

	<h1>Report</h1>	Agenda Item <h1>15</h1>
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Report to: **Planning Committee**
 Date of Meeting: **26 May 2009**
 Report by: **Executive Director (Enterprise Resources)**

Application No: HM/09/0112
 Planning Proposal: Demolition of Dwellinghouse and Erection of 12 Flatted Dwellings with Associated Parking

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Mr Abdul Satter
- Location : 1 Croftbank Crescent
Bothwell

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 the conditions attached).

2.2 Other Actions/Notes

- (1) The Planning Committee has delegated powers to determine this application.
- (2) If planning consent is granted, the decision notice should be withheld until a financial contribution of £5,400 for the improvement of community facilities in the area is agreed and submitted by the applicant.

3 Other Information

- ◆ Applicant's Agent: G5 Architecture & Design Ltd
- ◆ Council Area/Ward: 16 Bothwell and Uddingston
- ◆ Policy Reference(s): **South Lanarkshire Local Plan**
Policy RES 6 – Residential Land Use Policy
Policy ENV 31 – New Housing Development
Policy DM 1 – Development Management Policy

- ◆ Representation(s):
 - ▶ 7 Objection Letters
 - ▶ 0 Comments Letters
- ◆ Consultation(s):

Environmental Services

Roads and Transportation Services (Hamilton Area)

Roads and Transportation Services (Flooding)

Scottish Water

Scotland Gas Networks

S.E.P.A. (West Region)

Planning Application Report

1 Application Site

- 1.1 The application relates to an area of land on Croftbank Crescent which is located at the southern side of Bothwell. The site is currently occupied by a large detached two storey render and brick dwellinghouse with integral garage which is approximately thirty years old. The site extends to approximately 0.19 hectares and is fairly irregular in shape. It is mainly split into two levels with just under half of the site located to the rear of the house sitting at a lower level and retained by a brick wall.
- 1.2 The site is bounded to the north by both Croftbank Crescent and Croftbank Avenue and adjacent dwellinghouses, to the east by 2 storey terraced dwellinghouses, to the south and west by a mix of residential and commercial properties. Access to the site is currently via a driveway off Croftbank Crescent. A number of mature and semi-mature trees are located within the site.

2 Proposal(s)

- 2.1 This is a detailed planning application for the demolition of the existing dwellinghouse and the erection of twelve flatted dwellings with associated access. The proposed development incorporates ten 2 bedroom and two 1 bedroom apartments ranging from approximately 64 to 83 square metres in floor area. The proposed building would be of a contemporary design and would be two and a half storeys in height with dormer windows incorporated within the roof space. The submitted sectional drawings show that the proposed building would sit no higher than the existing buildings directly adjacent on Croftbank Crescent and Hamilton Road. The proposed finish materials for the building are slate roof tiles, rendered walls with zinc cladding incorporated into the dormers and aluminium windows. A timber fence is proposed along the rear boundary.
- 2.2 Access to the site would be via the shared access lane between the existing property and the adjoining terraced houses which would lead to a private parking court at the rear of the building where twenty four parking spaces would be allocated to serve the proposed residential units. A further 6 parking spaces are shown on the submitted drawings which would be utilised in relation to a recently approved change of use from a residential dwelling to health and beauty clinic to the rear of the site on Hamilton Road.

3 Background

3.1 Local Plan Status

- 3.1.1 The application site is located within a residential area and is covered by Policy RES 6 – Residential Land Use Policy. Policies ENV 31 – New Housing Development and DM 1 – Development Management Policy are also relevant to the assessment of the application. The content of the above policies and how they relate to the proposal is assessed in detail in Section 6 of this report.

3.2 Relevant Government Guidance

- 3.2.1 None relevant.

3.3 Site History

- 3.3.1 Detailed planning consent was granted for a change of use from a residential dwelling to a health and beauty clinic at 26 Hamilton Road in September 2008 (HM/08/0378). The site is located to the rear of the current application site and the car parking required for that development would comprise 6 dedicated parking spaces which would be incorporated with the car parking for the proposed flatted development.

4 Consultation(s)

- 4.1 **Environmental Services** - have no objections to the proposal subject to the inclusion of conditions and advisory notes relating to refuse storage, dust mitigation and control, potential contamination, demolition and asbestos and appropriate hours for audible construction activity at the site.
Response: Noted and appropriately worded conditions and informatives would be incorporated into any consent granted to address the matters raised.
- 4.2 **Roads and Transportation Services (Hamilton Area)** - have no objections to the proposal subject to the inclusion of conditions relating to car parking provision within the site and clarification of details relating to refuse collection.
Response: Noted and appropriately worded conditions would be incorporated into any consent granted to address the matters raised.
- 4.3 **Roads and Transportation Services (Flooding)** - have no objections to the proposal subject to the Council's Sustainable Urban Drainage Design Criteria being adhered to. The Design Criteria should be forwarded to the applicant.
Response: Noted. The above Design Criteria would be forwarded to the applicant and an appropriately worded condition would be incorporated into any consent granted in relation to the provision of a sustainable urban drainage system within the site.
- 4.4 **SEPA** – have no objections to the proposal provided that both foul and surface water discharge to the public sewer. In addition, SEPA have requested that surface water from the site be treated in accordance with the principles of the Sustainable Urban Drainage Systems Design (SUDS) Manual for Scotland and Northern Ireland. They have also advised that the application may be subject to the Controlled Activities Regulations (CAR). In terms of domestic waste issues, suitable provision should be made with regard to space for waste storage at the development. Construction works should be carried out with due regard to SEPA's guidelines on avoidance of pollution and any waste entering or leaving the site should comply with the Waste Management Licence Regulations 1994 (as amended). All necessary mitigation measures should be undertaken at the construction phase to ensure that pollutants do not enter watercourses adjacent to the site.
Response:- Noted and any consent granted would incorporate appropriately worded conditions and informatives to address the matters raised.
- 4.5 **Scotland Gas Networks** – have no objections to the proposal, however, they have submitted details indicating the location of their apparatus in the area.
Response: - Noted and this information will be passed on to the applicant.
- 4.6 **Scottish Water** - have no objections to the proposal subject to the provision of an acceptable sewerage system for the development. However, they have advised that Bothwellbank Waste Water Treatment Works currently has limited capacity to service the proposed development and that the developer should discuss their proposal directly with Scottish Water.

Response:- Noted and this advice was passed on to the applicant's agent. Any consent granted would be conditioned to ensure that none of the proposed dwellings are occupied until a satisfactory sewerage system is in place.

5 Representation(s)

5.1 Statutory neighbour notification procedures were undertaken and seven letters of objection were received. The details of the objections are summarised as follows:

- (a) **The development would have a considerable impact on the outlook and views of an existing property located to the rear of the site on Hamilton Road.**

Response: Whilst loss of view is not considered to be a valid planning consideration I am satisfied that proposed block of flats has been designed sensitively taking into account the local context and that it will not have an adverse impact on the outlook of existing properties in the area.

- (b) **The roof line of the proposed building will exceed the roofline of buildings on Hamilton Road and would impact on the ambience of the adjacent conservation area.**

Response: Amended drawings were submitted which show the overall height of the building reduced with the ridge line of the proposed building sitting no higher than those directly adjacent on Croftbank Crescent and Hamilton Road.

- (c) **There are concerns regarding the additional traffic that would be generated in the area by the development and the impact on car parking. The area is currently under strain in terms of traffic flow and approval of twelve flats will make it very difficult to park in the area.**

Response: Subject to the inclusion of appropriate conditions Roads and Transportation Services are satisfied that the proposal raises no access, parking or road safety issues.

- (d) **The adjacent lane may be a historic right of way and currently allows access to the rear of the existing properties at 2 – 16 Croftbank Crescent. In the interest of safety there should be continued access to the lane rather than it being stopped up.**

Response: The proposed access to the site would be via the shared access lane between the existing dwellinghouse and the adjacent properties. The applicant does not intend to restrict access to the lane.

- (e) **Croftbank Crescent is a quiet area and it is expected that the development will cause additional noise nuisance during and after construction works.**

Response: Any consent granted would incorporate an informative advising the applicant of acceptable hours for audible construction activity at the site. Whilst it is not anticipated that noise nuisance would occur once the flatted development has been occupied this would be a matter for the Police or Environmental Services to address where appropriate.

- (f) **Croftbank Crescent is a private road in a poor state of repair including the drainage and sewerage system which continually blocks and overflows causing further erosion of the road surface and substrata. To add a further 12 flats to this decaying system would only amplify the problem.**

Response: Roads and Transportation Services are satisfied that the proposed access to the development is acceptable and neither Scottish Water nor SEPA objected to the application in relation to drainage or sewerage issues. However, any planning consent granted would be conditioned to ensure that none of the proposed dwellings are occupied until satisfactory sewerage and drainage systems are in place.

- (g) **Adequate screening perhaps including some existing mature trees should be incorporated, however, this may impact on the size of the two adjacent parking spaces. Also, it is expected that the applicant would provide robust and tasteful walling or fencing as the existing fence is in poor condition.**

Response: A condition would be attached to any consent granted requiring the submission of a landscaping scheme which would include details of any tree felling and replacement planting within the site for the Council's approval. A condition would also be incorporated requiring the submission of full details relating to proposed boundary walls and fencing within the site.

- (h) **Lighting to the car park should be wholly unobtrusive.**

Response: A condition would be attached to any consent granted requiring the submission of any proposed lighting details for the Council's approval.

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

6 Assessment and Conclusions

- 6.1 The applicant seeks detailed planning permission for the demolition of the existing dwellinghouse on the site and the erection of twelve flatted dwellings with associated access. The determining issues that require to be addressed in this instance are the proposal's compliance with local plan policy and its impact on the amenity of adjacent properties.
- 6.2 In terms of local plan policy, the application site is covered by Policy RES 6 – Residential Land Use Policy in the adopted South Lanarkshire Local Plan. This policy states that within these areas, the Council will oppose the loss of houses to other uses and resist any developments which will be detrimental to the amenity of those areas. Any new 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. As the application site is located within a residential policy area and the proposal raises no access or parking issues the principle of residential development within the site is considered to be acceptable.
- 6.3 In terms of the detail of the proposal Policies ENV 31 and DM1 generally require all development to take account of the layout, form, design and local context of the area and to make provision for suitable access, sustainability and safety measures. It is considered that the proposed layout is acceptable and that it meets the standards set out in the Council's Residential Development Guide, particularly in relation to the required amenity space and car parking provision for the development. It is also considered that the proposed development is of a high quality design incorporating a suitably high standard of materials and that it will be in keeping with the existing residential development in the surrounding area. Whilst the building is of a contemporary design the site is located in an area where there is a mix of traditional and more modern building styles, therefore, I am satisfied that the building will not be out of character with surrounding development. In terms of the height of the building

the submitted sectional drawings show that the proposed building would sit no higher than the existing buildings located directly adjacent on Croftbank Crescent and Hamilton Road. I am also satisfied that the proposed building will be positioned a sufficient distance away from existing properties to ensure that there will be no adverse impact to those properties in terms of overshadowing or loss of privacy. Furthermore, the applicant has agreed to provide a financial contribution of £5,400 towards upgrading recreational provision in the area in lieu of providing play facilities within the site, which would be payable to the Council prior to the issue of consent. I am, therefore, satisfied that the proposal meets the terms of Policies ENV 31 and DM 1.

- 6.4 In summary, it is considered that the proposal is acceptable and that it complies with local plan policy. I would, therefore, raise no objection to the application and recommend that planning permission be granted.

7 Reasons for Decision

- 7.1 The proposal has no adverse impact on either residential or visual amenity nor raises any environmental or infrastructure issues and complies with Policies RES 6, ENV 31 and DM 1 of the adopted South Lanarkshire Local Plan.

Iain Urquhart
Executive Director (Enterprise Resources)

7 May 2009

Previous References

HM/08/0378

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations
 - Scottish Gas Networks 03/04/2009
 - Environmental Services 20/03/2009
 - Roads & Transportation Services H.Q. (Flooding) 01/04/2009
 - Scottish Water 27/03/2009
 - S.E.P.A. (West Region) 26/03/2009
- ▶ Representations
 - Representation from : Dr & Mrs Harrison, 15 Avon Way, Stoke Bishop, Bristol, BS9 1SJ, DATED 15/04/2009
 - Representation from : Ian Weir, 16B Croftbank Crescent, Bothwell, G71 8RS, DATED 11/03/2009

Representation from : Vida Hodanu, No6 1st Floor Right, Croftbank Crescent, Bothwell, DATED 31/03/2009

Representation from : Mrs Sandra Jones, 11 Croftbank Avenue, Bothwell, G71 8RT, , DATED 01/04/2009

Representation from : Mr Robert Black, 16 Hamilton Road, Bothwell, G71 8NA, DATED 13/03/2009

Representation from : Tracy Kousourou, 8 Croftbank Crescent, Bothwell, G71 8RS, DATED 19/03/2009

Representation from : Anne Cook, 14 Croftbank Crescent, Bothwell, DATED 13/03/2009

Contact for Further Information

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

Jim Blake, Planning officer, Brandon Gate, Hamilton
Et 3508 (Tel :01698 453508)
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 before any work commences on the site or within 3 months of the date of this permission, a scheme of landscaping shall be submitted to the Council as Planning Authority for written approval and it shall include:(a) 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; (b) details and specification of all trees, shrubs, grass mix, etc.; (c) details of any top-soiling or other treatment to the ground; (d) sections and other necessary details of any mounding, earthworks and hard landscaping; (e) proposals for the initial and future maintenance of the landscaped areas; (f) details of the phasing of these works; and no work shall be undertaken on the site until approval has been given to these details.
- 4 That the approved landscaping scheme shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of the building(s) or completion of the development hereby approved, whichever is the sooner, and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.
- 5 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.
- 6 That no flatted dwellings shall be occupied until the access roads and footpaths leading thereto from the existing public road have been constructed in accordance with the specification of the Council as Roads and Planning Authority.
- 7 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.
- 8 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 gates, fences, walls or other means of enclosure shall be erected between the front of the flatted dwellings and the adjoining road.
- 9 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.
- 10 Prior to development commencing on site, a scheme for the control and mitigation

of dust shall be submitted to and approved in writing by the Council as Planning Authority. No changes to the approved scheme shall take place unless agreed in writing by the Council as Planning Authority. The scheme shall thereafter be implemented in accordance with a programme to be agreed in writing with the Council as Planning Authority.

- 11 That before any development commences on site, details of facilities for the storage of refuse within the site, including design, location, external finishes and access for its uplift, shall be submitted to and approved in writing by the Council as Planning Authority. No dwelling unit shall be occupied until these facilities have been provided in accordance with the approved scheme or such alternative as may be agreed in writing with the Council as Planning Authority.
- 12 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.
- 13 That no flatted dwellings shall be occupied until the site is served by a sewerage scheme constructed in accordance with Scottish Water standards and as approved by the Council as Planning Authority in consultation with Scottish Water as Sewerage Authority.
- 14 Prior to the commencement of development on site, an energy statement which demonstrates that on-site zero and low carbon energy technologies contribute at least an extra 15% reduction in CO₂ emissions beyond the 2007 building regulations carbon dioxide emissions standard, shall be submitted to and approved in writing by the Council as Planning Authority. The statement shall include:
 - a) the total predicted energy requirements and CO₂ emissions of the development, clearly illustrating the additional 15% reduction beyond the 2007 building regulations CO₂ standard;
 - b) a schedule of proposed on-site zero and low carbon energy technologies to be included in the development and their respective energy contributions and carbon savings;
 - c) an indication of the location and design of the on-site energy technologies; and
 - d) a maintenance programme for the on-site zero and low carbon energy technologies to be incorporated.
- 15 The approved on-site zero and low carbon energy technologies shall be fully installed and operational prior to the occupation of any approved buildings and shall thereafter be maintained and shall remain fully operational in accordance with the approved maintenance programme, unless otherwise agreed in writing by the Council as Planning Authority.
- 16 That before any development commences on site full details of any proposed lighting to the car parking area shall be submitted to and approved by the Council as Planning Authority.

- 17 That no consent is granted for the car parking layout within the site as shown and before work commences on site a detailed plan at a scale of 1:100 or 1:200 showing the formation of a minimum of 27 car parking spaces in addition to a 1 metre wide planted buffer along the boundary highlighted yellow on the approved plans shall be submitted to and approved by the Council as Planning and Roads Authority.
- 18 That before the development hereby approved is completed or brought into use, all of the parking spaces required under the terms of Condition 18 above shall be laid out, constructed and thereafter maintained to the specification of the Council as Roads and Planning Authority.
- 19 That all of the parking spaces within the site shall measure 6 metres x 2.5 metres.
- 20 That 6 of the 27 parking spaces shall be dedicated for the use of the approved health and beauty clinic at 26 Hamilton Road, Bothwell.

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 In the interests of the visual amenity of the area.
- 4 In the interests of amenity.
- 5 In the interests of amenity and in order to retain effective planning control.
- 6 To ensure satisfactory vehicular and pedestrian access facilities to the dwellings
- 7 These details have not been submitted or approved.
- 8 In the interests of amenity and in order to retain effective planning control.
- 9 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.
- 10 To minimise the risk of nuisance from dust to nearby occupants.
- 11 To ensure that adequate refuse arrangements are provided that do not prejudice the enjoyment of future occupiers of the development or neighbouring occupiers of their properties, to ensure that a satisfactory external appearance is achieved and to ensure that appropriate access is available to enable refuse collection.
- 12 To ensure the provision of an acceptable sewerage system.
- 13 To ensure the provision of an acceptable sewerage system.
- 14 To secure a reduction in carbon dioxide emissions.
- 15 To secure the timeous implementation of on-site zero and low carbon energy technologies.
- 16 In the interests of amenity.
- 17 In the interests of amenity and in order to retain effective planning control.
- 18 To ensure the provision of adequate parking facilities within the site.
- 19 To ensure the provision of adequate parking facilities within the site.
- 20 To ensure the provision of adequate parking facilities within the site in relation to both this development and the approved health and beauty clinic at 26 Hamilton Road, Bothwell.

For information only

For information only

