

Report to: **Planning Committee**
 Date of Meeting: **29 November 2011**
 Report by: **Executive Director (Enterprise Resources)**

Application No HM/10/0494
 Planning Proposal: **Erection of 2no Semi-detached Properties**

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Christopher Devlin
- Location : 34 Sheepburn Road
Uddingston
G71 7DY

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 Listed)

2.2 Other Actions/Notes

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

3 Other Information

- ◆ Applicant's Agent: Angus Design Associates
- ◆ Council Area/Ward: 16 Bothwell and Uddingston
- ◆ Policy Reference(s): **South Lanarkshire Local Plan (adopted 2009)**
 RES 6 - Residential Land Use Policy
 ENV 2 - Local Green Network Policy
 ENV 4 - Protection of the Natural and Built Environment Policy
 ENV 11 - Design Quality Policy
 ENV 12 - Flooding Policy
 ENV 25 - Conservation Areas Policy
 ENV 31 - New Housing Development Policy
 ENV 35 - Water Supply Policy
 ENV 36 - Foul Drainage and Sewerage Policy
 ENV 37 - Sustainable Urban Drainage Systems Policy
 DM 1 - Development Management Policy
 DM 5 - Sub-Division of Garden Ground Policy

Residential Development Guide

◆ Representation(s):

- ▶ 3 Objection Letters
- ▶ 1 Petition (6 signatories)
- ▶ 0 Support Letters
- ▶ 0 Comments Letters

◆ Consultation(s):

Roads and Transportation Services (Hamilton Area)

Roads & Transportation Services H.Q. (Flooding)

Environmental Services

Leisure Services

Scottish Environment Protection Agency

Scottish Water

Scottish Natural Heritage

Planning Application Report

1 Application Site

- 1.1 The application site relates to the residential curtilage of the existing dwellinghouse at 34 Sheepburn Road, Uddingston, which is located within a residential area just south of the M74. The site is bound to the rear by Glasgow Road, to the front by Sheepburn Road and to the remaining sides by residential dwellings. Pow Burn runs round part of the western boundary; in a north to south direction, from the existing access point then along the southern boundary of the site to its exit under Glasgow Road. The properties surrounding the site are a mix of styles and designs. Sheepburn Road at this location forms a cul-de-sac serving 5 properties, including the applicant's existing property.

2 Proposal(s)

- 2.1 The applicant seeks detailed planning permission for the creation of an additional housing plot through the sub-division of their existing residential curtilage and thereafter the erection of a semi-detached residential unit within the new curtilage.
- 2.2 The existing dwelling and associated outbuilding will be retained as one unit. The new curtilages will be located on the site between the existing property and Pow Burn. Access to the new units will be shared with the existing property from Sheepburn Road, with a new extended shared surface drive way serving all three properties.
- 2.3 The proposed building would be a two storey building designed to reflect elements of adjacent properties, with bay windows and semi-dormers. External material would consist of dry dash render with feature window surrounds and modern grey roof tiles. Through the assessment and consultation process the design of the proposed building has been the subject of minor amendments. The amendments to the proposals include minimal ground level alterations to address concerns about the proximity of Pow Burn.
- 2.4 In support of their application the applicant has submitted a Design Statement and Flood Risk and Drainage Assessment.

3 Background

3.1 Local Plan Policy

- 3.1.1 In terms land use, the site is designated within the adopted South Lanarkshire Local Plan as being a general residential area (Policy RES6 – Residential Land Use applies). This seeks to ensure that the residential character of such areas is maintained. The site is also designated as forming part of a Local Green Network (Policy ENV2), through which the Council seeks to protect and enhance the connectivity of designated green networks.
- 3.1.2 Given that a small section of the site (approximately 10 square metres), fronting Glasgow Road, is located within the Glasgow Road, Uddingston Conservation Area Policies ENV4 – Protection of the Natural and Built Environment and ENV25 – Conservation Areas apply. With regards to Policy ENV 4 - Protection of the Natural and Built Environment this defines a 'Hierarchy of Natural and Built Heritage Sites' for protection, with conservation areas as being categorised as nationally important. The policy states that the Council will assess all development proposals in terms of

their effect on the character and amenity of the designated area and that within areas of national importance development will only be permitted where the objectives of the designation and the overall integrity of the area can be shown not to be compromised. Policy ENV 25 - Conservation Areas advises that new development may affect the setting of a conservation area must be fully assessed.

- 3.1.3 In addition to this land use designation the site is also affected by a number of other policy designations namely ENV11 – Design Quality, ENV31 – New Housing Development, DM 1 – Development Management, DM5 – Sub-division of Garden Ground, ENV12 – Flooding, ENV35 – Water Supply, ENV36 – Foul Drainage and Sewerage and ENV37 – Sustainable Urban Drainage Systems.
- 3.1.4 Policies ENV11, ENV31 and DM1 promote quality of design and seek to ensure that any new developments integrate well with surrounding uses. Whilst Policy DM5 relates to the creation of additional house plots within existing residential curtilages and sets out the criteria to be met in respect of such proposals.
- 3.1.5 Policies ENV 35 - Water Supply, ENV 36 - Foul Drainage and Sewerage and ENV 37 - Sustainable Urban Drainage Systems seek to ensure that the site is adequately served in terms of water and sewerage infrastructure and that the proposed surface water drainage treatment will be sustainable. Policy ENV12, relevant to flooding matters, advises that a precautionary approach be taken when assessing new developments against flood risk.
- 3.1.6 In addition to the above the area of land between the existing property and Pow Burn is designated as being the Sheepburn Road, Uddingston Tree Preservation Order area (HM/17).
- 3.1.7 The Council has also prepared a Residential Development Guide to advise developers and applicants of the Council's requirements and standards for such developments.

3.2 **Relevant Government Guidance/Advice**

- 3.2.1 There is no specific Government guidance relevant to the provision of the proposed development.

3.3 **Planning History**

- 3.3.1 An outline planning application (HM/00/0551) for the erection of a dwellinghouse on the application site was refused permission by the Council at its Area Committee in August 2001. The reasons for refusal related to the proposal being contrary to applicable policies at the time due to its potential impact on protected trees, the likelihood of it causing new flooding problems elsewhere and the resultant reduction in the residential amenity of the area.

4 **Consultation(s)**

- 4.1 **Roads and Transportation Services (Hamilton Area)** – have offered no objections to the proposals subject to conditions relative to parking.
Response: Noted. Any requirements can be included as conditions where appropriate.
- 4.2 **Roads & Transportation Services H.Q. (Flooding)** – have confirmed that the applicants have provided a Flood Risk Assessment and independent check with

associated certificate in accordance with their requirements and these are acceptable. On this basis they offer no objections to the application.

Response: Noted.

4.3 **Environmental Services** – have offered no objections subjected to conditions and/or advisory notes relative to noise and contamination.

Response: Noted. Where appropriate, conditions/informatives shall be imposed if planning permission is granted.

4.4 **Leisure Services (Arboriculture)** – have advised that the existing trees are of very little poor aesthetic condition and recommend their removal and replacement, where appropriate.

Response: Noted.

4.5 **Scottish Environment Protection Agency** – whilst offering initial objections to the application they have now confirmed the removal of their objections, in relation to both flooding and foul drainage, due to further discussions held with the applicant's flooding consultants.

Response: Noted.

4.6 **Scottish Water** – have offered no objections.

Response: Noted.

4.7 **Scottish Natural Heritage** – have advised that they do not intend to offer any advice or comment on the application proposals in this instance.

Response: Noted.

5 **Representation(s)**

5.1 Statutory neighbour notification was undertaken in respect of the proposals. In response 3 letters of objection, from an individual neighbouring proprietor and a petition, signed on behalf of 6 neighbouring properties, have been received.

5.2 The grounds of objection can be summarised as follows:

a) **There is a previous refusal for development on this site.**

Response: Noted. Whilst it is confirmed that a previous refusal exists for residential development on this site, as detailed at 3.3.1 above the applicant has assessed the reasons for that refusal and submitted a scheme which they feel addresses the concerns raised at that time. It is further advised that the Council must consider planning applications on their individual merits taking into account the current requirements of the Development Plan and other material considerations.

b) **Concerns over potential flooding issues given proximity of Pow Burn.**

Response: Noted. It is advised that neither SEPA nor the Council's Flooding Unit, who were consulted on the application proposal, support these concerns having offered no objections to the application. SEPA did originally object to the application however this objection was subsequently withdrawn when the applicant submitted further detailed information and made minor alterations to the proposals.

c) **Concerns over sewerage disposal, and associated smells.**

Response: Noted. These matters related to issues raised by the objectors with SEPA during times of previous flooding. However, SEPA have raised no issues in this regard in response to the current proposal and have confirmed that they have no objection with regard to foul drainage.

d) **Concerns over increased traffic movements at this location.**

Response: Noted. It is confirmed that Roads and Transportation Services, who were consulted on the proposals, have offered no objections in this regard.

e) **Loss of views resultant from the proposed development.**

Response: Noted. It is confirmed that there is no right to a view within current Planning Legislation and therefore this is not a material consideration in the determination of planning applications.

f) **No requirement for additional houses at this location, demonstrated by houses being available for sale within the area and the fact that none of the surrounding properties have sub-divided their residential curtilages.**

Response: Noted. The overprovision of residential properties is not a material consideration in the determination of this application as market forces would determine the success, or otherwise, of this proposal, if consent is granted.

With regards to the second point, it is confirmed that planning permission was granted in 2009 (HM/08/0585) for the erection of a dwellinghouse within the grounds of the property at 2 Clydeford Drive, Uddingston which is approximately 55 metres to the south of the application site.

g) **Concerns relating to parking provision.**

Response: Noted. It is confirmed that Roads and Transportation Services have offered no objections in this regard.

h) **Concerns that the materials proposed are out of keeping with surrounding properties.**

Response: Noted. The applicant proposes the use of modern concrete tiles and an off-white dry dash render as external finishes for the proposed dwellings. It is noted that the surrounding properties offer a mix of textures and colours comprising sandstone, engineered brick (light brown), painted brickwork (white) and roughcast (grey) and therefore it is considered that the proposed materials will not impact adversely on the visual amenity of the general area. The applicants existing property on site is finished externally in a white painted finish.

i) **Concerns that two storey design is not in keeping with surrounding properties.**

Response: Noted. Again it is considered that there is sufficient variety in the design within the immediate area for this not to be a major issue in the consideration of this application. Properties within the area comprise bungalows, one and a half storey bungalows, traditional two storey building and more modern two storey terraced properties. It is further noted that the proposed building contains design elements which reflect adjacent properties, with bay windows and semi-dormers and that although it is two storey in height the roof ridge is no higher than the existing property on site.

j) **Concerns over the impact on the TPO status of the site.**

Response: Noted. It is confirmed that the Council's Arboriculture Manager was consulted on the proposals and has advised that the trees within the site have

been topped in the past and are now of poor aesthetic condition and he therefore suggests their removal and replacement.

k) **Concerns over potential damage to neighbouring properties resultant from the development of the site particularly due to flooding matters.**

Response: Noted. Any concerns in this regard would be a private legal matter between the individuals involved and should not therefore materially influence the determination of this application.

l) **Concerns over the determination method of the application proposal relative to the objectors perception that the petition submitted is considered a single objection and the concern that the item may not be presented to the appropriate committee.**

Response: In terms of determining planning applications the signatories of a petition are considered as individual objections. In this instance more than 5 objections have been received resulting in the need for the application to be presented to Committee.

All of the above 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 proposes the sub-division of their garden ground and thereafter the erection of a semi-detached residential property within the new plot. The main determining issues in assessing this proposal are whether it accords with local plan policy, its impact on amenity and road safety matters. The previous planning history of the site is also something that requires to be considered.
- 6.2 In terms of land use the adopted South Lanarkshire Local Plan (2009) identifies the application site as being within a general residential area (Policy RES6) and therefore the principle of developing the site for housing is acceptable, subject to compliance with normal development management criteria.
- 6.3 In addition to above primary land use designation the site is also identified as being within a Local Green Network (Policy ENV2), within which the Council seeks to protect its connectivity or its value for biodiversity. In this regard it is considered that whilst part of the site will be developed areas of the site will remain, after the completion of the development, as garden ground and unused land around the perimeter of the site and it will therefore be maintained for the purpose of this designation.
- 6.4 It is also noted that although a small area of the application site falls within a designated Conservation Area (Policies ENV4 – Protection of the Natural and Built Environment and ENV25 – Conservation Areas) this area is very small in terms of the overall site, is remote from the area proposed for development and therefore there will be no adverse impact on the Conservation Area.
- 6.5 With regards to development management criteria it is considered that this consists of Policies DM1 – Development Management, ENV11 – Design Quality, ENV 31 – New Housing Development Design, ENV12 – Flooding, ENV35 – Water Supply, ENV36– Foul Drainage and Sewerage, ENV37 – Sustainable Urban Drainage Systems and DM5 – Sub-division of Garden Ground of the adopted Local Plan.

- 6.6 In relation to the above policies, these seek to ensure that any proposed development does not adversely impact on the amenity of the area in general or that of neighbouring properties; that the proposal can be adequately served by appropriate services and has been designed in manner which takes cognisance of appropriate guidance. The proposed building has been designed and sited in a manner which reflects those surrounding the site and will not result in any adverse impact in terms of overlooking and overshadowing of neighbouring properties and therefore accord with Policies DM1, ENV11 and ENV31. In addition, the site can be serviced in a manner which is acceptable to the relevant regulator authorities. Whilst potential flooding risks have been raised in third party representations received, the application proposals have been fully assessed, in terms of flooding and drainage impact, and are considered acceptable to SEPA, Scottish Water and the Council's Flooding Unit. On this basis the proposals are considered acceptable when assessed against the requirements of Policies ENV12, ENV36 and ENV37.
- 6.7 With regards to Policy DM5, this set out the criteria which require to be met when proposals relate to the sub-division of garden ground to accommodate addition houses. These criteria highlight the need for the following points to be considered and deemed to be acceptable:
- ▶ The size of proposed and existing house plots
 - ▶ An appropriate road frontage
 - ▶ Vehicular access & parking
 - ▶ Garden space for both existing and proposed house(s)
 - ▶ Privacy/overlooking/overshadowing
 - ▶ Loss of existing features
 - ▶ Scale, mass, design and materials
- 6.8 In addition to the above, Policy DM5 requires that the new proposals do not prejudice any further development in the vicinity and do not adversely affect built heritage or nature conservation interests.
- 6.9 The proposals can be assessed favourably against the above criteria as the house(s) would have a proper road frontage of comparable size with those of surrounding curtilages and both the existing and proposed plot sizes are acceptable. In this instance, the applicants propose to share the existing access with the new dwellings. It is noted that the frontages of surrounding properties varies significantly, and the existence of Pow Burn within the site restricts access to the area of the existing access point. However, Roads and Transportation Services are satisfied that the access and parking arrangements are sufficient to serve the proposed and existing developments without detriment to road and public safety. There are no issues of privacy, overlooking or overshadowing and the mass, scale and design are not compatible with surrounding development. On this basis it is considered that the proposal complies with the terms of Policy DM5.
- 6.10 In terms of the requirements of the Residential Development Guide the proposal raises no issues.
- 6.11 When assessed against the above policies and guidance it is considered that the scheme is acceptable in policy terms, subject to the inclusion of appropriate conditions.
- 6.12 In terms of impact on the amenity of the area, the design and orientation of the building is such that the proposed development will not result in any detrimental impact on the amenity of the area in general or surrounding uses. Whilst noting that

issues have been raised in respect of potential flooding issues resultant from the development of the site it is confirmed that neither SEPA nor the Council's Flooding Unit support these concerns, having offered no objections to the proposals.

- 6.13 In relation to road safety matters it is noted that Roads and Transportation Services have offered no objections, subject to conditions, which can be imposed on any consent granted. The proposals can therefore be considered acceptable in transportation terms.
- 6.14 The third party representations, set out with Section 5 of this report, are not considered to be significant enough to merit the refusal of the application. Any requirements of the remaining statutory consultees can be addressed through the use of conditions where appropriate.
- 6.15 In considering this application it is noted that a previous application for the erection of a single dwellinghouse within the application site was refused permission by the Council in 2001. This application was considered to be contrary to applicable policies at the time, have an adverse impact on protected trees, cause new flooding problems elsewhere and result in a reduction in the residential amenity of the area.
- 6.16 The applicant has assessed the information submitted in connection with the previous application and the reasons for refusal and has undertaken addition flood risk assessment work and detailed discussions with both SEPA and the Council's Flooding Unit to address concerns raised. The proposals have been deemed to be acceptable by both parties in relation to both flooding and foul drainage arrangements. With regards to the impact on trees the Council's Arboricultural Manager has raised no objections to the proposals to develop the site on the basis of the condition of the existing trees on site. The impact of the proposal on the amenity of the area and neighbouring properties has been fully considered and is considered to raise no issues.
- 6.17 On the basis of the above, it is recommended that detailed planning permission be granted.

7 Reasons for Decision

- 7.1 The development accords with Policies RES6 – Residential Land Use, ENV2 - Local Green Networks, ENV4 – Protection of the Natural and Built Environment, ENV11 – Design Quality, ENV12 – Flooding, ENV25 – Conservation Areas, ENV 31 – New Housing Development, ENV 35 – Water Supply, ENV 36 – Foul Drainage and Sewerage, ENV 37 – Sustainable Urban Drainage Systems, DM 1 – Development Management and DM5 – Sub-division of Garden Ground of the adopted South Lanarkshire Local Plan and guidance contained within the Council's approved Residential Development Guide. Furthermore, there will be no amenity or road safety issues resulting from the proposal in relation to surrounding properties.

Colin McDowall
Executive Director (Enterprise Resources)

11 November 2011

Previous References

- ◆ HM/00/0551

List of Background Papers

- ▶ Application Form
- ▶ Application Plans

- ▶ Consultations
 - Roads and Transportation Services (Hamilton Area) 19/10/2010

 - Roads & Transportation Services H.Q. (Flooding) 19/10/2010
14/12/2010

 - Environmental Services 22/10/2010

 - Arboriculture Manager 28/10/2010

 - S.E.P.A. (West Region) (Flooding) 04/11/2010
14/12/2010
04/02/2011
17/08/2011

 - Scottish Water 22/11/2010

 - Scottish Natural Heritage 21/10/2010

- ▶ Representations
 - Representation from : Mrs V Day, 4 Alderside Gardens, Uddingston, G71
7ST, DATED 27/10/2010

 - Representation from : George Rodger, 32 Sheepburn Road, Uddingston,
G71 7DZ, DATED 27/10/2010, 05/04/2011 & 14/09/2011

Contact for Further Information

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

James Watters, Planning Officer, Montrose House, Hamilton
Ext 4970 (Tel: 01698 454970)
E-mail: planning@southlanarkshire.gov.uk

CONDITIONS

- 1 This decision relates to drawing numbers:

933/100 Location Plan
933/200 Rev D Site Plan
933/300 Rev C Floor Plans
933/500 Rev C Elevations
933/501 Rev B Site Section A-A
3252 - 1 Topographic Survey
- 2 That no trees within the application site shall be lopped, topped, pollarded or felled, and no shrubs or hedges shall be removed from the application site without the prior written consent of the Council as Planning Authority.
- 3 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.
- 4 That the existing trees to be retained must be protected in accordance with methods as set out in BS5837/1991 during and until completion of all site operations and building works.
- 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 All external colours shall be agreed in writing with the Council as Planning Authority prior to the commencement of works.
- 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 notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 (or any such order revoking or re-enacting that order), no development shall take place within the curtilage of the application site other than that expressly authorised by this permission without the submission of a further planning application to the Council as Planning Authority.

- 11 That before development hereby approved is completed or brought into use, a private vehicular access or driveway 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.
- 12 That before the dwellinghouse hereby permitted is occupied, 2 car parking spaces shall be provided within the curtilage of each plot and outwith the public road or footway and shall thereafter be maintained to the specification of the Council as Planning Authority.
- 13 The surface of driveway/access road shall be so trapped and finished in hardstanding as to prevent any surface water or deleterious material from running onto or entering the highway.
- 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 That prior to the commencement of development, details of the land drainage works shall be submitted to and approved by the Council as Planning Authority.
- 16 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.
- 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 ensure the protection and maintenance of the existing trees and other landscape features within the site.
- 3 To ensure that adequate steps are taken to protect existing trees on the site throughout the period of the proposed building operations.
- 4 To ensure that adequate steps are taken to protect existing trees on the site throughout the period of the proposed building operations.
- 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 To prevent deleterious material being carried into the highway.

- 12 To ensure the provision of adequate parking facilities within the site.
- 13 In the interest of public safety.
- 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 ensure the provision of a satisfactory land drainage system.
- 16 To ensure the provision of a satisfactory land drainage system.
- 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.

For information only

For information only

