

Report

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Report to:	Hamilton Area Committee
Date of Meeting:	25 October 2006
Report by:	Executive Director (Enterprise Resources)

Application No	HM/06/0594
Planning Proposal:	Erection of house (Outline)

1 Summary Application Information

- Application Type : Outline Planning Application
- Applicant : Mr & Mrs Douglas Clow
- Location : 7 Springfield Avenue
Uddingston

2 Recommendation(s)

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

- (1) Grant Detailed Planning Permission (Subject To The Conditions – Based On Conditions Listed Overleaf)

2.2 Other Actions/Notes

None

3 Other Information

- ◆ Applicant's Agent: D Stewart Toy
- ◆ Council Area/Ward: 40 Uddingston South/Bothwell
- ◆ Policy Reference(s): **Hamilton District Local Plan**
Policy RES1 – Residential Areas – General
Policy DC2 – New Residential Development
Policy DC1 – Development Control – General
South Lanarkshire Planning Policies
Policy SLP6 – Development Control General
South Lanarkshire Local Plan – Finalised Plan
Policy RES 6 – Residential Land Use Policy
Policy DM 1 – Development Management
Policy
Policy DM 5 – Sub-Division of Garden Ground

- ◆ Representation(s):

- ▶ 4 Objection Letters
- ▶ 0 Support Letters
- ▶ 0 Comments Letters

◆ Consultation(s):

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

Power Systems

TRANSCO (Plant Location)

Scottish Water

Environmental Services

Roads and Transportation Services (Hamilton Area)

Planning Application Report

1 Application Site

- 1.1 The application relates to an area of land on Springfield Avenue to the east of Uddingston's Main Street. The site is essentially flat and rectangular in shape and measures approximately 0.23 hectares. The site is currently used as garden ground for the property at 7 Springfield Avenue and is unique in terms of its large size and shape. The site is bounded on all sides by traditionally designed residential properties except directly to the east where it is bounded by Sunnyside Avenue. Access to the site is from Springfield Avenue which is a private road.

2 Proposal(s)

- 2.1 This is an outline planning application for the erection of a single house. No details were submitted in relation to the exact height of the proposed house, however, the details show an indicative position and shape of a 2 storey house and a detached garage with screen planting to the boundaries of the plot. The proposed access to the site is from Springfield Avenue.

3 Background

3.1 Local Plan Policy

- 3.1.1 The application site is located in an area designated for residential use in the adopted Hamilton District Local Plan. The relevant policies covering the site are Policies RES1 – Residential Areas – General, DC2 – New Residential Development and DC1 – Development Control General. South Lanarkshire Planning Policy SLP6 – Development Control General would also apply. The application also requires to be assessed against the South Lanarkshire Local Plan (Finalised Plan). The relevant policies covering the site in this instance are Policies RES 6 – Residential Land Use Policy, DM 1 – Development Management Policy and DM 5 – Sub-Division of Garden Ground.

3.2 Relevant Government Advice/Policy

None relevant.

3.3 Planning Background

Whilst there is no planning history relating to the application site it should be noted that detailed planning permission was granted for the erection of a house on land directly to the south of 9 Springfield Avenue on 28 September 1990.

4 Consultation(s)

- 4.1 **Environmental Services** – have no objection to the proposal subject to a condition requiring the submission of a contamination survey and remediation plan for further assessment should contaminated material be encountered.
Response:- Noted and any planning consent granted would be conditioned to this effect.
- 4.2 **Scottish Power** – have no objection 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.

- 4.3 **Roads and Transportation Services** – have no objection to the proposal. The private access onto the site currently services 3 dwellings and the Council's guidelines state that in a brownfield or gap site up to 5 dwellings may be served from a private access where there is no public right of passage.

Response:- Noted and accepted.

- 4.4 **Scottish Water:** - have no objections to the proposal subject to the provision of a suitable sewerage system for the development.

Response:- Noted and any consent granted will be conditioned to ensure that the dwelling is not occupied until a satisfactory sewerage scheme is in place.

- 4.5 **SEPA:** - have not responded to date.

Response – Noted, however, any consent granted will be conditioned to ensure that the dwelling is not occupied until a satisfactory sewerage scheme is in place.

- 4.6 **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.

5 Representation(s)

- 5.1 Statutory neighbour notification procedures were undertaken. Four letters of objection were received. The grounds of objection are summarised as follows:

- (a) **The submitted drawings indicate that the eastern wall of the house would be approximately 10 metres from the boundary with Sunnyside Avenue which could overshadow the dwelling at 7 Sunnyside Avenue and block daylight to this house.**

Response: The submitted drawings show an indicative position and shape of the proposed house with the east elevation of the house located approximately 14 metres from the front elevation of 7 Sunnyside Avenue. The application is for outline planning consent and full details relating to the position and exact height of the dwelling would have to be submitted and approved as part of a detailed planning application. However, I am satisfied that a house could adequately be accommodated within the site without any adverse impact on existing residential amenity. Whilst it is accepted that the location of the house, as shown on the submitted drawings, may result in a degree of overshadowing to the above property it is my opinion that any loss of sunlight or overshadowing caused would be minimal and would not adversely affect neighbouring properties.

- (b) **There are similar concerns regarding the height of the proposed boundary treatment and any impact it may have in terms of overshadowing and loss of daylight.**

Response: Likewise, details relating to the proposed boundary treatment would have to be submitted and approved as part of a detailed planning application.

- (c) **The access road will not sustain heavy traffic required for such a project. Who would be responsible for any damage to the road or trees.**

Response: Roads and Transportation Services are satisfied that the proposed access road is capable of accommodating the additional traffic generated by the proposal. Any damage caused to Springfield Avenue or to the existing trees would be a legal matter which would have to be resolved between the parties concerned.

- (d) **The plans indicate that the access would be taken from Springfield Avenue which is acceptable. However, there would be opposition to any access being taken from Sunnyside Avenue.**

Response: As stated, the submitted details show that the proposed access will be taken from Springfield Avenue.

- (e) **The means of access and egress to the dwelling may be over a private piece of road which the Bothwell Grange Residents Association own and are responsible for the maintenance and upkeep. Further discussion would be required before the Association agrees to the development.**

Response: The ownership of the road is a legal matter which would have to be resolved between all parties concerned. However, the applicant's agent confirmed in writing that all parties holding an interest in the road were notified on the appropriate ownership notification forms. It is my opinion that it would be unreasonable to refuse planning permission solely on these grounds.

- (f) **There are concerns regarding drainage and other services and any potential damage to Sunnyside Avenue should the proposed drainage be linked to the existing services on this road.**

Response: None of the consultees raised any objection to the proposal in terms of infrastructure provision. Any damage caused to Sunnyside Avenue would be a legal matter which would have to be resolved between the parties concerned.

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

6 Assessment and Conclusions

- 6.1 The determining issues that require to be addressed in respect of this application are compliance with local plan policy and the impact on surrounding development.

- 6.2 The applicant seeks outline planning permission for the erection of a single house. In terms of the adopted Hamilton District Local Plan the proposal can be assessed against Policies RES1 – Residential Areas – General, DC1 – Development Control - General and DC2 – New Residential Development. Policy RES1 seeks to resist any developments detrimental to the amenity of residential areas. Policy DC2 states that throughout the district there will be a presumption against sub-division, tandem or backland development of house plots where these:

- a) are of inappropriate scale, design or orientation.
- b) result in inadequate plot size or 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.

In general, cramming or insensitive infill developments will be resisted.

- 6.3 Having assessed the application against this policy I am satisfied that the proposal complies with the above criteria. The site is considered to be unique in terms of its large size and shape which would ensure that the scale, design and orientation of the proposed dwelling could be integrated successfully with adjacent housing without adversely affecting neighbouring residential amenity or the character of the area. In addition, the proposal should not have any adverse impact on existing trees both within or adjacent to the site and I am satisfied that the site can be safely accessed from Springfield Road. Ideally, access would be taken from Sunnyside Avenue, which would enable the provision of a road frontage of comparable size with those of surrounding curtilages, however, the applicant has stated that he is not legally entitled to take access from this road. Due to the unique characteristics of the site, in this instance it is considered that the proposed access from Springfield Avenue is acceptable.
- 6.4 Policy DC1 states that all planning applications should take fully into account the local context and built form – i.e. development should not take place in isolation and must take cognizance of scale, position and materials of adjacent buildings and surrounding streetscape. Proposals should also aim for the best possible quality of external materials. In particular, type of material chosen, colour and texture are crucial when choosing external finishes especially for brick, stone and roofing. Subject to meeting normal development control standards upon the submission of a detailed planning application I am satisfied that the proposal meets the terms of this Policy.
- 6.5 South Lanarkshire Planning Policy SLP6 – Development Control is also relevant to the application and states that all planning applications should take fully into account the local context and built form and that development should be compatible in terms of scale and massing and be built incorporating quality materials. The Policy goes on to state that there will be a presumption against the development of a new house (or houses) within the curtilage of an existing house unless all of the following criteria can be met:
- a) The proposed house plot 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 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 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.

- 6.6 As with the detail of Policy DC2, I am satisfied that the application complies with the above criteria. It is considered that the site can be safely accessed from Springfield Road and that the proposed dwelling can be integrated successfully with adjacent housing without adversely affecting neighbouring residential amenity or the character of the area. An adequate amount of garden ground would be retained for the existing house and the proposal should not have any adverse impact on existing trees and hedges within and adjacent to the site. As stated, for legal reasons access to the site cannot be taken from Sunnyside Avenue, which would be the preferred option. However, the unique characteristics of the site provide an opportunity to make use of an attractive and otherwise underused plot and for this reason it is considered that the proposed access from Springfield Avenue is acceptable. Subject to meeting normal development control standards upon the submission of a detailed planning application I find the proposed residential use of the site to be acceptable.
- 6.7 In terms of the South Lanarkshire Local Plan the application can be assessed against Policies RES 6 – Residential Land Use Policy, DM 1 – Development Management Policy and DM 5 – Sub-Division of Garden Ground. Policy RES6 provides general guidance in support of development in areas controlled by this policy. The policy notes that developments must relate satisfactorily to neighbouring properties in terms of scale, materials and massing. Policy DM 1 states that new development should not result in a significant loss of daylight/sunlight to neighbouring properties and should have due regard to the layout, form, design and local context of the area. Policy DM 5 broadly reflects the detailed guidance contained within Policies DC2 and SLP6 in terms of the sub-division of garden ground. Again, I am satisfied that the proposal complies with these policies.
- 6.8 In summary, it is considered that the application complies with the detailed criteria in relation to the sub-division of garden ground for the development of a new house plot. I am satisfied that the proposed dwelling can be integrated successfully with adjacent housing without adversely affecting neighbouring residential amenity or the character of the area. The unique characteristics of the site provide a good opportunity to make use of an attractive and otherwise underused plot. Subject to meeting normal development control standards upon the submission of a detailed planning application I find the proposed residential use of the site to be acceptable.
- 6.9 Given the above I would raise no objections to the proposal and recommend that planning permission be granted.

7 Reasons for Decision

- 7.1 The proposal has no adverse impact on residential amenity and complies with Policies RES1, DC1 and DC 2 of the adopted Hamilton District Local Plan, South Lanarkshire Planning Policy SLP6 and Policies RES 6, DM 1 and DM 5 of the South Lanarkshire Local Plan (Finalised Plan).

Iain Urquhart
Executive Director (Enterprise Resources)

4 October 2006

Previous References

None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans

- ▶ Consultations
 - Environmental Services 04/09/06
 - Scottish Water 12/09/06
 - Power Systems 22/09/06
 - TRANSCO (Plant Location) 19/09/06
 - Roads and Transportation Services (Hamilton Area) 06/10/06

- ▶ Representations
 - Representation from : Mr & Mrs A Morrow, 2a Springfield Avenue, Uddingston G71 7LY, DATED 31/08/06
 - Representation from : Mr Edward Thomson, 7 Springfield Crescent, Bothwell Grange, Uddingston G71 7LN, DATED 07/09/06
 - Representation from : Margaret Currie, 8 Sunnyside Avenue, Uddingston, G71 7NB, DATED 01/09/06
 - Representation from : A E & D Williams, 7 Sunnyside Avenue, Uddingston, , DATED 03/09/06

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
Ext 3508 (Tel : 01698 453508)
E-mail: Enterprise.hamilton@southlanarkshire.gov.uk

CONDITIONS

- 1 That before the expiration of three years from the date of this outline permission and before any development starts, a written application and plans in respect of the following Reserved Matters shall be submitted to and approved by the Council as Planning Authority:
 - (a) a site layout plan at a scale of 1:500 showing the position of all buildings, roads, footpaths, parking areas, walls, fences, landscaping, open space and recreational provision;
 - (b) plans and elevations of the house and garage type showing their dimensions and type and colour of materials;
 - (c) a landscaping plan at a scale of 1:500 showing the location, species and ground spread of existing and proposed trees, shrubs and hedges;
 - (d) detailed cross-sections of existing and finished ground levels and finished floor levels, in relation to a fixed datum, preferably ordnance datum.
- 2 That the development hereby permitted shall be started either within five years of the date of this permission or within two years of the date on which the last of the reserved matters are approved, whichever is the later;
- 3 That the design and siting of the proposed house hereby granted consent shall conform to the development standards and advice contained in the Council's Residential Development Guide.
- 4 That before the development starts, 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.
- 5 That the house shall not 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 Consent is granted in outline only.

- 2 To accord with the provisions of the Town and Country Planning (Scotland) Act 1997.
- 3 In the interests of amenity and in order to retain effective planning control.
- 4 To ensure the site is free from contamination.
- 5 To ensure the provision of a satisfactory sewerage system.

For information only

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