

Report

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Report to:	Cambuslang/Rutherglen Area Committee
Date of Meeting:	23 February 2010
Report by:	Executive Director (Enterprise Resources)

Application No	CR/10/0001
Planning Proposal:	Erection of two dwellinghouses (Amendment to CR/04/0386)

1 Summary Application Information

- Application Type : Detailed Planning Application (Amend)
- Applicant : Jacqueline Bowman
- Location : Land Adjacent to Rodger Place
Rutherglen

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

The Area Committee has delegated powers to determine this application

3 Other Information

- ◆ Applicant's Agent: William White
- ◆ Council Area/Ward: 11 Rutherglen South
- ◆ Policy Reference(s): **Adopted South Lanarkshire Local Plan**
Policy RES6 – Residential Land Use
Policy ENV31 – New Housing Development
Policy DM1 – Development Management

- ◆ Representation(s):

- ▶ 2 Objection Letters and a petition containing 15 signatures
- ▶ 0 Support Letters
- ▶ 0 Comments Letters

◆ Consultation(s):

Environmental Services

Scottish Water

Roads and Transportation Services (North Division)

Planning Application Report

1 Application Site

- 1.1 The application site is located within the High Crosshill area of Rutherglen. It is bounded to the south by Rutherglen Cemetery and to the north by Overton Court Residential Home. To the east the site is bounded by housing within Broomieknowe Gardens and to the west by flats in Rodger Place.
- 1.2 The site itself is made up of overgrown grassland and is approximately 0.15 hectares in size. The site slopes slightly from the south to the north. It is accessed off Rodger Drive via Rodger Place, a private road. Entry to the site is from an existing parking court within Rodger Place.

2 Proposal(s)

- 2.1 The applicant seeks planning permission to amend an existing consent for the erection of two dwellinghouses. The proposed dwellings would provide four bedroom accommodation and would be two storeys in height. Both properties would sit parallel to each other and would back on to the side elevation of the properties in Broomieknowe Gardens. A 2.6 metre high screen fence would be formed along the boundary adjacent to Overton Court Residential Home.
- 2.2 The main elements the applicant is seeking to amend is to add a sun lounge to the rear elevation of the ground floor and to convert the integral garage to provide an additional fourth bedroom.

3 Background

3.1 Local Plan Status

- 3.1.1 The application site is located within a general residential area and is affected by Policy RES6 of the adopted South Lanarkshire Local Plan. Within areas covered by this policy, there will be a focus on protecting existing levels of amenity.
- 3.1.2 In addition to this policy the proposed development also requires to be assessed in relation to the criteria contained within Policies ENV31 – New Housing Development and DM1 – Development Management to ensure the proposal protects the existing built environment.

3.2 Relevant Government Advice/Policy

- 3.2.1 None of particular relevance in this instance.

3.3 Site History

- 3.3.1 Planning permission has been granted for the following proposals on the site:

Planning Application No. CR/01/0129 – Erection of two dwellinghouses (outline) on 22/08/01

Planning Application No. CR/03/0244 – Erection of two detached dwellinghouses with integral garage and revocation of condition 6 of previous consent CR/01/0129 to allow a dormer window at Plot 1 on 22/10/03

Planning Application No. CR/04/0386 – Erection of two detached dwellinghouses with internal garages on 15/02/05

4 Consultation(s)

- 4.1 **Roads and Transportation Services** – have no objections to the proposed development subject to the provision of three off street car parking spaces for each dwelling and a dropped kerb access.

Response: Noted. If planning permission is granted appropriate conditions shall be imposed.

- 4.2 **Environmental Services** – have no objections to the proposed development so long as conditions are imposed to ensure ground conditions are investigated, dust is controlled during construction and details for the storage of refuse are submitted and that appropriate advisory notes are imposed for the works in relation to noise and nuisance.

Response: Noted. If planning permission is granted these conditions and advisory notes shall be attached.

- 4.3 **Scottish Water** – have not replied to date.

Response: Noted. However if planning permission is granted an appropriate planning condition shall be imposed to ensure an adequate sewerage system is installed.

5 Representation(s)

- 5.1 Statutory neighbour notification was carried out and two letters of objections and a petition containing fifteen signatures, have been received in relation to the proposed development.

- 5.2 The grounds of concern are summarised below:

- (a) **Rodger Place is a privately owned and maintained road. It is unclear if the applicant has right of access over this road or if the applicant has an obligation to maintain this section of Rodger Place.**

Response: The applicant has provided supporting information indicating that he has a legal right of access to the site. In respect of the maintenance of the road he has confirmed that he would cover his share for any works required.

- (b) **A section of Rodger Place was dug up to install a utility service to the site and this section of the road has still not been reinstated to the roads original condition. This could happen again.**

Response: The applicant has stated he would be responsible for making good any damage caused as a result of the development of the site. He has indicated that all the utility services required for the site were put in, in 2006 and he got consent from the NHS at that time to connect in from the adjoining nursing home via their grass verge. Notwithstanding it should be noted that the maintenance of the road is a separate legal matter to be resolved amongst all parties with an interest in the road.

- (c) **The owners/residents of 8, 10 and 12 Rodger Place have never been notified of any of the previous planning applications for the site.**

Response: The previous planning applications submitted by the applicant did not include the vehicular access through Rodger Place within the boundary of the application site. On this basis only the adjoining neighbours to the proposed plots were neighbour notified. However although the applicant submitted plans reflecting the same site boundary for this planning application it was brought to the attention of the Planning Service that Rodger Place was not adopted and therefore the plans were amended to include the vehicular access through

Rodger Place within the site boundary and the adjoining neighbours to this boundary and owners of the road were notified accordingly.

- (d) The correct procedures do not appear to have been followed for the notification of owners of the site and the documentation received does not make this clear.**

Response: The applicant's agent was not aware that Rodger Place was a private road when the application was submitted. The correct procedure has now been carried out.

- (e) The additional traffic generated may damage the road and is likely during construction.**

Response: The applicant has stated he would be responsible for making good any damage caused as a result of the development of the site. Notwithstanding, it should be noted that the maintenance of the road is a separate legal matter to be resolved amongst all parties with an interest in the road.

- (f) There is a large amount of parking allocated for each dwelling.**

Response: The plans submitted indicate the applicant seeks to provide one disabled parking space and three off street parking spaces for each property. A minimum of three off street parking spaces are required for houses of this size. Therefore one additional space has been provided by the applicant for each property.

- (g) Access to the site would be through a private car park located at the side of the objector's property, 20 Rodger Place.**

Response: After consultation Roads and Transportation Services had no objections to the proposed development. Furthermore this is the same access point that has been approved for the previous three consents for the site.

- (h) The building work would cause smell and noise. Dirt would gather on and around the property at 20 Rodger Place and the occupier's young son would not be able to play in the surrounding ground due to pollution of building work.**

Response: After consultation Environmental Services had no objections to the proposed development as long as conditions were imposed to ensure ground conditions are investigated, dust is controlled during construction and details for the storage of refuse are submitted and that appropriate advisory notes are imposed for the works in relation to noise and nuisance. If planning permission is granted these conditions and advisory notes shall be imposed.

- (i) The construction work would affect the sale of adjacent property and the site's existing consent has already put off two viewers.**

Response: This is not a material planning consideration.

- (j) The existing car park could no longer be used for parking as traffic would be unable to pass.**

Response: Roads and Transportation Services had no objections to the proposed development and do not consider that parking within the existing parking court would be adversely affected.

The petition and letters of objection have been copied and are available for inspection in the usual manner.

6 Assessment and Conclusions

- 6.1 The applicant seeks planning permission to amend an existing consent for the erection of two dwellinghouses. The main determining issues in assessing this planning application are compliance with local plan policy, site history, road safety and impact on the residential amenity of the area.
- 6.2 In terms of the adopted South Lanarkshire Local Plan, the application site is designated under Policy RES6 – Residential Land Use. It is therefore considered that the principle of the development of the site for housing would not be contrary to this policy. In terms of the impact of the proposal on the residential amenity of the area this will be assessed in relation to the guidance contained within Policies DM1 – Development Management and ENV31 – New Housing Development of the adopted local plan later in the report.
- 6.3 With regard to the site's planning history, outline planning permission was granted for the erection of two dwellinghouses on the site in August 2001 (CR/01/0129). In October 2003, detailed planning consent was granted for the erection of two dwellinghouses (CR/03/0244) and this consent was amended in February 2005 (CR/04/0386). Although none of the previous planning applications included the vehicular access, Rodger Place, within the boundary of the application site, Roads and Transportation Services were still consulted on each of the previous planning applications in respect of the proposal's impact in terms of traffic generation and road safety. On each occasion Roads and Transportation Services have been satisfied that the proposal would not have an adverse impact. Therefore whilst it is noted that concerns have been raised in respect of repairs and maintenance of this road, this is a legal matter that requires to be resolved between all parties with an interest in the road.
- 6.4 In terms of this planning application, Roads and Transportation Services were consulted again, and have no objections to the proposal on condition that three off street parking spaces are provided and a dropped kerb access to the site is formed. These conditions have been duly attached. Whilst concerns have been raised by adjoining residents regarding the proposal's impact on road safety and traffic flow, I am satisfied that on this basis the proposal is acceptable.
- 6.5 With regard to the proposal's impact on amenity, relevant criteria for the assessment of the development in this respect are laid down within Policies DM1 – Development Management and ENV31 – New Housing Development of the adopted local plan. Further standards can be found within the Council's Residential Development Guide. It is considered that the design, layout and form of the development is appropriate to the area, sufficient provision has been made for garden ground, existing levels of amenity will be protected for adjoining residents and for future residents of the dwellings and appropriate infrastructure can be formed to serve the development. It is therefore considered that the proposed development is in accordance with Policies DM1 and ENV31 of the adopted local plan as well as the terms of the Council's Residential Development Guide.
- 6.6 Whilst a number of concerns were raised by adjoining residents I am satisfied that these concerns have been addressed and appropriate conditions have been attached where necessary. It is not considered that the grounds raised are sufficient to warrant the refusal of this planning application.
- 6.7 The application site is located within a general residential area and for the reasons detailed above I am satisfied that the design and layout of the proposed development

is acceptable, subject to the conditions attached. It is therefore recommended that planning permission is granted.

7 Reasons for Decision

- 7.1 The proposed development accords with Policies RES6, ENV31 and DM1 of the adopted South Lanarkshire Local Plan and would not have an adverse impact on road safety or that of the residential amenity of the area.

Colin McDowall
Executive Director (Enterprise Resources)

8 February 2010

Previous References

- ◆ CR/01/0129
- ◆ CR/03/0244
- ◆ CR/04/0386

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations

Roads and Transportation Services (North Division) 12/01/2010

Environmental Services 21/01/2010

- ▶ Representations

Representation from : Colin Clark, 12E Rodger Place
Old Mill Gate
Rutherglen G73 2EX, DATED 25/01/2010

Representation from : Karen Love, 20 Rodger Place
Burnside
G73 2AX, DATED 13/01/2010

Representation from : James Clark, Flat A, 10 Rodger Place
Rutherglen G73 2AX, DATED 27/01/2010

Contact for Further Information

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

Gwen McCracken
(Tel :0141 613 5140)
E-mail: Enterprise.cam-ruth@southlanarkshire.gov.uk

CONDITIONS

- 1 This decision relates to drawing numbers:
231109/1
231109/2
231109/3
231109/4
231109/5
231109/6
- 2 The development hereby permitted shall be started within three years of the date of this permission.
- 3 That before any work commences on the site, a scheme of landscaping for the area shaded GREEN on the approved plans 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 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.
- 6 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.
- 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 before any of the dwellinghouses situated on the site upon which a fence is to be erected is occupied, the fence or wall for which the permission of the Council as Planning Authority has been obtained under the terms of Condition 7 above, shall be erected and thereafter maintained to the satisfaction of the Council.
- 9 That before development starts, details of all boundary treatment(s) shall be submitted to and approved by the Council as Planning Authority and thereafter all approved works shall be completed to the satisfaction of the Council prior to the development hereby approved being occupied or brought into use.

- 10 That prior to any work commencing on site full details of the existing and proposed site levels, including the finished floor levels of the dwellings hereby approved, shall be submitted for the written approval of the Council as Planning Authority.
- 11 That before the dwellinghouses hereby approved are brought into use, a dropped kerb access to the site shall be constructed in accordance with the specification and to the satisfaction of the Council as Roads and Planning Authority.
- 12 That before the dwellinghouses hereby approved are completed or brought into use, a private vehicular access or driveway of at least 6 metres in length shall be provided and the first 2 metres of this access 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.
- 13 That before the dwellinghouses hereby permitted are occupied, 3 car parking spaces shall be provided within the curtilage of the plot and outwith the public road or footway and shall thereafter be maintained to the specification of the Council as Planning Authority.
- 14 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.
- 15 (a) Prior to commencement of any works on site, a comprehensive site investigation carried out to the appropriate Phase level, shall be submitted to and approved in writing by the Council as Planning Authority. The investigation shall be completed in accordance with the advice given in the following:
 - (i) Planning Advice Note 33 (2000) and Part IIA of the Environmental Protection Act 1990 (as inserted by section 57 of the Environment Act 1995);
 - (ii) Contaminated Land Report 11 - 'Model Procedures for the Management of Land Contamination (CLR 11) - issued by DEFRA and the Environment Agency;
 - (iii) BS 10175:2001 - British Standards institution 'The Investigation of Potentially Contaminated Sites - Code of Practice'.(b) If the Phase 1 investigation indicates any potential pollution linkages, a Conceptual Site Model must be formulated and these linkages must be subjected to risk assessment. If a Phase 2 investigation is required, then a risk assessment of all relevant pollution linkages using site specific assessment criteria will require to be submitted.

(c) If the risk assessment identifies any unacceptable risks as defined under Part IIA of the Environmental Protection Act, a detailed remediation strategy will be submitted to and approved in writing by the Council as Planning Authority. No works other than investigative works shall be carried out on site prior to receipt of the Council's written approval of the remediation plan.
- 16 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.

- 17 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.

REASONS

- 1 For the avoidance of doubt and to specify the drawings upon which the decision was made.
- 2 To comply with section 58 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 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 In the interests of amenity and in order to retain effective planning control.
- 7 These details have not been submitted or approved.
- 8 In order to retain effective planning control
- 9 These details have not been submitted or approved.
- 10 In the interests of amenity and in order to retain effective planning control.
- 11 In the interest of public safety
- 12 To prevent deleterious material being carried into the highway.
- 13 To ensure the provision of adequate parking facilities within the site.
- 14 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.
- 15 To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.
- 16 To minimise the risk of nuisance from dust to nearby occupants.
- 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.

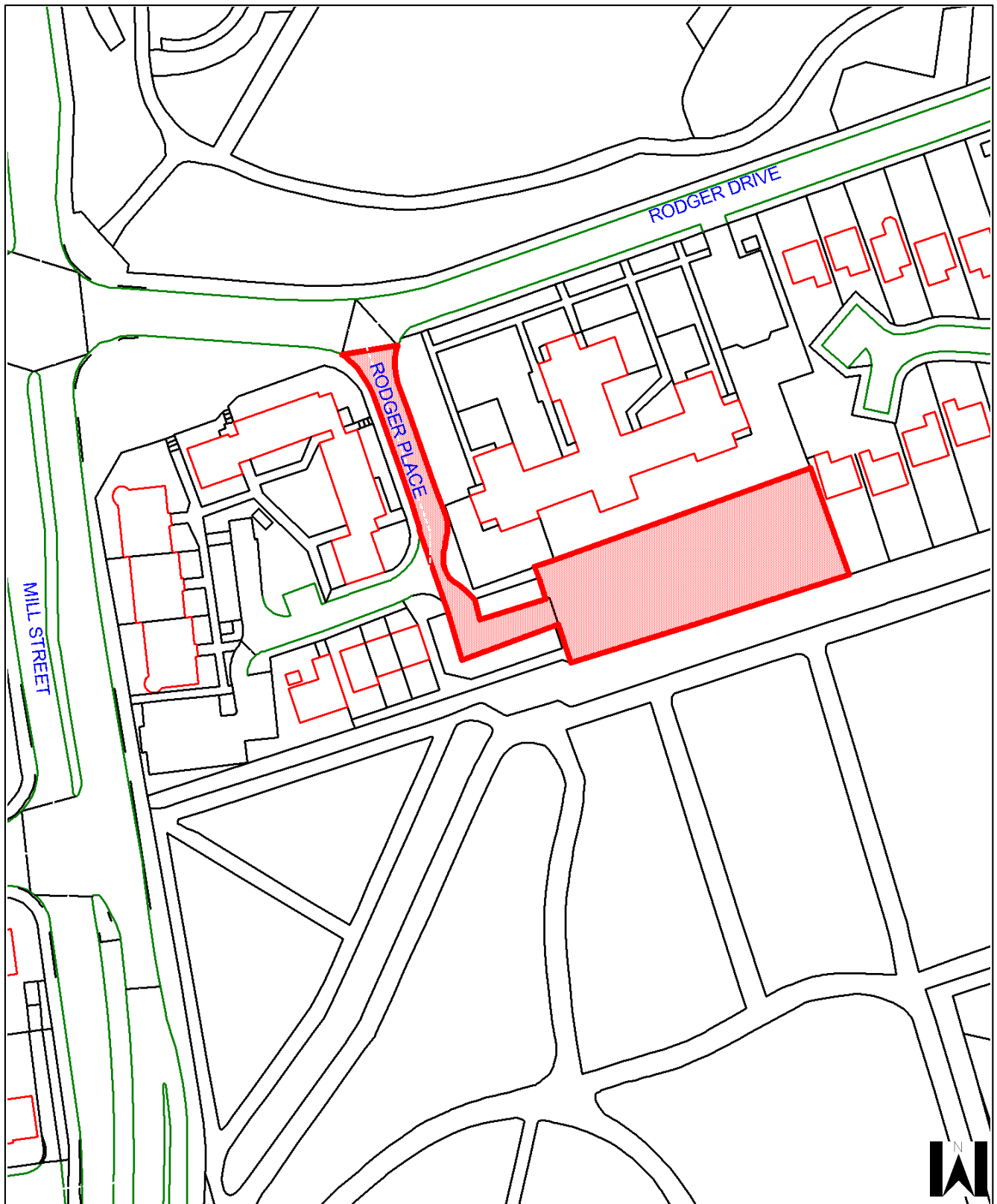
CR/10/0001

Land Adjacent to Rodger Place, Rutherglen

Planning and Building Standards Services

Not to Scale

For information only



For information only