

	<h1>Report</h1>	Agenda Item
--	-----------------	--------------------

Report to:	Planning Committee
Date of Meeting:	26 June 2018
Report by:	Executive Director (Community and Enterprise Resources)

Application No	EK/17/0390
Planning Proposal:	Demolition of an existing single storey dwelling house and change of use of industrial yard for the erection of 19no. dwellinghouses, public open space and associated garages and car parking.

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : E & D Turner
- Location : Turners Yard
Drumclog
Strathaven
ML10 6QQ

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.

3 Other Information

- ◆ Applicant's Agent: Convery Prenty Architects
- ◆ Council Area/Ward: 05 Avondale And Stonehouse
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
Policy 2 – Climate change
Policy 4 - Development management and placemaking
Policy 6 – General urban area/settlements

Development management, placemaking and design supplementary guidance (2015)
Policy DM1 - Design
Policy DM13 – Development within general urban area/settlement

South Lanarkshire Council Residential Design Guide

**Proposed South Lanarkshire Local
Development Plan 2 (2018)**

Policy 2 – Climate change

Policy 3 – General urban areas and settlements

Policy 5 – Development management and
placemaking

Policy DM1 – New development design

◆ Representation(s):

▶	1	Objection Letter
▶	0	Support Letters
▶	2	Comment Letter

◆ Consultation(s):

Roads and Transportation Services (Flood Risk Management Section)

Roads and Transportation Services (Development Management Team)

Environmental Services

SP Energy Network

Scottish Water

Planning Application Report

1 Application Site

- 1.1 The application relates to the site of Drumclog Plant at Turner's Yard, Drumclog and an adjacent detached dwellinghouse. The site, which is utilised as a plant hire facility, comprises an open yard area, a number of industrial buildings, workshops and shelters as well as the adjacent dwellinghouse, known as Fresh Winds. The site extends to approximately 0.8 hectares in size.
- 1.2 The site is bounded to the south-west and north-east by existing residential dwellinghouses, to the north-west by the A71 Strathaven to Kilmarnock Road, to the south-east by a disused railway line and to the east by the B745 Drumclog to Dungavel road. Access to the site is taken from the east via the B745. The site is generally flat throughout, however, there is a notable downward slope at the south of the site towards the B745 and the disused railway line.

2 Proposal(s)

- 2.1 Planning consent is sought to remove the existing dwellinghouse and other industrial buildings from the site and to erect a residential development of 19 detached, semi-detached and terraced two storey dwellinghouses with associated parking and landscaping works. The existing plant hire business on the site is in the process of being relocated to an alternative site located adjacent to the B745 outside of Drumclog. Once the relocation has been completed, the application site would be cleared to facilitate the proposed development works. Enhanced screening measures would be put in place along the site boundaries, particularly along the boundary with the A71, to provide separation between the proposed development, the adjacent road network and existing adjacent residential properties. An area of open space, a private sewage treatment system and a storm water retention system would be located in the southern part of the site to serve the proposed development.
- 2.2 The development would be accessed via the existing access route from the B745 to the site. The vehicular access route within the site would be altered to facilitate the proposed development.

3 Background

3.1 Local Development Plan

- 3.1.1 With regard to the South Lanarkshire Local Development Plan (adopted 2015) the site is located within an area designated as general residential land forming part of the settlement of Drumclog and is affected by Policy 6 – General Urban Area/Settlements. Policy 2 – Climate Change, Policy 4 – Development Management and Placemaking and the associated supplementary guidance, as well as the South Lanarkshire Council Residential Design Guide, are also of relevance to the proposed development.
- 3.1.2 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance Policy 2 – Climate Change, Policy 3 - General Urban Areas and Settlements, Policy 5 - Development Management and Placemaking and Policy DM1 – New development design are relevant to the proposal.

3.2 **Planning History**

- 3.2.1 There are no previous planning applications relating to this particular site. However, a retrospective planning application relating to the relocation of the existing business on site to new premises at the former Rainbow Fishery site, outside Drumclog, has recently been granted planning consent in June 2018 (Planning Ref: EK/16/0297).

4 **Consultation(s)**

- 4.1 **Roads and Transportation Services (Development Management Team)** – offered no objections to the proposed development subject to conditions relating to access, parking and road safety issues.

Response: Noted. The requested conditions would be attached to any consent issued.

- 4.2 **Roads and Transportation Services (Flood Risk Management Section)** - offered no objections to the proposal subject to the Council's Sustainable Urban Drainage Systems (SUDS) design criteria being satisfied through the completion of a self certification document.

Response: Noted. The requested conditions would be attached to any consent issued.

- 4.3 **Environmental Services** – offered no objections to the proposed development subject to the imposition of a condition requiring the site to be assessed in terms of contamination and requiring any historic contamination issues to be rectified prior to any development works taking place on site.

Response: Noted. The requested condition would be attached to any consent issued.

- 4.4 **Scottish Water** – offered no objections to the proposed development.

Response: Noted.

- 4.5 **SP Energy Network** – offered no objections to the proposed development.

Response: Noted.

5 **Representation(s)**

- 5.1 Statutory neighbour notification procedures were undertaken and the application was advertised in the East Kilbride News due to the non-neighbour notification of neighbours. In response, one letter of objection and two letters of comment were received in respect of the proposals, the points of which are summarised below:

- a) **The proposed houses are of a suburban style and would be out of keeping with the rural character of the area. The property should instead be sold off as four or five larger self build plots.**

Response: While the writer's comments are noted, the view is taken that the proposed development, by virtue of providing a relatively small scale residential development within a designated settlement, would represent a significant improvement on the existing and historic use of the site as a plant hire facility that is out of keeping with the surrounding residential uses in the vicinity of the site. A proposal has not been brought forward for the sub-division of the property into four or five larger plots and, therefore, the Council is required to assess the proposal that has been submitted by the applicants. In this instance, the view is taken that the proposed development can be comfortably accommodated within the application site and it is noted that additional screening measures would be put in place as part of the development to

preserve and improve on existing levels of residential amenity in the vicinity of the site.

- b) **There is no demand for the provision of additional dwellinghouses in the area.**

Response: This is not a valid reason to refuse to grant consent for the proposed development. Ultimately, if planning consent is granted, market considerations will dictate whether or not it is viable for the development to proceed on site in accordance with the proposed scheme.

- c) **The writer seeks the protection of wildlife and species within the site.**

Response: A habitat survey was undertaken by the applicants in respect of the application site which determined that there was unlikely to be any adverse impact in terms of natural heritage interests. However, as the survey was carried out during the winter season, a condition would be attached to any consent issued requiring a further survey to be carried out during the summer months in respect of protected species before any demolition works are undertaken on site. Subject to this condition and the undertaking of the associated protected species survey to the satisfaction of the Council, it is considered that there would be no adverse impact on wildlife or species as a result of the proposed development.

- d) **The writer seeks clarification as to whether the proposed development is of a sufficient scale to warrant the provision of social housing within the site.**

Response: The scale of the proposed development is below the threshold at which there would be a requirement for affordable housing to be provided in respect of the development.

- e) **The writer seeks clarification as to whether there is a right of way across the application site to a neighbouring property that would be blocked off by the proposed development.**

Response: There are no public rights of way in the vicinity of the site that would be affected by the proposed development. There are therefore no specific concerns in this regard. It should be noted that any issues regarding private rights of access are civil matters that do not form part of the planning process. These matters require to be resolved separately between the parties involved.

- 5.2 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 Planning consent is sought by E and D Turner to remove the existing dwellinghouse and other industrial buildings from the site of Turner's Yard, Drumclog and to erect a residential development of 19 detached, semi-detached and terraced two storey dwellinghouses with associated parking and landscaping works. The existing use of the site as a plant hire facility is in the process of being relocated to an alternative site on the B745 outside of Drumclog. Once the relocation has been completed, the application site would be cleared to facilitate the proposed development works. Enhanced screening measures would be put in place along the site boundaries, particularly along the boundary with the A71, to provide separation between the proposed development, the adjacent road network and existing adjacent residential properties.

- 6.2 The determining issues in the assessment of this application are its compliance with local development plan policy as well as its impact on surrounding amenity. Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan framework against which the proposal requires to be assessed comprises the South Lanarkshire Local Development Plan (adopted 2015), its associated supplementary guidance and the Proposed South Lanarkshire Local Development Plan 2 (2018).
- 6.3 In terms of the adopted local development plan it is noted that the site is within the settlement boundary of Drumclog. Policy 6 applies and this states that while the principle of residential developments will be supported within the general urban area providing there would not be a significant adverse impact on the amenity and character of the area. As such, the principle of the use of the site for residential purposes is considered to be acceptable. It is noted that the existing and historic use of the site as a plant hire facility is not one which would generally be considered to be appropriate in a predominantly residential area. As such, the view is taken that it would be preferable for the current use to be relocated to a new location outside of the settlement and for the application site to be redeveloped for residential purposes in this instance.
- 6.4 With regard to the specific design and layout of the proposed development Policy 4 – Development Management and Placemaking requires all proposals to take account of and be integrated with the local context and built form. The policy states that development proposals should have no significant adverse impacts on the local community and, where appropriate, should include measures to enhance the environment and the quality of placemaking. These requirements are further supported by Policies DM1 and DM13 of the associated supplementary guidance relating to development management, placemaking and design and by the South Lanarkshire Council Residential Design Guide.
- 6.5 It is considered that the proposed development would be appropriate to the site in question in terms of design and layout and would comply with the standards set out in the Council's Residential Design Guide, particularly in relation to road layout, the density of the development, car parking provision and provision of amenity space. The proposed dwellings would be positioned a sufficient distance from existing properties to the west and north of the site to ensure that there would be no adverse impact on these properties in terms of overshadowing or loss of privacy. In particular, it is noted that additional screening is proposed to be put in place along the site boundaries with existing residential properties and with the A71 Strathaven to Kilmarnock road, which bounds the site to the north-west. It is considered that the additional screening will serve to provide enhanced privacy and amenity to both existing and proposed residential properties.
- 6.6 The Council's Roads and Transportation Services have advised that, subject to conditions relating to access, parking provision, provision of visibility splays and flood risk management, they have no objections to the proposed development. Environmental Services have noted a requirement for a contamination survey to be carried out in respect of the proposal. Conditions would be attached to any consent issued requiring these matters to be appropriately dealt with. A habitat survey was undertaken by the applicants in respect of the application site which determined that there was unlikely to be any adverse impact in terms of natural heritage interests. However, as the survey was carried out during the winter season, a condition would be attached to any consent issued requiring a further survey to be carried out during the summer months in respect of protected species before any demolition works are undertaken on site. Subject to the required conditions it is considered that the

proposal would have no adverse amenity impact and would comply with Policy 4 of the adopted local development plan and with all relevant policy and guidance as set out in associated supplementary guidance and in the Council's Residential Design Guide.

- 6.7 Policy 2 – Climate change requires new developments to seek to minimise and mitigate against the effects of climate change where possible. In this case, it is noted that the site is located within a designated settlement and would involve the reuse of vacant land resulting from the relocation of the plant hire business to new premises to the south of the village. As such, this is considered to be a sustainable location for development and it is considered that the proposed development support the aims of Policy 2.
- 6.8 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan. It is considered that the proposal accords with Policies 2, 3, 5 and DM1 in the proposed plan.
- 6.9 In addition to the standard neighbour notification procedure carried out by the Council, the application was also advertised in the local press. One letter of objection and two letters of comment have been received in relation to the proposed development. The points raised are addressed in detail in Section 5 above. It is not considered appropriate for the application to be refused planning consent based on the points of objection raised.
- 6.10 In conclusion, it is considered that the proposed development would be appropriate to the site in question in terms of design and layout and would not adversely affect surrounding amenity. Furthermore, the proposal would represent an improvement on the existing land use of the site in terms of protection of residential amenity and would be fully compliant with the provisions of the South Lanarkshire Local Development Plan, with specific regard to Policies 2, 4 and 6 as well as with all relevant policy and guidance contained within associated supplementary guidance and in the Council's Residential Design Guide. The proposal is also considered to be compliant with the relevant policies of the Proposed South Lanarkshire Local Development Plan 2, specifically Policies 2, 3, 5 and DM1. It is, therefore, recommended that planning permission is granted for the proposed development subject to the attached conditions.

7 Reasons for Decision

- 7.1 The proposal would have no significant adverse impact on amenity and complies with the relevant policies of the adopted South Lanarkshire Local Development Plan and Supplementary Guidance (Policies 2, 4, 6, DM1 and DM13) and the Proposed South Lanarkshire Local Development Plan 2 (Policies 2, 3, 5 and DM1). There are no additional material considerations which would justify refusing to grant consent.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

14 June 2018

Previous References

- ◆ EK/16/0297

List of Background Papers

- Application Form
- Application Plans
- South Lanarkshire Local Development Plan (adopted 2015)
- Development Management, Placemaking and Design Supplementary Guidance (2015)
- South Lanarkshire Council Residential Design Guide
- Proposed South Lanarkshire Local Development Plan 2 (2018)
- Neighbour notification letter dated 10/11/2017
- Consultations

Scottish Water 16/11/2017

SP Energy Network 16/11/2017

Roads and Transportation Services (Flood Risk Management Section) 28/11/2017

Environmental Services 18/12/2017

Roads and Transportation Services (Development Management Team) 07/06/2018

► Representations	Dated:
Mr S Canning, Drumhalla, Drumclog, Strathaven, ML10 6QG	21.11.2017
Joe Allan, 94 Franklin Place, Westwood, East Kilbride, G75 8LS	01.12.2017
Gemma Jenks, by e-mail	10.06.2018

Contact for Further Information

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

Declan King, Planning Officer, Montrose House, Montrose Crescent, Hamilton ML3 6LB

Ext: 5049 (Tel 01698 455049)

E-mail: declan.king@southlanarkshire.gov.uk

Conditions and reasons

01. 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. The development shall thereafter be carried out in accordance with the approved detail to the satisfaction of the Council as Planning Authority.

Reason: In the interests of amenity and in order to retain effective planning control.

02. That, before any work commences on the site, a scheme of landscaping shall be submitted to the Council as Planning Authority for written approval and it shall include: (a) an indication of all existing trees and hedgerows plus details of those to be retained and measures for their protection in the course of development; (b) details and specification of all trees, shrubs, grass mix, etc., including, where appropriate, the planting of fruit/apple trees; (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.

Reason: In the interests of amenity and in order to retain effective planning control.

03. 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.

Reason: In the interests of amenity and in order to retain effective planning control.

04. 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.

Reason: In the interests of amenity and in order to retain effective planning control.

05. That before any of the dwellinghouses situated on the site upon which a fence is to be erected are occupied, the fence or wall for which the permission of the Council as Planning Authority has been obtained under the terms of Condition 4 above, shall be erected and thereafter maintained to the satisfaction of the Council.

Reason: In the interests of amenity and in order to retain effective planning control.

06. That the use of the garages hereby permitted shall be restricted to private use incidental to the enjoyment of the dwellinghouse on the site and no commercial activity shall be carried out in or from the garages.

Reason: In the interests of amenity and in order to retain effective planning control.

07. That no development shall commence until details of surface water drainage arrangements (including provision of a flood risk assessment, drainage assessment

and maintenance responsibilities) have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design Criteria and requirements (Appendices 1, 3 & 5).

Reason: 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.

08. That the development hereby approved shall not be completed or brought into use until the surface water drainage works have been completed in accordance with the details submitted to and approved by the Council as Planning Authority, under the terms of Condition 7 above.

Reason: 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.

09. That, before any demolition works are carried out on site, a further protected species survey, carried out during the active season (May to September), shall be submitted to and approved by the Council as Planning Authority. The recommendations of any approved species survey shall thereafter be followed on site to the satisfaction of the Council as Planning Authority.

Reason: To ensure the protection of species within the site in accordance with relevant regulations.

10. (a) The applicant should be required to undertake a comprehensive site investigation, carried out to the appropriate Phase level, to be submitted to and approved in writing by, the Council as Planning Authority. The investigation shall be completed in accordance with advice given in the following:
- Planning Advice Note 33 (2000) and Part IIA of the Environmental Protection Act 1990 (as inserted by section 57 of the Environment Act 1995)
 - Contaminated Land Report 11 - 'Model Procedures for the Management of Land Contamination (CLR 11) - issued by DEFRA and the Environment Agency
 - BS 10175:2011 - 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, 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.

Reason: To ensure that any contaminated land within the site is assessed and remediated appropriately.

11. That before the development hereby approved is completed or brought into use, a private vehicular access or driveway shall be provided to each dwellinghouse 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.

Reason: To prevent deleterious material being carried onto the road.

12. That before any dwellinghouse hereby permitted is occupied, all of the parking spaces associated with the dwellinghouse shown on the approved plans shall be put in place and shall thereafter be maintained to the specification of the Council as Planning Authority.

Reason: To ensure the provision of adequate parking facilities within the site.

13. That before the any dwellinghouse hereby approved is completed or brought into use, a visibility splay of 2.4 metres by 2.4 metres measured from the heel of the footway shall be provided on both sides of the vehicular access to that dwellinghouse and everything exceeding 0.9 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.

Reason: In the interests of road safety.

14. That before any dwellinghouse within the development hereby approved is completed or brought into use, a visibility splay of 2 metres by 20 metres measured from the road channel shall be provided on both sides of the vehicular access to that dwellinghouse and everything exceeding 0.9 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.

Reason: In the interests of road safety.

15. That, prior to commencement of development works on site, details of the provision of a drainage system to prevent surface water flowing onto the public road shall be submitted to and approved by the Council as Roads and Planning Authority. The system shall thereafter be put in place on site to the satisfaction of and within a timescale specified by the Council as Roads and Planning Authority.

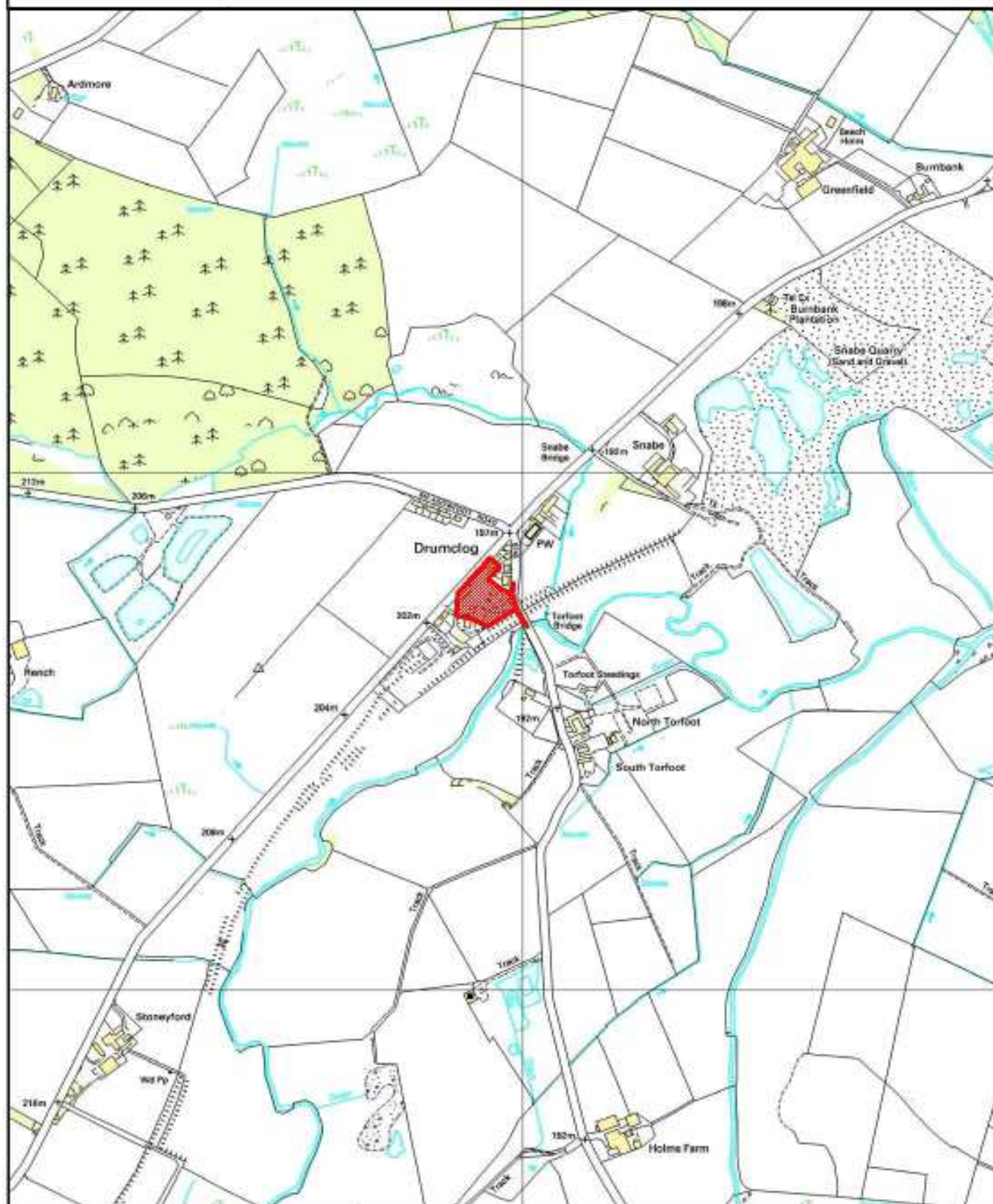
Reason: In the interests of road safety.

16. That, prior to commencement of development works on site, details of cleaning systems to be put in place to prevent mud and debris from being deposited on the public road shall be submitted to and approved by the Council as Roads and Planning Authority. The approved cleaning systems shall thereafter be put in place to the satisfaction of and for the time period specified by the Council as Roads and Planning Authority.

Reason: In the interests of road safety.

EK/17/0390

Turners Yard, Drumclog, Strathaven



© Crown copyright and database rights 2018 OS
100020738. You are permitted to use this data solely
to enable you to respond to, or interact with, the
organisation that provided you with the data. You are
not permitted to copy, sell, license, distribute or sell
any of this data to third parties in any form.



Scale:
1:10,000
Date:
06/08/2019



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development