject to conditions – based on conditions attached)

2.2 Other Actions/Notes

- (1) The Area Committee has delegated powers to determine this application

3 Other Information

- ◆ Applicant's Agent: Warren Consultants Ltd
- ◆ Council Area/Ward: 18 Hamilton West and Earnock
- ◆ Policy Reference(s): **Hamilton District Local Plan**
Policy RES 1 – Residential Areas – General
Policy DC 1 – Development Control – General
Policy DC 2 – New Residential Development
Policy CU4 – Retention of Open Space
Provision/Joint Use of Facilities
Policy EN7 – Tree Preservation
South Lanarkshire Planning Policies
SLP6 – Development Control – General
Finalised South Lanarkshire Local Plan
(After Modifications)
Policy RES 6 – Residential Land Use Policy
Policy DM1 - Development Management
Policy DM5 – Sub-division of Garden Ground
Policy ENV4 – Protection of the Natural and Built Environment
Policy ENV1- Priority Green Space Network

Policy ENV2 – Local Green Network Policy
Policy ENV30- New Housing Development
**South Lanarkshire Council Residential
Development Guide**

- ◆ Representation(s):
 - ▶ 10 Objection Letters (Including a Petition with 20 signatures)
- ◆ Consultation(s):
 - Scottish Natural Heritage
 - Environmental Services
 - Leisure Services (Arboriculture)
 - Roads and Transportation Services (Hamilton Area)
 - S.E.P.A. (West Region) (Flooding)
 - Power Systems
 - Scottish Gas, Digital Records Department
 - Scottish Water
 - Roads and Transportation

Planning Application Report

1. Application Site

- 1.1 The application site relates to a section of the rear garden area of an existing house (14 Allanshaw Gardens). Allanshaw Gardens is accessed via a private road and is located within an established residential area featuring one and a half and two storey properties.
- 1.2 The site forms an 'L' shape comprising of a narrow leg positioned between 14 and 16 Allanshaw Gardens to beyond the present formal rear garden of No 14 before widening out to the same plot width as 14 Allanshaw Gardens. It extends to the edge of the Earnock Burn and drops sharply from a plateau area to the edge of the water.
- 1.3 There are trees and shrubs throughout the application site and the part of the site closest to Earnock Burn is within an Area of Ancient Woodland. The application site measures approximately 0.124 hectares.

2. Proposal(s)

- 2.1. The applicant seeks planning permission to erect a one and a half storey house, positioned within the plateau area of the site, adjacent to the rear boundary with No14. Vehicular access to the site would be taken from the existing driveway at 14 Allanshaw Gardens. This would necessitate the demolition of the existing property's garage which currently occupies this position and the formation of a new access for the existing dwelling located at the north side of the site.
- 2.2. The proposed dwelling will consist of 3 bedrooms and will be finished externally in materials which will complement the surrounding residential properties. Adequate garden ground, parking for two cars and a turning area have been provided within the site.
- 2.3. In conjunction with the planning application the applicant has submitted a tree, bat and badger survey and a construction method statement.

3. Background

3.1 Local Plan Status

- 3.1.1 The upper part of the application site is identified as being within a general residential area under Policy RES1 of the adopted Hamilton District Local Plan. This policy states that within areas identified primarily for residential use, the Council will oppose the loss of houses to other uses and resist any development which will be detrimental to the amenity of these areas.
- 3.1.2 The lower part of the application site lies within an area identified as Ancient Woodland and forms part of an area identified under Policy CU4 – Retention of Open Space Provision/Joint Use of Facilities, of the adopted Hamilton District Local Plan. This policy gives recognition to the importance of the provision of public and private open space in providing leisure opportunities and enhancing the built environment.

- 3.1.3 In addition to this, Policies DC1 – Development Control – General and DC2 – New Residential Development of the adopted Hamilton District Local Plan also apply. Policy DC1 – Development Control General states that all planning applications shall fully take into account the local context and built form - i.e. development should not take place in isolation and must take cognisance of scale, position and materials of adjacent buildings and surrounding street scale. Thereby in determining applications for development, the Council will have regard to:
- (a) The local context.
 - (b) Accessibility.
 - (c) Safety and security.
 - (d) Layout and form.
 - (e) Exterior elevations.
 - (f) Landscape Treatment
 - (g) Environmental impact.
 - (h) Any extant design guidance prepared by the Council.
- 3.1.4 Policy DC2 – New Residential Development also stipulates that there will be a presumption against sub-division, tandem or backland development of house plots where these:
- (a) Are of an inappropriate scale, design or orientation.
 - (b) Result in inadequate space between neighbours, adversely affecting residential amenity.
 - (c) Result in loss of significant trees.
 - (d) Create substandard access arrangements or do not have a proper road frontage.
- 3.1.5 Policy EN7 – Tree Preservation of the adopted Hamilton District Local Plan seeks to protect important trees or groups of trees and particular importance is attached to trees located on the urban fringe and to villages.
- 3.1.6 South Lanarkshire Planning Policies provides additional guidance on development control criteria that will be applied to proposals for housing and under SLPP6 – Development Control General there will be a presumption against development of new houses within the curtilage of an existing dwelling unless all of the criteria set out in the guidance notes can be met:
- (a) The proposed house plot(s) and that remaining to the existing house are comparable with those nearby in terms of size, shape, and amenity (i.e. the proposal accords with the established pattern of development in the surrounding area).
 - (b) The proposed house(s) will have a proper road frontage of comparable size with those of surrounding curtilages.
 - (c) The proposed vehicular access is of an adequate standard and will not have adverse implications for traffic safety or amenity (in terms of potential noise or privacy problems).
 - (d) The proposed development will not cause an unacceptable reduction in privacy to existing houses and will, itself, enjoy a degree of privacy comparable with surrounding dwellings.
 - (e) All existing features such as trees, hedges, walls, fences and buildings that contribute to the character of the area will be retained and not adversely affected by the development.

- (f) Adequate parking for both the proposed and existing house must be provided within the site and must not be harmful to the established character and amenity of the area.
- (g) The proposed house(s) must be of a scale and massing sympathetic to the character and pattern of the development in the area and must not result in a development that appears cramped, squeezed in or visually intrusive.
- (h) The proposal must not jeopardise or be prejudicial to any further desirable development in the vicinity.

3.1.7 Within the Finalised South Lanarkshire Local Plan (After Modification) the site is affected by a number of policies namely, Policies RES6, ENV1, ENV2, ENV4 ENV30, DM1 and DM5. Policy RES6 – Residential Land Use states that within areas identified for primarily residential use, the Council will oppose the loss of houses to other uses and resist any developments which will be detrimental to the amenity of these areas. In addition, any development proposed must satisfy the following criteria. The development proposed must satisfy the following criteria. The development must relate satisfactorily to adjacent and surrounding development in terms of scale, massing, materials and intensity of use. The character and amenity of the area must not be impaired by reason of traffic generation, parking or visual intrusion.

3.1.8 Policy ENV1 – Priority Green Space Land Use seeks to protect and enhance, priority areas of green space. The partial loss of any area is allowed where it will not affect recreation, amenity or biodiversity value and there is compensatory provision. Policy ENV2 – Local Green Network seeks to protect the connectivity value of green areas.

3.1.9 Policy ENV30 – New Housing Development seeks to promote quality housing design and criteria are required to be met in the consideration of any new housing.

3.1.10 Policy DM1 – Development Management Policy – should also be referred to. This policy states that all planning applications will require to take account of the local context and built form and should be compatible with adjacent buildings and surrounding streetscape in terms of scale, massing, design, external materials and impact on amenity. Developments will require to enhance the quality and appearance of the local environment.

3.1.11 Policy DM5 - Sub-Division of Garden Ground of the Finalised Local Plan is also applicable and reflects the presumption against the development of a new house (or houses) within the curtilage of an existing house unless certain criteria can be met. These criteria support the criteria contained within SLPP6 of the South Lanarkshire Planning Policies.

3.1.12 Policy ENV4 – Protection of the Natural and Built Environment of the Finalised Local Plan (After Modification) and ENV30 – New Housing Developments requires all development proposals to be assessed in terms of their effect on the character and amenity of the natural and built environment.

3.1.13 The Council's Residential Development Guide must also be taken into consideration. This document provides guidance on the key development standards that applicants will require to meet in submissions for new housing development. This guidance requires that plot ratios of smaller residential developments should stand at 70:30 garden to building ratio. A private garden area of 70m² is required for family sized detached and semi-detached properties including a minimum rear garden depth of

10m. Window to window distances are to be no less than 20m between habitable rooms and no upper floor side windows to be permitted if they overlook adjacent properties (unless they are non habitable rooms). The parking requirement for the proposed property would be for two parking spaces.

3.2 Planning Background

3.2.1 A previous planning application on this site for outline consent for the erection of a single dwelling was refused by the Hamilton Area Committee on 12 May 2004 under planning reference HM/04/0159. The determination was appealed and the appeal was dismissed in March 2005. The appeal was dismissed in the main due to a lack of detailed information regarding the design of the proposal, and not the principle of the proposed dwelling.

3.2.2 Whilst the appeal was dismissed, this was due to a lack of detailed information regarding the design and location of the proposal and not the principle of the dwelling. Indeed the Reporter stated that the dwelling would accord with Council Policies RES1 and CU4 if the dwelling could be fitted satisfactorily on the plateau area which is covered by Policy RES1 with sufficient space to avoid the unnecessary felling of trees or the encroachment of the CU4 area.

4. Consultation(s)

4.1 **Roads and Transportation Services** – Raise no objections to the proposal, but have advised that further information should be provided in respect of slope stability and flood prevention requirements for the site. Roads are satisfied that a suitable access can be provided to serve the site and that a visibility splay of 2.5 metres by 35 metres must be preserved in respect of access onto Allanshaw Gardens. The parking requirement for the proposal is 2 spaces.

Response: Noted. The Council's Flood Prevention Unit and Geotechnical Engineer have been consulted and their comments are detailed in paragraph 4.7 and 4.9 respectively of the report. All other criteria can be met and if planning permission is granted appropriate conditions shall be imposed.

4.2 **Transco** – No response to date

Response: Noted.

4.3 **Environmental Services** – have no objection to the proposed development subject to the imposition of conditions relative to construction noise and the submission of an Action Plan should any contaminated material be encountered. In addition details of the application in respect of drainage for the development should be confirmed to SEPA and Scottish Water.

Response: Noted. While the control of audible construction activities is normally best dealt with using Environmental Services legislation, it is considered that due to the close proximity of neighbouring residential properties to the application site, a planning condition relating to the control of audible construction noise shall be attached to the consent to protect the amenity of the adjacent properties should planning permission be granted. Conditions have also been attached in respect of the submission of an Action Plan if any contaminated material is found and in respect of drainage for the site.

4.4 **Scottish Water** - raise no objections to the proposed development and have advised that a totally separate drainage system will be required with the surface water discharging to a suitable outlet. In addition Scottish Water states that whilst they

support the principle of SUDS they will not adopt surface water drainage systems that require to be pumped.

Response: Noted. If planning permission is granted appropriate conditions shall be attached to the consent.

- 4.5 **Scottish Power** – has no objection to the proposed development. However they have stated they underground cables within/adjacent to the site which may require alteration or protection. They reserve the right to protect or deviate their cables/apparatus at the applicant's expense.

Response: Noted. The appropriate informative will be attached to the consent should consent be granted.

- 4.6 **SEPA** – Originally objected to the proposed development on the grounds that is could place buildings and premises at flood risk contrary to the provisions of national planning policy guidance and advice. The applicants agents however have provided additional information to SEPA to demonstrate that the proposed dwelling will be positioned approximately 12- 13 metres above the watercourse and that the risk of flooding is therefore low. SEPA have therefore withdrawn their objection to the proposal. SEPA however have stated that foul drainage should be connected to the public sewer and that surface water is to be treated in accordance with the principles of SUDS.

Response: Noted. If planning permission is granted appropriate conditions shall be attached to the consent.

- 4.7 **Roads and Transportation Services – Flooding** – have commented that a soakaway is unlikely to be a viable option at this site for dealing with stormwater drainage therefore they have offered comments in terms of drainage assessment, the control of water quality and quantity, amenity to residents and SUDS. They further commented in regard to attaching a condition in respect of the control of the finished floor levels of the proposal.

Response:- Noted. Conditions shall be attached to any consent granted to cover all relevant water and drainage arrangements if planning permission is granted. Given the height of the development above the Earnock Burn (approximately 12-13 metres) it is not considered necessary to add a condition in respect of finished floor levels in this instance.

- 4.8 **Community Resources – Arboricultural Officer:** Advised that the trees to be affected by this development are not in a particularly good condition and there is no objection to their removal. He is, however, concerned that trees within the adjoining woodland area may be affected and has suggested that a survey of trees within 10m of the development is carried out to BS5837 "Trees in Relation to Development Sites" 2005 standards.

Response: Noted. The survey has been undertaken and all trees to be removed have been identified. In assessment the proposals do not affect the trees to the west of the site at the Earnock Burn. There are no trees of particular value in the area where the proposed house would be built and the majority of vegetation in the area is made up of laurel and bramble. There is only one tree which may be affected by the proposed development which is on the boundary of the Ancient Woodland and the Council's Arboriculturalist has no objection to its removal. It is therefore considered that there will be no significant loss of trees and appropriate conditions have been attached to the consent in order to protect the remaining trees within both the plateau area and the adjoining woodland should planning permission be granted.

- 4.9 **Roads and Transportation Services – Geo Technical:** has no objection to the proposal subject to the applicant demonstrating proof of the slope's stability prior to development commencing. Given the costs involved in respect of the proposed investigations and analysis the Geo Technical officer is satisfied if this requirement is conditioned.

Response: Noted. A condition will be attached to the planning consent if permission is granted.

- 4.10 **SNH:** state that any impacts on European Protected Species require to be considered prior to the grant of any planning consent. SNH accepts the methodology undertaken in respect of the badgers but whilst the consultant accepts the findings of the bat survey which was carried out late in the season on the basis of past surveys within the surrounding area and given the felling of the mature trees within the application site it may be prudent to carry out a dawn and dusk survey during the breeding season.

Response: Noted. On this basis given SNH's satisfaction with the survey work it is considered that the imposition of a follow up bat survey would be appropriate in this instance should planning permission be granted.

5. Representation(s)

- 5.1 Statutory neighbour notification was undertaken and the proposal was advertised both in respect of non-notification of neighbours and as development potentially contrary to the development plan during which period ten letters of representation were received including one petition from 20 households.

- 5.2 The grounds of objection can be summarised as follows:

- a) **The proposal is totally at variance with SLPP6 in terms of backland development no proper frontage and reduction in privacy to adjacent houses in particular no's. 12, 14 and 16.**

Response: This concern will be fully considered in the Assessment and Conclusion section of the report

- b) **Trees and leylandi hedge would have to be removed from the site.**

Response: This concern will be fully considered in the Assessment and Conclusion section of the report

- c) **The proposal is contrary to Policies RES1, DC1 and DC2 of the Local Plan and will set a precedent for backland development.**

Response: This concern will be fully considered in the Assessment and Conclusion section of the report

- d) **A similar proposal was refused consent on this site on 21st April 2004.**

Response: This concern will be fully considered in the Assessment and Conclusion section of the report

- e) **The proposal would result in neither the new house or the existing house having a garage when all the other houses do.**

Response: The lack of provision of a garage is not a material planning consideration as long as sufficient off-street parking is provided. After consultation Roads and Transportation Services are satisfied that there is sufficient off-street parking within the application site in respect of the proposal

and that sufficient parking for the existing house at 14 Allanshaw Gardens, can also be achieved.

- f) **The proposal will result in 3 accesses being in very close proximity to each other creating substandard access arrangements.**

Response: After consultation Roads and Transportation Services have raised no objection to the proposal,

- g) **Allanshaw Gardens is a private road serving approximately 40 houses each with 2-3 cars as such it is already at full capacity.**

Response: After consultation Roads and Transportation Services have raised no objection to the proposal.

- h) **The proposal is not similar to that adjacent to no.17 Allanshaw Gardens as it has not been located directly behind another house, trees would be required to be felled to accommodate the proposal and the property at no 17 Allanshaw Gardens had a normal sized site with no overlooking.**

Response: This concern will be fully considered in the Assessment and Conclusion section of the report

- i) **The area is part of the Ancient Woodland which has been and still is self generating. It is a haven for wildlife and any felling would disturb this.**

Response: This concern will be fully considered in the Assessment and Conclusion section of the report

- j) **An application for 2 dwellings at 4a Allanshaw Gardens (HM/06/0566) was recently refused consent. Nothing has changed since then and the objector does not understand how any decision other than a refusal can be reached with regard to the current application.**

Response: Each planning application requires to be assessed in terms of its own merits and characteristics. The above application being refused primarily on design terms and lack of information. This current proposal will be fully considered in the Assessment and Conclusion section of the report.

- k) **The people who live here feel the area has reached saturation point and that the Glen and mature woodland area are gradually being eroded.**

Response: The impact of the proposal will be fully considered in the Assessment and Conclusion section of the report

- l) **The proposal is contrary to Council policy in so far as the ratio of garden to building is excessive. The site would appear to have scope for a sizeable garden space but this area is considerably reduced by the sloping nature of the ground and the presence of a number of mature trees.**

Response: The objector's concerns that there is insufficient useable garden ground are noted. The site has a limited plateau area and is steeply sloping. It is largely covered with mature trees and the lower part of the site is identified as an Area of Ancient Woodland. The Council's Residential Development Guide provides standards in respect of the ratio of build to garden ground and it is considered that the proposed plot features an adequate level of useable private garden ground and an acceptable ratio of build to unbuilt plot as set out in the Residential Development Guide. The importance of the woodland setting is also acknowledged and the Council's Arboricultural Manager was consulted on

this matter. The Arboriculture manager, however, has stated that the trees to be affected by this development are not in particularly good condition and there is no objection to their removal. Notwithstanding it is considered that if planning permission is granted a condition shall be imposed to protect the remaining trees.

- m) **The proposed development is contrary to Policy EN7 of the adopted Hamilton District Local Plan which seeks to preserve the existing trees and woodland.**

Response: Policy EN7 of the adopted Hamilton District Local Plan relates to the protection of important trees or groups of trees by using the statutory means at its disposal. As the development does not extend into the Area of Ancient Woodland and the application site is not covered by a Tree Preservation Order this policy is not affected by this proposal. After consultation the Council's Arboriculture Manager confirmed that the trees that would be affected by the proposal are not considered worthy of protection. However, the remaining trees shall be protected by conditions should planning permission be granted.

- n) **The Roads Guidance applicable for developments on private, unadopted roads, is outlined in a Guidance Memorandum dated 13th October 1989. This states that individual premises, including dwellings, should be served by an independent private access to a public road.**

Response: The Council's Roads and Transportation Services established new Guidelines for Development Roads in 2000 which supersedes this earlier Memorandum by the former Strathclyde Regional Council. This states that a private access (Gated, Driveways) can serve up to 3 properties and this does not have to be from a public road. A private access is one which the public have no right of passage. In this case, Roads and Transportation Services therefore have no objections to this proposal.

- o) **The application will erode the unique character of the area and contravene Policy DC1 of the adopted Hamilton District Local Plan in as much as it does not take account of the local context and built form of the locality and as such is detrimental to the area.**

Response: It is considered that the proposed development achieves a plot shape and character that respects the built form of the surrounding area and as such takes due account of the local context will have a minimal impact upon the built form of the locality. This matter will be examined further in the Assessment and Conclusions section of the report.

- p) **An application was recently refused planning permission for a similar development at 14 Allanshaw Gardens and the decision was upheld following an appeal.**

Response: Noted the site's history shall be fully considered in the Assessment and Conclusions section of the report.

- q) **All site development traffic should be strictly controlled with no vehicles entering or leaving the site between (8.00 to 9.30am and 4.30 to 5.30pm) and that all site traffic and a turning area be provided within the site.**

Response: The applicant has agreed to produce a more detailed Construction Method Statement which will include times of construction and vehicle movements. This statement will include a requirement that no heavy traffic will visit the site between 8am to 9.30am and 4.30pm to 5.30pm. In addition there

will be parking and turning facilities within the site so that all construction traffic will not go beyond 14 Allanshaw Gardens. These issues will be appropriately conditioned.

These letters have been copied and are available for inspection in the usual manner.

6. Assessment and Conclusions

- 6.1 This planning application relates to the erection of a detached one and a half storey dwelling within the curtilage of the existing dwelling. The application site is located on Allanshaw Gardens, a private road and established residential area featuring one and a half and two storey properties. It is a sloping site with a plateau area to the front of the site and an Area of Ancient Woodland to the rear. The main determining factors in assessing the planning application relate to national planning guidance, the proposal's ability to comply with relevant local plan policy, site history, the proposal's impact upon the character and amenity of the surrounding area, including trees and road safety.
- 6.2 Scottish Planning Policy 3: Planning for Housing does not preclude backland sites from development opportunities and supports the development of infill sites subject to the assessment of all other relevant material considerations.
- 6.3 In terms of the adopted Hamilton District Local Plan the site is affected by Policy RES1 - Residential Areas – General and Policy CU4 - Retention of Open Space Provision/Joint Use of Facilities of the adopted local plan. As the area to be developed within the application site has been restricted to the plateau area which is covered by Policy RES1 within the adopted Hamilton District Local Plan and there is no encroachment of the CU4 area or the Area of Ancient Woodland to the rear of the site, the principle of the landuse is considered to be acceptable.
- 6.4 In terms of the Finalised South Lanarkshire Local Plan (After Modification) the application site is affected by Policy RES6 – Residential Land Use, Policies ENV1 – Priority Green Space Land Use and ENV2 – Local Green Network. Whilst the access to the site falls within Policy RES6 the remainder of the site is affected by Policies ENV1 and ENV2. These policies seek to protect and enhance, priority areas of green space. However the partial loss of an area is allowed where it will not affect recreation, amenity or biodiversity value and there is compensatory provision. As the development will be constructed within the plateau area and will not impact detrimentally on the recreation, amenity or biodiversity provision of the area the proposed landuse is considered to be acceptable. However in terms of compensation it is considered that if planning permission is granted a condition shall be imposed to ensure the unmaintained woodland to the rear of the site is now properly maintained and protected to the Council's satisfaction.
- 6.5 In terms of planning history of the site, a previous planning application for outline consent for the erection of a single dwelling was refused by the Hamilton Area Committee on 12 May 2004 under planning reference HM/04/0159. The grounds of refusal were as follows; the proposed development did not take into account the layout and form of the area; it would be inappropriately orientated with no proper road frontage resulting in a loss of privacy to adjacent properties and in a loss of a significant number of trees to the detriment of the residential amenity of the locality and furthermore extant guidance prepared by the Council had not been adhered to. It

was therefore considered to be contrary to Policies RES1, CU4, EN7, DC1, and DC2 of the adopted Hamilton District Local Plan and SLP6 of the South Lanarkshire Planning Policies. The determination was appealed and the appeal was dismissed in March 2005.

- 6.6 However the appeal was dismissed in the main due to a lack of detailed information regarding the design of the proposal and the protection of trees within the wooded area, and not the principle of the proposed dwelling. Indeed the Reporter stated that the dwelling would accord with Council Policies RES1 and CU4 if the dwelling could be fitted satisfactorily on the plateau area which is covered by Policy RES1 with sufficient space to avoid the unnecessary felling of trees or the encroachment of the CU4 area. The Reporter further stated that he “obtained sufficient information from his site visit to be assured that compliance with Council policies would not present difficulties” In addition the reporter stated that “whilst local residents are clearly concerned about the difficulties and disturbances which would be caused by the development of this site in terms of vehicle movements in this largely single track private road it would be possible with care to carry out development in a considerate manner’ and ‘I do not consider that this proposal would exacerbate existing road safety or traffic conditions to a degree which would on its own justify dismissal of this appeal, nor do I consider it would create a precedent since the conditions on this site are unlikely to mirror those on others. “
- 6.7 Following the Reporter’s comments and discussions with the Planning Service the applicants have revised and developed a scheme which they believe meets the concerns of the Reporter as expressed in the 2005 appeal decision and accords with Council policy. The trees have been surveyed and the dwelling has been reduced in scale and repositioned to be located wholly within the plateau area. The design of the proposal has been altered considerably to both reduce visual impact and ensure privacy in respect of both the adjoining residents and the proposed dwelling and is now considered to be in accordance with Policy DC1 of the adopted Hamilton District Local Plan.
- 6.8 In assessment the proposed dwelling would be one and a half storeys in height with the majority of the upper windows being velux in design. It would be fully located within the plateau and would be no further back than the existing property to the rear of 16 and 18 Allanshaw Gardens. The impact of the proposal on the adjoining trees has been minimised and the proposed development would not encroach on the Area of Ancient Woodland. It is therefore considered that the proposal has taken into account the layout and form of the area and has been appropriately designed and orientated in order to avoid any loss of privacy to adjacent properties and to minimise the loss of the number of trees. It is further considered that the proposed dwelling will not be materially detrimental to the residential amenity of the locality and takes into account the built form in terms of size, scale and design within the application site as well as meeting the requirements of the Council’s Residential Development Guide. A condition has been attached to the consent to control the proposed external finish of the building, and there will be no negative impact upon the streetscape. The content of the above policy is reflected by Policy DM1 of the Finalised South Lanarkshire Local Plan (As Modified) and it is considered that the proposed development also satisfactorily complies with all elements of Policy DM1.
- 6.9 In terms of Policy DC2 – New Residential Development of the adopted Hamilton District Local Plan the proposed development has been assessed below in terms of

the criteria in paragraph 3.1.4 above and it is considered that the policy satisfies these criteria in that:

- a) The property proposed has a substantially reduced footprint which forms an “L”-shape. The appearance of the property from Allanshaw Gardens is single storey with velux in the roof space. The proposed dwelling is similar to that on the adjoining plot and others in the area and the proposal is of an appropriate scale, design and orientation.
- b) There will be no adverse effect upon residential amenity as the plot size proposed is of an adequate size to provide the required garden size, parking requirements and space between the properties to comply with the content of the Residential Development Guide. Whilst the 20 metre window to window distance cannot be met on two of the elevations. There are no upper floor windows located on these elevations and there is adequate screening along the site’s boundaries which afford a high level of privacy.
- c) The proposed dwelling has been repositioned wholly within the plateau area and does not affect the area of Ancient Woodland to the rear of the site. The Council’s Arboricultural Manager has stated that the trees to be removed within the plateau area are in poor condition and as such he has offered no objection to this proposal. However conditions will be attached to the consent and measures taken by the applicant in order to ensure that the development of the site does not have a negative impact upon the trees in the adjoining woodland area and the area of woodland is maintained.
- d) The proposed access arrangement raised no objection from the Roads and Transportation Service after consultation. In terms of the site’s narrow road frontage this has been accepted previously within this area and a number of properties within Allanshaw Gardens share a road frontage similar to that displayed on the proposal.

6.10 Policy SLP6 – Development Control General – of the South Lanarkshire Planning Policies states that there will be a presumption against the development of a new house within the curtilage of an existing house unless a number of criteria can be met. Each criterion will be assessed in turn.

- (a) **The proposed house(s) should be comparable with those nearby in terms of size, shape, and amenity (i.e. the proposal accords with the established development pattern in the surrounding area).**

Response: It is considered that the proposed house plot is of a scale and shape that will allow it to conform to the development pattern which already exists within Allanshaw Gardens.

- (b) **The proposed house(s) will have a proper road frontage of comparable size with those of surrounding curtilages.**

Response: It is considered that the proposed dwelling would feature a very narrow road frontage which has been accepted within Allanshaw Gardens and as such is comparable with existing surrounding properties.

- (c) **The proposed vehicular access will be of an adequate standard and will not have adverse implications for traffic safety or amenity (in terms of potential noise or privacy problems).**

Response: It is considered that the proposed vehicular accesses to the properties would not significantly affect the amenity of adjacent properties. In

their consultation response the Roads and Transportation Service had no objection to the proposal.

- (d) **The proposed development will not cause an unacceptable reduction in privacy to existing houses and will, itself, enjoy a degree of privacy comparable with surrounding properties.**

Response: There are no amenity issues for surrounding properties resulting from the proposed development as the house has been specifically designed and orientated to either ensure that the window to window distances achieve the 20 metre distance between habitable rooms or that adequate natural screening exists to ensure that all habitable rooms will have adequate privacy. As such both existing properties and the proposed property will benefit from an acceptable degree of privacy.

- (e) **All existing features such as trees, hedges, walls, fences and buildings that contribute to the character of the area will be retained and not adversely affected by the development.**

Response: The trees that are proposed to be cut down are of poor quality and not of significant merit, it is considered that they do not contribute to the character or amenity of the area and this has been supported by the Council's Arboricultural Manager. However the trees within the adjoining woodland area will be retained and are to be protected during the development of the site and maintained thereafter. These requirements have been attached as conditions to the consent.

- (f) **Adequate parking for the proposed building must be provided within the site and must not be harmful to the established character and amenity of the area.**

Response: As has been detailed within the Roads and Transportation Service consultation response there is sufficient parking provision within the proposed plot and the existing property. It is considered by the Service that the provision of the required parking will not be detrimental to the amenity of the surrounding residential properties as there is adequate space within each plot.

- (g) **The proposed house(s) must be of a scale and massing sympathetic to the character and pattern of development in the area and must not result in a development that appears cramped, squeezed in or visually intrusive.**

Response: It is considered that the scale of the property being, proposed, one and a half storeys in height, (single storey in appearance with velux within the roofspace) would reflect the scale of the majority of properties located along Allanshaw Gardens. In addition due to position of the proposed dwelling set in the main behind the existing dwelling it is considered the introduction of a property of this scale at this location is acceptable without being visually intrusive. The plot size and density is such that it will not appear cramped or squeezed in.

- (h) **The proposal must not jeopardize or be prejudicial to any further desirable development in the vicinity.**

Response: The proposed development will not jeopardize or be prejudicial to any further development in the vicinity.

It is considered, therefore, that the proposals adequately comply with Policy SLP6 of the South Lanarkshire Planning Policies. This policy is supported by Policy DM5 of the Finalised South Lanarkshire Local Plan (As Modified) and is also in accordance with this policy.

- 6.11 In terms of the remaining local plan policies it is considered that the development proposed is satisfactory in terms of its design and impact on the character and amenity of the natural and built environment and as such raises no issues. The Council's Arboricultural Manager was consulted and is satisfied that the area of Ancient Woodland to the rear of the site will not be affected and the trees to be removed are not worthy of retention. Furthermore the remaining area of woodland within the site would now be maintained through the imposition of an appropriate condition should planning permission be granted. It is therefore considered that the proposal is in accordance with Policy EN7 of the adopted Hamilton District Local Plan and ENV4 – Protection of the Natural and Built Environment of the Finalised South Lanarkshire Local Plan (As Modified).
- 6.12 With regard to Policy ENV30 – New Housing Development of the Finalised South Lanarkshire Local Plan (As Modified) I am satisfied that the proposal has been well designed to integrate with the topography of the site and will relate successfully with the local context of the site as well as being in accordance with the Council's Residential Development Guide. A construction method statement has been prepared by the applicant to ensure that the development of the site is mitigated to protect existing residents amenity and further that the applicant has agreed to control the times of construction traffic entering and leaving Allanshaw Gardens to avoid peak times. An appropriate condition shall be imposed should consent be granted.
- 6.13 All points contained within the letters of representation have been assessed and it is considered that no issues have been raised that would merit refusal of this application.
- 6.14 All consultation responses have been received and no issues have been raised which render the application unacceptable, and any other issues raised can be satisfactorily dealt with by the imposition of appropriate conditions. In terms of road safety the Roads and Transportation Service are satisfied that the proposed development is acceptable. A suitable access can be formed, parking requirements achieved and the visibility requirements set out in the South Lanarkshire Council Guidelines for Development Guide can be met.
- 6.15 In conclusion due cognisance must be taken of the Reporter's findings. It is considered that the applicant has complied with the Reporter's comments by supplying the additional information requested and has demonstrated that the application site can satisfactorily accommodate a one and a half storey detached dwelling on the plateau area of the site which complies with all relevant local plan policy and guidance. I therefore recommend that planning permission be granted subject to conditions.

7 Reason for Decision

- 7.1 The revised application is considered to comply with Policies RES1, CU4, EN7, DC1 and DC2 of the adopted Hamilton District Local Plan and SLP6 of the South Lanarkshire Planning Policies as well as Policies RES6, ENV1, ENV2, ENV4,

ENV30, DM1 and DM5 of the Finalised South Lanarkshire Local Plan (As Modified) and the Council's Residential Design Guide.

Iain Urquhart
Executive Director (Enterprise Resources)

30 October 2007

Previous References

- ◆ HM/04/0159

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ Representations

- Representation from : D Anderson, 4/1 Allanshaw Gardens, Hamilton, ML3 8NU, DATED 23/01/2007
- Representation from : The Occupier, 2A Allanshaw Gardens, Hamilton, ML3 8NU, DATED 24/01/2007
- Representation from : Mr T Gaffney, 10 Allanshaw Gardens, Hamilton, ML3 8NU, DATED 24/01/2007
- Representation from : K Kirkwood, 2 Allanshaw Gardens, Hamilton, ML3 8NU, DATED 24/01/2007
- Representation from : Tom Pew, 12 Allanshaw Gardens, Hamilton, DATED 26/01/2007
- Representation from : John Rodger, 1A Allanshaw Grove, Hamilton, , DATED 26/01/2007
- Representation from : Malcolm R Moore, 4 Allanshaw Grove, Hamilton, ML3 8NZ, DATED 25/01/2007
- Representation from : Mr & Mrs B Maslanka, 7 Allanshaw Gardens, Hamilton, ML3 8NT, DATED 25/01/2007
- Representation from : Mr T Gaffney, 10 Allanshaw Gardens, Hamilton, ML3 8NU, DATED 27/04/2007
- Representation from : John Rodger, 1A Allanshaw Grove, Hamilton, ML3 8NZ, DATED 28/09/2007

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Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

Christine Laird, Planning Officer, Brandon Gate, Hamilton

Ext 3551 (Tel :01698 453551)

E-mail: Enterprise.hamilton@southlanarkshire.gov.uk

CONDITIONS

- 1 That the development hereby permitted shall be started within five years of the date of this permission.
- 2 That the development shall be carried out strictly in accordance with the plans hereby approved and no change to the design or external finishes shall take place without the prior written approval of the Council as Planning Authority.
- 3 That the facing materials to be used for the external walls and roof of the dwelling hereby approved shall match in colour and texture those of the existing adjoining building on the site to the satisfaction of the Council as Planning Authority.
- 4 That before any development commences on site or before any materials are ordered or brought to the site, details and samples of all materials to be used as external finishes on the development shall be submitted to and approved by the Council as Planning Authority.
- 5 That no trees other than those identified in drawing number 100S/100 within the application site shall be lopped, topped, pollarded or felled, and no shrubs or hedges shall be removed from the application site without the prior written consent of the Council as Planning Authority.
- 6 That all trees to be retained within the site shall be fully protected during the period of construction and prior to any work commencing on the site, written details specifying the nature of such measures shall be submitted to and approved by the Council as Planning Authority.
- 7 That the existing trees to be retained must be protected in accordance with methods as set out in BS5837/1991 during and until completion of all site operations and building works.
- 8 That before development starts, full details of the design and location of all fences and walls, including any retaining walls, to be erected on the site shall be submitted to and approved by the Council as Planning Authority.
- 9 That notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 (or any such order revoking or re-enacting that order), no development shall take place within the curtilage of the application site other than that expressly authorised by this permission without the submission of a further planning application to the Council as Planning Authority.
- 10 That before the dwelling hereby approved is completed or brought into use, the new vehicular access so far as it lies within the boundaries of the road abutting the site, shall be constructed in accordance with the specification of the Council as Roads and Planning Authority.
- 11 That no gates or other obstructions shall be erected within the first 6 metres of the driveway as measured from the heel of the footway.

- 12 That before the dwelling hereby approved is completed or brought into use, 2 parking spaces shall be laid out, constructed and thereafter maintained to the specification of the Council as Roads and Planning Authority.
- 13 That before the dwelling hereby approved is completed or brought into use, a visibility splay of 2.5 metres by 35 metres measured from the road channel shall be provided on both sides of the vehicular access and everything exceeding 0.9 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.
- 14 That the developer shall arrange for any alteration, deviation or reinstatement of statutory undertakers apparatus necessitated by this proposal all at his or her own expense.
- 15 That the development hereby approved shall not be commenced until the land drainage works have been completed in accordance with the plans submitted to and approved by the Council as Planning Authority under the terms of Condition 17.
- 16 That no development shall commence on site until the applicant provides written confirmation from Scottish Water to the Council as Planning Authority that the site can be satisfactorily served by a sewerage scheme designed in accordance with Scottish Water's standards.
- 17 That no development shall commence until details of surface water drainage arrangements have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design Criteria and requirements.
- 18 That no development shall commence on site until a report from a recognised firm of chartered engineers is submitted to the Council as Planning Authority confirming the mineral stability of the site. This report shall detail the stability and analysis of all existing and proposed slopes for stability both in the long term and during construction and this shall be considered and approved by the Council as Planning Authority and the development shall not be commenced until all design and check certificates and any such action as is recommended by this report has been implemented and completed to the full specification and entire satisfaction of the Council.
- 19 That before any work commences on site, a woodland management and maintenance scheme, covering the area hatched yellow on the approved plans, shall be submitted to the Council as Planning Authority for written approval and it shall include:(a) proposals for the continuing care, maintenance and protection of the trees, shrubs and hedges including details of the timing and phasing of all such works; (b) details of the number, variety and size of trees and shrubs to be planted and the phasing of such works.
- 20 That prior to the completion of the development hereby permitted, the woodland maintenance and management scheme approved under the terms of Condition 19 above, shall be in operation.

- 21 That prior to development starting on site a follow up dawn to dusk bat survey shall be undertaken at the appropriate time during the bat breeding season, the results of which shall be submitted to and approved by the Council as Planning Authority in conjunction with Scottish Natural Heritage and any mitigation measures shall be implemented to the satisfaction of the Council.
- 22 The following hours should be adopted as 'standard' for the carrying out of all works and ancillary operations which are audible at the site boundary.
Monday - Friday 8.00 am - 7.00 pm
Saturday 8.00 am - 1.00 pm
Sunday None
Any deviation from the above should only occur when:
a) The applicant has satisfied the Council that the works can only be carried out at times outwith the standard hours for operational reasons or;
b) The Council is of the opinion that the works require to be carried out at times outwith the standard hours to prevent or minimise noise problems.
- 23 That before any development commences on site an updated Construction Management Plan shall be submitted detailing the agreed hours of traffic movement, the provision of parking and turning facilities within the site and the hours of operation. These details shall be submitted to and approved by the Council as Planning Authority.
- 24 That should contaminants be found on the site a report from a professionally qualified source detailing the nature, concentration and distribution of any contaminants found within the application site, shall be submitted to and approved by the Council as Planning Authority and the development shall not be commenced until such action as is recommended by this report, in order to remove, or render harmless, any such contaminants, has been implemented and completed to the full specification and entire satisfaction of the Council. The developer shall give the Council at least 7 working days notice in writing prior to the commencement of any decontamination works on the site.

REASONS

- 1 To accord with the provisions of the Town and Country Planning (Scotland) Act 1997.
- 2 In the interests of amenity and in order to retain effective planning control.
- 3 To ensure satisfactory integration of the proposed extension with the existing building both in terms of design and materials.
- 4 In the interests of amenity and in order to retain effective planning control.
- 5 To ensure the protection and maintenance of the existing trees and other landscape features within the site.
- 6 To ensure that adequate steps are taken to protect existing trees on the site throughout the period of the proposed building operations.
- 7 To ensure that adequate steps are taken to protect existing trees on the site throughout the period of the proposed building operations.
- 8 These details have not been submitted or approved.
- 9 In the interests of amenity and in order to retain effective planning control.
- 10 In the interest of public safety
- 11 In the interest of public safety
- 12 To ensure the provision of adequate parking facilities within the site.

- 13 In the interest of road safety
- 14 In order to retain effective planning control
- 15 To ensure the provision of a satisfactory land drainage system.
- 16 To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.
- 17 To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.
- 18 To ensure the mineral stability of the site
- 19 To ensure the protection and maintenance of the existing woodland within the area
- 20 In order to retain effective planning control
- 21 To ensure the protection of protected species.
- 22 In the interests of amenity.
- 23 In the interests of amenity and in order to retain effective planning control.
- 24 To ensure the site is free from contamination

For information only

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