

Report

Report to:	Planning Committee
Date of Meeting:	10 October 2017
Report by:	Executive Director (Community and Enterprise Resources)

Application No	HM/17/0060
Planning Proposal:	Residential Development (12 Terraced Units)

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Soparr Ltd
- Location : Building Plot to North West of Glebe Wynd 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 Conditions Attached

2.2 Other Actions/Notes

- (1) The Planning Committee has delegated powers to determine this application.
- (2) Detailed planning permission should not be issued until an appropriate financial contribution towards the upgrading of community facilities is received.

3 Other Information

- ◆ Applicant's Agent: IIXII Architects
- ◆ Council Area/Ward: 16 Bothwell and Uddingston
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan**
Policy 4 - Development Management and Place Making
Policy 6 - General Urban Area /Settlements
Policy 15 - Natural and Historic Environment
Policy 17 - Water Environment and Flooding

South Lanarkshire Local Development Plan (Supplementary Guidance)

Development Management, Place Making and Design SG

DM1- Design

DM13 - Development Within General Urban
Area/Settlement

Natural and Historic Environment SG

NHE13 - Tree Preservation Orders

NHE19 - Protected Species

Sustainable Development and Climate Change

SDCC 3 - Sustainable Drainage Systems

SDCC 4 - Water Supply

SDCC 5 - Foul Drainage and Sewerage

Residential Design Guide

◆ Representation(s):

- ◆ 6 Objection Letters
- ◆ 0 Support Letters
- ◆ 0 Comments Letters

◆ Consultation(s):

Roads and Transportation Services (Development Management Team)

Roads and Transportation Services (Flood Risk Management)

Environmental Services

Community Services – Play provision

Scottish Water

Planning Application Report

1 Application Site

- 1.1 The application site relates to a vacant area of ground at the end of Glebe Wynd, Bothwell. The site was previously cleared in connection with a previous approval for residential development within the site (HM/15/0226). The site slopes up from either side of the central access from Glebe Wynd.
- 1.2 The site is bound on three sides by residential properties of varying sizes and styles and an area of mature trees is located to the rear of the site.
- 1.3 Whilst the site is located outwith the Bothwell Conservation Area, it is within an area affected by The Glebe, Bothwell Tree Preservation Order.

2 Proposal(s)

- 2.1 The applicant proposes the erection of 12 terraced properties in the form of 4 blocks. The proposed properties are of a modern 3 storey design, which given the contours of the site all dwellings will be cut into the hillside with two storeys to the rear and 3 storeys to the front. Two blocks are located on either side of the access road which will be an extension of Glebe Wynd.
- 2.2 In support of their submission the applicant has submitted a Supporting Statement, Flood Risk Assessment and Trial Pit Details.

3 Background

3.1 Local Plan Policy

- 3.1.1 In terms of the adopted South Lanarkshire Local Development Plan, the application site, in land use terms, is located within a general residential area (Policy 6 - General Urban Area/Settlements), where new development proposals should not adversely impact on the amenity and character of such areas.
- 3.1.2 In addition to the above land use designations, there are other policies within the adopted Local Development Plan which are considered appropriate to the determination of this application namely, Policy 4 - Development Management and Place Making, Policy 15 - Natural and Historic Environment of the Plan and Policy 17 - Water Environment and Flooding.
- 3.1.3 These policies are supported by the following Supplementary Guidance, which forms part of the Development Plan for South Lanarkshire,
 - Development Management, Place Making and Design SG (Policies DM1 – Design and DM13 - Development within General Urban Area/Settlement)
 - Natural and Historic Environment SG (Policies NHE13 - Tree Preservation Orders and NHE19 - Protected Species)
 - Sustainable Development and Climate Change SG (Policies SDCC 3 - Sustainable Drainage Systems, SDCC 4 - Water Supply and SDCC 5 - Foul Drainage and Sewerage)
- 3.1.4 The aim of these policies and guidance is to seek well designed developments which are located in appropriate locations, appropriately serviced and result in no adverse impact. In addition the Council has also prepared a Residential Design Guide which aims to provide guidance to developers on the key issues to be considered for

residential development. A full assessment of the proposal against these specific policies is contained in Section 6 of this report.

3.2 **Planning Background**

- 3.2.1 The application site has a history of planning approvals for the development of 4 detached residential properties with planning permission being granted in 2015 (HM/15/0226), 2006 (HM/05/0407) and 2014 (HM/14/0348). However, none of these proposals progressed to development stage.

4 **Consultation(s)**

- 4.1 **Roads and Transportation Services (Development Management Team)** – raised initial concerns over the proposal due to parking and access requirements. However, the applicants have undertaken minor amendments to the scheme and Roads have confirmed that they now have no objections to the proposal, subject to condition.

Response: Appropriate conditions can be attached to any consent issued to ensure the provision of appropriate parking and access standards.

- 4.2 **Roads and Transportation Services (Flood Risk Management)** – have offered no objections to the proposal, subject to compliance with their adopted SUDs Design Criteria Guidance.

Response: It is advised that conditions/informatives can be attached to any consent issued to address these matters.

- 4.3 **Environmental Services** – have offered no objections to the proposal, subject to conditions and/or informatives being attached to any consent issued regarding piling works, waste control, noise, pest control and contamination.

Response: It is advised that conditions/informatives can be attached to any consent issued to address these matters.

- 4.4 **Community Services – Play Provision** – have confirmed that a financial contribution of £1500 per dwelling would be required to address any impact on existing play facilities.

Response: The applicants are aware of this requirement and have agreed to make an appropriate contribution prior to the issue of any planning consent.

- 4.5 **Scottish Water** – have offered no response to date.

Response: Notwithstanding this, a condition would be attached to any consent issued requiring the applicants to provide confirmation that the site can be satisfactorily served by a sewerage system designed in accordance with Scottish water's standards prior to commencement of works on site.

5 **Representation(s)**

- 5.1 Statutory neighbour notification procedures were undertaken and the proposal advertised in the Hamilton Advertiser; due to non-notification of neighbouring land. In response, 6 letters of representation were received in respect of the proposals.

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

a) **Development represents an overdevelopment of the site.**

Response: It is considered that the site is capable of accommodating the scale of the proposed development. The footprint of the proposed terraced blocks is broadly similar to that of the previously approved scheme, which was considered to be consistent with the Council's applicable policies and guidance.

- b) **Visual impact, character and layout of terraced properties on the existing area.**
Response: It is noted that the existing properties within the area are characterised by a variety of varying house types and design located within varying plot sizes. The application site is located at the end of a cul-de-sac road and will not be read with the existing properties or streetscape. The introduction of the terraced properties will not, therefore, impact adversely on the visual amenity or character of the area. As stated above, the site is considered to easily be able to accommodate the proposed development and, given the variety in plot sizes with adjacent properties, will not impact adversely on the general layout of the area.
- c) **Impact in the setting of Bothwell Conservation Area.**
Response: The application site is located outwith the designated Bothwell Conservation Area and it is not considered that the proposal will adversely impact on its setting. Notwithstanding this, it is considered that the scale and design of the proposed development would not in itself be inappropriate within a conservation area, subject to being appropriately located.
- d) **Road safety – traffic generation.**
Response: It is noted that Roads and Transportation Services have offered no concerns in this regard and the proposal can therefore be considered acceptable in road safety terms.
- e) **Developer insurance- damage to other properties, subsidence or road damage.**
Response: Any damage to existing properties as a result of the development of this site would be a private matter between the parties involved. Damage to the publicly adopted road network as a result of this development would be a matter to be pursued through appropriate Roads legislation rather than through the planning process.
- f) **Tree removal within the site.**
Response: Any works carried out on site, in terms of tree removal, in connection with a previous planning approval (HM/15/0226) and were agreed with the Council's Planning Service. However, the development of that scheme did not progress.
- g) **Drainage issues in connection with the development.**
Response: It is noted that the Council's Flood Risk Management Team have considered information submitted in terms of drainage for the site and offered no objections in this regard.
- h) **Impact on wildlife habitats**
Response: It is noted that the development platform has been cleared of trees and vegetation. This area was assessed, in terms of any potential impacts on existing habitats, through the previously approved and was considered acceptable, subject to mitigation measures being put in place. The development area remains consistent with the previous schemes and it is considered that this matter can continue to be addressed through the use of appropriately worded conditions, should consent be granted.
- i) **Loss of privacy and overshadowing**

Response: Given the proposed layout of the development and location of the proposed dwellings in relation to existing properties it is not considered that there will be any significant issues in this regard.

j) Siting of security fencing - road safety concerns

Response: These concerns relate to the provision of a fence/barrier along the northern boundary of the site (The Glebe). This was erected primarily for public safety given the ground slope within the application site. As a result of its initial location and sections falling down it presented an obstacle to users of the road. The Glebe is a private road and ultimately it would be a private matter between the owners of the road and the site owners to resolve. Having said that, the concerns were highlighted to the site owner at the time and the fence was repositioned to reduce any obstruction.

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

6 Assessment and Conclusions

- 6.1 The applicant seeks consent for the redevelopment of a vacant site at the end of Glebe Wynd, Bothwell for residential purposes. The site is within a general residential area and has a history of planning approval for residential development (4 detached units) albeit that the current proposal seeks permission for 12 terraced properties. The determining issues in the consideration of this application are its continued compliance with the adopted local plan policies, its impact on the amenity of the adjacent properties and road safety matters.
- 6.2 In terms of applicable local plan policy and relevant guidance, as set out at Section 3 above, the site is located within a general residential area and is considered capable of accommodating additional residential provision without detriment to the amenity of the existing properties and surrounding environment. The relationship of the proposed buildings to the adjoining properties is such that, due to their scale and orientation, there will be no adverse impact on adjacent properties, in terms of overlooking or privacy. The surrounding properties are a mix of styles and finishes and the proposed buildings will therefore raise no issues or concerns with regards to their design and external finishes. As such it is considered that the proposal accords with the general aims of Policies 4 - Development Management and Place Making, 6 - General Urban Area /Settlements, DM1 - Design and DM13 - Development Within General Urban Area/Settlement of the adopted SLLDP and its Supplementary Guidance, which seek to ensure that new development does not adversely impact on existing properties or the area in general.
- 6.3 The site has previously been assessed in terms of its impact on wildlife habitats and was considered to raise no significant issues at that time, subject to appropriate mitigations being put in place. Whilst the site forms part of a wider area protected with a Tree Preservation Order it is noted that the application site has already been cleared of the majority of trees and vegetation within it and therefore raises no new issues in this regard. It is considered that the application can be conditioned in a similar manner to that previously approved to address these matters. The proposal therefore raises no new issues in terms of Policies 15 - Natural and Historic Environment, NHE13 - Tree Preservation Orders and NHE19 - Protected Species.
- 6.4 Furthermore, given its location within an established urban area, the site can be appropriately serviced, in terms of the requirements of Policies 17 - Water Environment and Flooding, SDCC 3 - Sustainable Drainage Systems, SDCC 4 -

Water Supply and SDCC 5 - Foul Drainage and Sewerage. The application proposal is considered not to raise any new issues in terms of road safety.

- 6.5 In terms of the representations received, the matters raised do not have sufficient merit to justify the refusal of the planning application in this instance. Furthermore, no objections have been raised by statutory consultees and any matter raised can be addressed through the use of conditions, and/or advisory notes, where appropriate.
- 6.6 In conclusion, the site is capable of accommodating development without detriment to the amenity of the neighbouring properties or the area in general, and raises no new wildlife or road safety concerns. Overall, it is considered that the proposal complies with the approved Local Development Plan. The principle of the development was accepted through the determination of the previous applications and the current scheme raises no new concerns which would justify a different conclusion being reached in this instance.
- 6.7 It is, therefore, recommended that planning permission should once again be granted, all factors considered. However, consent should be withheld until the submission of the necessary financial contribution.

7 Reasons for Decision

- 7.1 The proposal has no adverse impact on residential or visual amenity and raises no road safety concerns. The development complies with the applicable provisions of the South Lanarkshire Local Development Plan (adopted 2015) namely (Policies 4 - Development Management and Place Making, 6 - General Urban Area /Settlements, 15 - Natural and Historic Environment and Policy 17 - Water Environment and Flooding). In addition the proposal accords with the relevant Development Plan Supplementary Guidance.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

2 October 2017

Previous References

- HM/05/0407
- HM/14/0348
- HM/15/0226

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan 2015
- ▶ South Lanarkshire Local Development Plan (Supplementary Guidance)
 - Development Management, Place Making and Design
 - Natural and Historic Environment
 - Sustainable Development and Climate Change
 - Residential Design Guide
- ▶ Neighbour notification letter dated 22 February 2017
- ▶ Press Advert, Hamilton Advertiser, dated 2 March 2017

► Consultations

Roads Development Management Team	06/04/2017 26/09/2017
Community - play provision/community contributions (Judith Gibb)	17/03/2017
Environmental Services	28/02/2017
Roads & Transportation Services (Flood Risk Management Section)	15/03/2017 26/09/2017

► Representations

Representation from :	Roy Gardner, 11 Glebe Wynd, Bothwell, G71 8QT, DATED 09/03/2017 20:18:41
Representation from :	Stephen Devlin, 14 Glebe Wynd, Bothwell. G71 8QT, DATED 15/03/2017 10:06:44
Representation from :	Graeme Smith,via email, DATED 21/03/2017
Representation from :	Derek Keir, 10 Byron Court, Bothwell, G71 8TW, DATED 22/02/2017 20:14:55
Representation from :	Mr Robert Lamb, 25 Fairyknowe Garden, Bothwell, G71 8RW, DATED 14/03/2017
Representation from :	Sheena Meenaghan, 7 Byron Court, Bothwell, DATED 12/05/2017

Contact for Further Information

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

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E-mail: james.watters@southlanarkshire.gov.uk

CONDITIONS

- 1 That before any development commences on site or before any materials are ordered or brought to the site, unless otherwise agreed with the Council as Planning Authority, 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.
- 2 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.
- 3 That before any work commences on site, unless otherwise agreed with the Council as Planning Authority, a woodland management and maintenance scheme 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.
- 4 That prior to the completion of the development hereby permitted, unless otherwise agreed with the Council as Planning Authority, the woodland maintenance and management scheme approved under the terms of Condition 3 above, shall be in operation.
- 5 That before development starts, unless otherwise agreed with the Council as Planning Authority, 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.
- 6 That notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Amendment Order 2011 (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.
- 7 That notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, a change of use of any garage (whether integral or detached) to living accommodation associated with the dwellinghouse on the plot shall be subject to a further planning application to the Council as Planning Authority.
- 8 That before the development hereby approved is completed or brought into use, unless otherwise agreed with the Council as Planning Authority, 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.

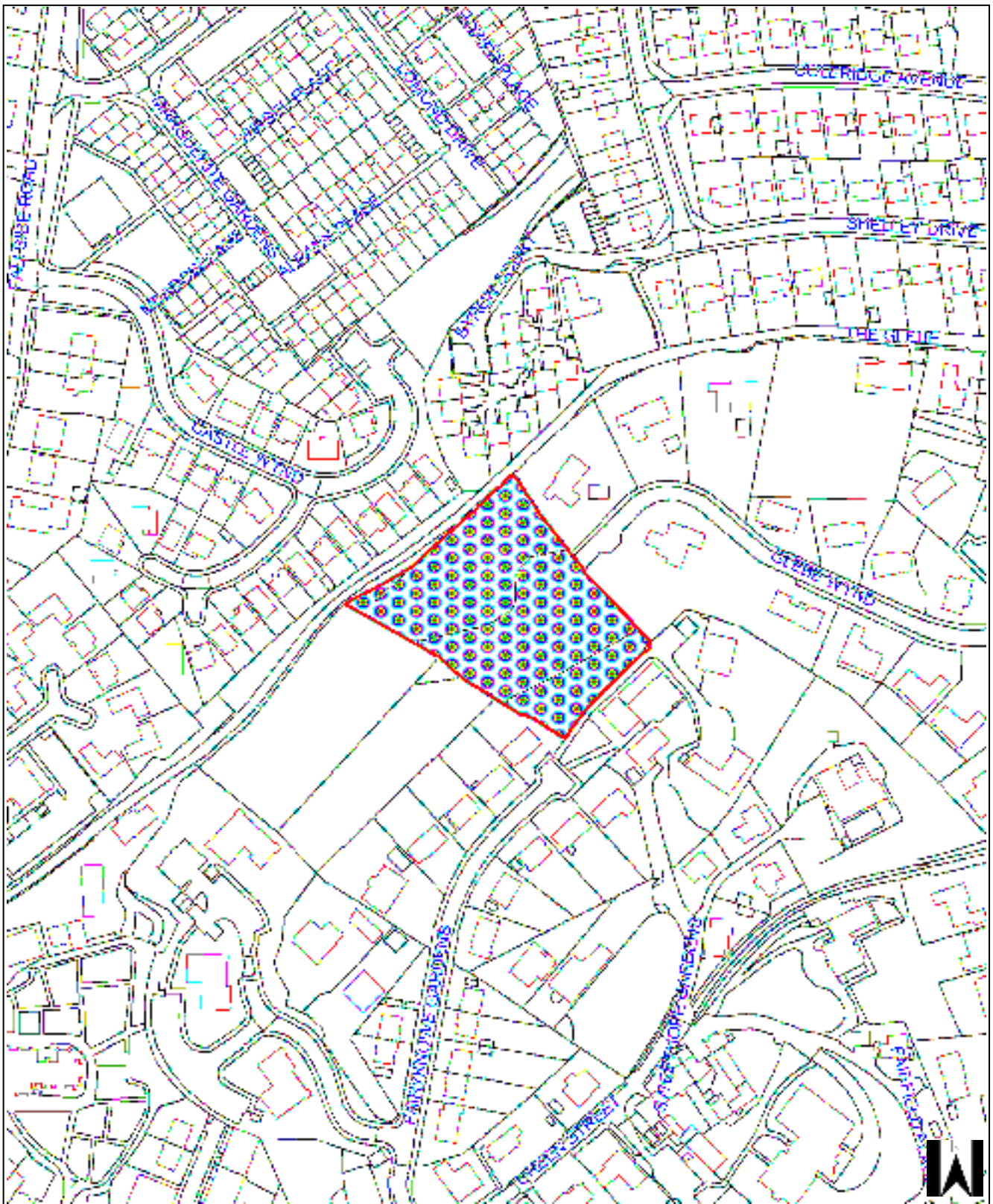
- 9 That before the development hereby approved is completed or brought into use, unless otherwise agreed with the Council as Planning Authority, the entire access road and footpath network serving the development shall be laid out and constructed in accordance with the specification of the Council as Roads and Planning Authority.
- 10 That before the development hereby approved is completed or brought into use, unless otherwise agreed with the Council as Planning Authority, a turning space, designed in accordance with the National Roads Development Guide, shall be provided within the site to enable vehicles to enter and leave the application site in forward gears at all times.
- 11 That before the development hereby approved is completed or brought into use, unless otherwise agreed with the Council as Planning Authority, a private vehicular access or driveway shall be provided to the following standards:
- i) Driveways shall be accessed via a drop kerb.
 - ii) Driveways shall be a minimum 6.0m in length.
 - iii) The first 2.0m from the heel of the footway/service strip shall be hard surfaced across its full width to prevent deleterious material being carried onto the road.
 - iv) All driveways shall be perpendicular to the road.
 - v) The minimum gradient of the driveways shall be 1:10 as per SLC Specification.
 - vi) All surface water shall be contained, controlled and discharged within the confines of the driveway so that there is no discharge of water onto the footway/road.
- 12 That, unless otherwise agreed with the Council as Planning Authority, a 2.0m wide contiguous footway shall be provided fronting plots 8 to 12 and terminating at the end of the turning facility. A 2.0m wide grass service strip can be provided for the remainder of the road frontage. Both shall be in accordance with the Guidelines for development roads.
- 13 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 shall include signed appendices as required. The development shall not be occupied until the surface drainage works have been completed in accordance with the details submitted to and approved by the Council as Planning Authority.
- Notwithstanding the above a ground percolation test is to be carried out, before designing drainage for the proposed filter drains shown on drawing 02-17-10B and should the surface water drainage be connected to Scottish Water's system a letter thereon is to be submitted confirming capacity and acceptance of the surface water.
- 14 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 15 above.

- 15 That prior to any work starting on site, a Flood Risk/Drainage Assessment in accordance with 'Drainage Assessment - A Guide for Scotland', shall be submitted to and approved in writing by the Council as Planning and Roads Authority (and the Scottish Executive as Trunk Roads Authority).
- 16 That no dwellinghouse 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.
- 17 That no piling works shall be carried out until a method statement has been submitted to and approved in writing by the Planning Authority. This statement shall include an assessment of the impact of the piling on surrounding properties, taking into account the guidance contained in BS 6472: 1992 'Evaluation of human exposure to vibration in buildings'. It shall detail any procedures which are proposed to minimise the impact of noise and vibration on the occupants of surrounding properties. This statement shall be prepared by a suitably qualified person, and the piling works shall thereafter be carried out in accordance with the approved method statement.
- 18 That before any of the dwellinghouses hereby approved are occupied, details of the storage and collection of refuse within the development shall be submitted to and approved by the Council as Planning Authority. Thereafter, prior to the occupation of any dwelling, the approved scheme shall be implemented and thereafter maintained to the satisfaction of the Council as Planning Authority.
- 19 That prior to the commencement of development works the site shall be resurveyed, by an appropriately qualified person, for the presence of bats and badgers and no works shall be commenced until written approval has been given for the works to continue.
- 20 That the developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the Council as Planning Authority during all ground disturbances. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record and recover items of interest and finds. A method statement for the watching brief will be submitted by the applicant, agreed by the West of Scotland Archaeological Service and approved by Planning Authority prior to the commencement of the watching brief. The name of the archaeological organisation retained by the developer shall be given to the Planning Authority and the West of Scotland Archaeological Service, in writing, not less than 14 days before development commences.

REASONS

- 1.1 In the interests of amenity and in order to retain effective planning control.
- 2.1 To ensure that adequate steps are taken to protect existing trees on the site throughout the period of the proposed building operations.
- 3.1 To ensure the protection and maintenance of the existing woodland within the area
- 4.1 In order to retain effective planning control
- 5.1 These details have not been submitted or approved.
- 6.1 In the interests of amenity and in order to retain effective planning control.
- 7.1 In order to retain effective planning control
- 8.1 In the interest of public safety
- 9.1 To ensure satisfactory vehicular and pedestrian access facilities to the site.
- 10.1 In the interest of public safety
- 11.1 To prevent deleterious material being carried into the highway.
- 12.1 In the interest of public safety
- 13.1 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.
- 14.1 To ensure the provision of a satisfactory land drainage system.
- 15.1 To demonstrate that a satisfactory means of waste and surface water drainage can be achieved.
- 16.1 To ensure the provision of a satisfactory sewerage system
- 17.1 To minimise noise, vibration and disturbance to neighbouring residents/occupants during construction.
- 18.1 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.
- 19.1 To ensure compliance with applicable wildlife and conservation legislation.
- 20.1 To ensure that provision is made to address areas of archaeological interest.

For information only



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