

# Report

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Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>21 June 2011</b>
Report by:	<b>Executive Director (Enterprise Resources)</b>

Application No	CL/11/0110
Planning Proposal:	Demolition Of Community Hall And Erection Of 12 No. Flatted Dwellinghouses And Associated Car Parking And Ground Works

## 1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Mr Lou Lauder
- Location : Carluke Welfare Hall  
Sandy Road  
Carluk, ML8 5DH

## 2 Recommendation(s)

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

- (1) Grant Detailed Planning Consent (Subject to Conditions – Based on Conditions Attached)

### 2.2 Other Actions/Notes

- (1) The Planning Committee has delegated powers to determine this application.
- (2) Planning consent will not be issued until a Section 75 Obligation has been completed between the Council and the applicant to ensure the phased submission of the developer's financial contribution of £6000 towards the upgrade of recreational/sport facilities in the locality.

## 3 Other Information

- ◆ Applicant's Agent: Manson Associates
- ◆ Council Area/Ward: 01 Clydesdale West
- ◆ Policy Reference(s): **South Lanarkshire Local Plan (adopted 2009)**  
Policy RES6 – Residential Land Use  
Policy ENV31 – New Housing Development  
Policy DM1 – Development management  
Policy ENV21 – European Protected Species

- ◆ Representation(s):

▶ 0 Objection Letters

- ▶ 0 Support Letters
- ▶ 0 Comments Letters

◆ Consultation(s):

Scottish Water

Roads and Transportation Services (Clydesdale Area)

The Coal Authority - Planning and Local Authority Liaison Department

Scottish Natural Heritage

# Planning Application Report

## 1 Application Site

- 1.1 The site is positioned on Sandy Road which is located to the north of Carluke Town Centre. It extends to approximately 0.22 hectares in area and is currently occupied by a Community Centre which is no longer in use, and an area of car parking. The site has a depth of 45m and width of 49m. The site sits on a higher ground level than dwellings to the north while there is a drop in levels from east to west through the site. The site is located within a residential area where the majority of housing is 2 storey flatted or terraced dwellings to the west and north of the site, and 2 storey semi-detached to the south of Sandy Road. There is a row of 1½ storey dwellings to the east. The access road and parking area utilised by residents of Glendermott Court is located along the western boundary of the site. The access to the site is currently taken from Sandy Road towards the eastern boundary of the site. There are a number of mature trees along the frontage of the site.

## 2 Proposal(s)

- 2.1 The applicant seeks detailed planning consent for the demolition of the community hall and erection of 12 no. flatted dwellinghouses with associated car parking and ground works. The Community Hall is no longer in use and has been declared as surplus to Council requirements. The removal of this building is necessary to redevelop the site as the building is in a poor state of repair and not financially viable to reuse. The proposed building is 2.5 storeys in height and of modern design and materials. The vehicular access and car parking will use the existing access point off Sandy Road. Twenty four delineated car parking spaces (including two disabled bays) are proposed. A rear outdoor amenity space of 393m<sup>2</sup> will be provided, and this will involve a change in ground levels to provide shallower sloping ground which is useable for amenity use. A bin storage area will be provided to the north-western corner of the site.

## 3 Background

### 3.1 Local Plan Status

- 3.1.1 The application site is located within the settlement boundary of Carluke and is identified in the adopted South Lanarkshire Local Plan as being within a residential area where Policy RES6 – Residential Land Use applies. This policy supports the principle of housing development on these sites where the proposed development relates satisfactorily to surrounding development in terms of its built form. The development should be of good quality design and contribute positively to the streetscape. Furthermore the development should provide adequate car parking provision and should not have an adverse impact on road or public safety.
- 3.1.2 To assess the details of the proposal Policies ENV31 – New Housing Development, and DM1 – Development Management are relevant. These policies aim to ensure that new housing development promotes quality and sustainability in its design and layout and makes a positive contribution to the character and appearance of the urban environment in which the site is located. The proposal should take into account its local context and the character of the surrounding area to ensure that the development integrates well with existing development. In particular, Policy ENV31 provides criteria which the proposal will require to meet. These criteria include reference to the above issues such as sustainability and design, and also roads safety and access, landscaping and open space, and the impact on surrounding land use.

3.1.3 Policy ENV21 - European Protected Species states that planning permission will not be granted unless it is demonstrated that the proposal will either not adversely affect any European Protected Species in the area, or that all three tests in Regulation 44 of the Habitats Regulations are likely to be satisfied.

### 3.2 **Government Advice**

3.2.1 The Scottish Government is committed to increasing the supply of new homes and the planning system should contribute to raising the rate of new housebuilding by identifying a generous supply of land for the provision of a range of housing in the right places. This is emphasised in Scottish Planning Policy (SPP) which covers Housing. The planning system should therefore enable the development of well designed, energy efficient, good quality housing in sustainable locations. To meet housing needs, Planning Authorities should promote the efficient use of land and buildings, directing development towards sites within existing settlements where possible to make effective use of existing infrastructure and service capacity and reduce energy consumption. Redevelopment of urban brownfield sites is preferred to development on greenfield sites.

### 3.3 **Planning History**

3.3.1 None.

## 4 **Consultation(s)**

4.1 **Roads and Transportation Services** – do not object to this application. It is recommended that the existing dropped kerb vehicular entrance is upgraded and that sufficient visibility splays are maintained. The car parking requirement for the development is 24 spaces.

**Response:** Noted. The layout shows the parking requirement can be met.

4.2 **Scottish Water** – confirm that Camps Water Treatment Works currently has capacity to service the development; however Mauldslie Waste water Treatment Works has limited capacity to serve the new demand created by the proposal. On this basis Scottish Water advise that the developer is required to submit a fully completed Development Impact Assessment form to Scottish Water to assess the impact on the existing infrastructure. Furthermore, it is advised that a totally separate system will be required with the surface water discharging to a suitable outlet. Scottish Water requires a sustainable drainage system (SUDS) if it is to be considered for adoption.

**Response:** Noted. If consent is granted, an informative will be attached to advise the applicant to discuss the necessary infrastructure requirements with Scottish Water. In addition, a condition would be attached if consent is granted requiring the provision of a SUDS scheme.

4.3 **Coal Authority** – does not object to this application. The Coal Authority is satisfied with the broad conclusions of the Mineral Position Report submitted by the applicant that coal mining legacy issues are unlikely to be significant within the application site and are not expected to pose a risk to the proposed development.

**Response:** Noted.

4.4 **Scottish Natural Heritage** – do not object to this proposal. They are satisfied that the bat survey submitted demonstrates that the site is not currently used by bats; however there is potential for bats to use this site and possibly for roosting. A disused roost was found and it is recommended that a replacement bat box be provided within the structure of the building to prevent any harmful impact on the bat population.

**Response:** Noted. Should consent be granted then suitable conditions will be attached to ensure that mitigation measures are put in place to prevent any harm to the bat population. Furthermore the applicant will be advised that a bat licence is required from the Scottish Government prior to works commencing on site.

## **5 Representation(s)**

- 5.1 Following the carrying out of statutory neighbour notification and the advertisement of the application in the local press due to for the non-notification of neighbours, no letters of representation were received.

## **6 Assessment and Conclusions**

- 6.1 The applicant seeks detailed planning consent for the demolition of the community hall and erection of 12 no. flatted dwellinghouses and associated car parking and ground works at Carluke Welfare Hall, Sandy Road, Carluke. The principle of residential development on this site is established as it is within a residential area covered by Policy RES6 of the adopted local plan. Therefore the main considerations in determining this application are its compliance with detailed local plan policies described in section 3.1.2 of this report, its impact on the visual and residential amenity of the surrounding area, and the impact on European Protected Species.
- 6.2 Due to the sloping ground level within the site it is important to consider the effect this will have on the development and its impact on the surrounding area. The applicant has provided detailed information showing existing and proposed ground levels which demonstrate that there will be little change to the existing ground levels, with the exception of the rear amenity area in order to provide a more level and useable amenity space. The applicant has taken into consideration the scale and height of the existing building on site to ensure there will be no additional effect on neighbouring properties. The proposed building has increased the height by less than a metre (88cm), and the stepping back of a proportion of the building to the rear has reduced any visual and physical impact on the neighbouring flatted dwellings to the west which are on a lower ground level. I am satisfied that the building is a sufficient distance from the dwellings along Shand Lane and 61 Sandy Road to prevent over shadowing and overlooking issues. The frontage of the building follows the existing building line and the design of the building is modern and of good quality, which will ensure the development visually integrates well within the streetscape. I am satisfied that the car parking area will not adversely affect the residential amenity of the neighbour at 61 Sandy Road as this area is an existing car park. Notwithstanding this, should consent be granted a condition will be attached to ensure that a strip of landscaping is proposed along the eastern boundary to provide a buffer between the property at 61 Sandy Road and the car park.
- 6.3 The development meets the guidance within the Council's Residential Development Guide in terms of useable outdoor amenity space, sufficient window to window distance between main habitable rooms to protect privacy, provision of a bin store, and car parking. The above guide recommends that for a 2 storey building a distance of 10metres from the rear elevation to the rear site boundary is required. However, where it can be shown that the amenity or privacy of any existing development to the rear of the site will not be adversely affected, then a relaxation of these standards will be considered. The proposed building is 2 storeys in height with attic accommodation, and is a distance of 8.5m from the rear boundary. There is an area of intervening land and a footpath outwith the rear boundary which creates an overall distance of 13m from the neighbouring house at 14 Shand Lane. The house

at 14 Shand Lane has a side gable facing onto the development, while the rear garden of that property will not be adversely affected due to the siting of the proposed block forward of its building line. In this case I consider that a relaxation of the recommendations within the Council's Residential Development Guide is acceptable and will have no adverse impact on residential amenity or privacy. The Council's Residential Development Guide does not require the developer to provide play provision or a level of open space within a development of this scale. However, if consent is granted the developer will be required to contribute a financial contribution of £6000 towards the upgrade and provision of recreational/sports facilities within the locality. The applicant has requested that the submission of this contribution be phased, and to ensure this the completion of a Section 75 Obligation between the applicant and the Council will be required prior to any consent being issued.

6.4 The applicant has carried out a bat survey to determine their presence within the site. This report has confirmed that there is a disused bat roost and older evidence that bats have previously used the building. There are no bats are presently on site, however there is potential for the bats to use the building. The existing bat roost will have to be destroyed to enable the development; however compensatory measures can be applied such as the inclusion of a bat box within the structure of the building. As the development has a potential impact upon bats, a European Protected Species, the following three tests have to be met to justify the issue of a licence to carry out work which could potentially affect European Protected Species. These are as follows:

i) The proposal is necessary for preserving public health or public safety or other imperative reasons of overriding public interest including those of a satisfactory or economic nature and beneficial consequences of primary importance for the environment.

ii) There are no satisfactory alternatives.

iii) The proposal will not be detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range.

6.5 In response to the first test, the building is in a poor condition and may contain asbestos which is potentially harmful to the public. The disused building represents an eyesore within the streetscape. It is imperative in the interests of public safety generally and the amenity of the area that the proposal should proceed, as the development process is the only means available to secure necessary remediation. In addition, the redevelopment of the site reflects guidance in the SPP which encourages the re-use of brownfield sites such as this. There will also be economic benefits associated with the proposal including job creation. In respect of the second test there is no alternative other than leaving the site in its present condition. It is not financially viable to reuse and convert the building and without the demolition of the building it is unlikely that the site will be redeveloped resulting in further deterioration of the building to the detriment of the amenity of the area. Finally in terms of the third test SNH have already confirmed that the population and conservation status of bats will be maintained at a favourable level providing the mitigation measures described in the bat report are carried out. In view of the above I am satisfied that all three tests in Regulation 44 of the Habitats Regulations are likely to be met – this will be addressed by the Scottish Government in considering any application for a bat licence. If consent is granted a condition will be attached to ensure that mitigation measures within the report are adhered to and the applicant will be advised that no

work should commence on site until a bat licence has been approved. In view of the above I am satisfied that the proposal meets the aims of Policy ENV21.

- 6.6 I am satisfied that the proposal is an appropriate development for this site, and complies with local plan policy. It has been demonstrated by the applicant that the 2.5 storey flatted development can be accommodated within the site and will visually integrate well with the existing residential streetscape. I therefore recommend that planning permission be granted.

## **7 Reasons for Decision**

- 7.1 The principle of residential development complies with Policy RES 6 of the adopted local plan. I am satisfied with that the details of the proposal including the design, scale, siting and layout comply with the aims of Policies ENV31 and DM1 of the adopted local plan. Furthermore I am satisfied that all three tests in Regulation 44 of the Habitats Regulations are likely to be met.

**Colin McDowall**  
**Executive Director (Enterprise Resources)**

**06 June 2011**

### **Previous References**

- ◆ None

### **List of Background Papers**

- ▶ Application Form
- ▶ Application Plans
  
- ▶ Consultations
  - Scottish Water 04/04/2011
  - Roads and Transportation Services (Clydesdale Area) 10/05/2011
  - The Coal Authority 19/05/2011
  - Scottish Natural Heritage 26/05/2011

### **Contact for Further Information**

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

Pamela McMorran, Planning Officer, South Vennel, Lanark, ML11 7JT  
Ext 3209 (Tel :01555 673209 )  
E-mail: Enterprise.lanark@southlanarkshire.gov.uk

**CONDITIONS**

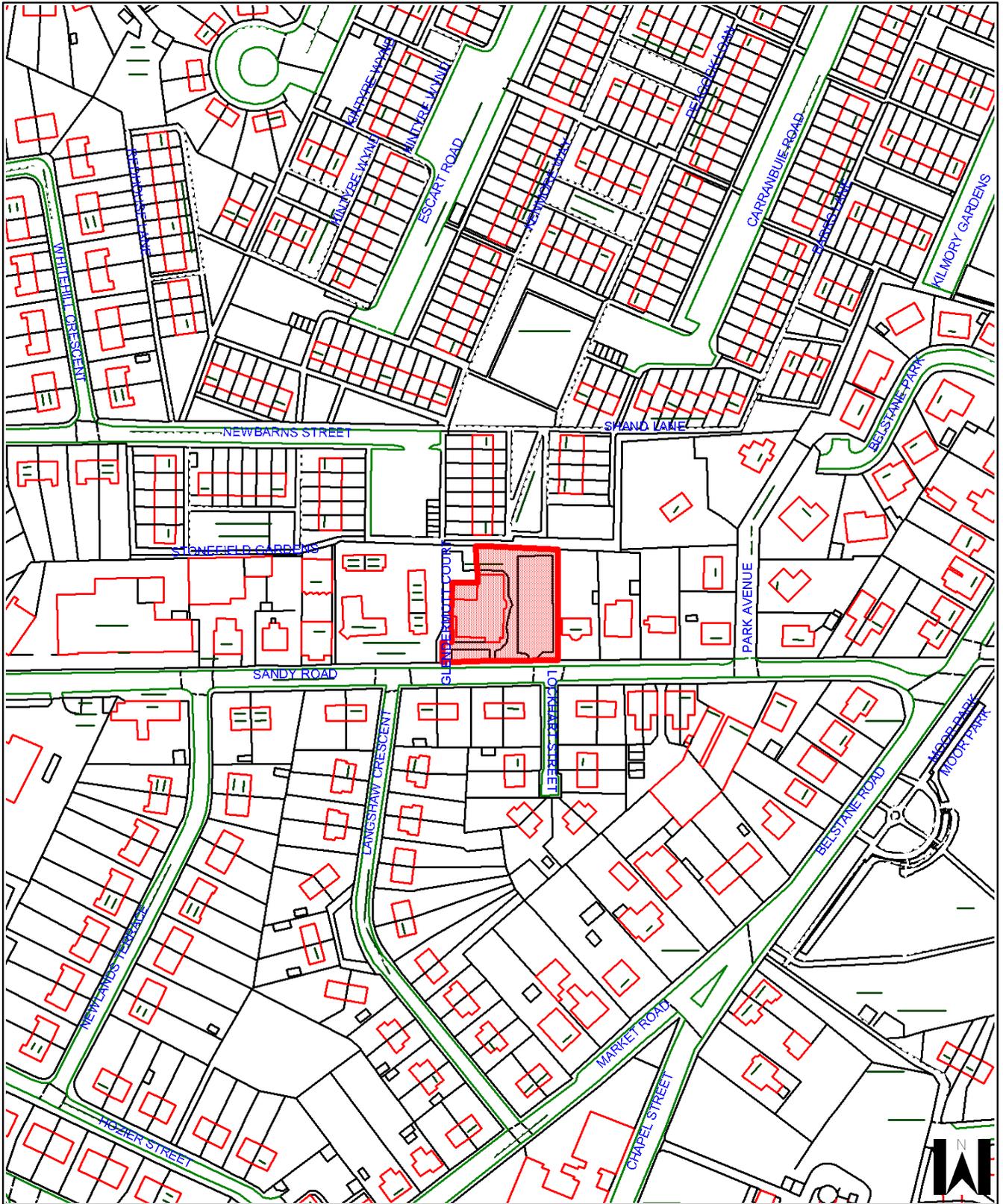
- 1 This decision relates to drawing numbers: 001; 002; 302 (Revision C); 100 (Revision C); 101 (Revision C); 102 (Revision C); 103 (Revision C); 110 (Revision C); 111 (Revision C); 201 (Revision C); 202 (Revision C); 300 (Revision C); 301 (Revision C); 200 (Revision C); 010; 210 (Revision C).
- 2 That 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.
- 3 That no development shall commence on site until details of surface water drainage arrangements have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design Criteria and requirements. The approved arrangement shall be fully implemented prior to completion of the development to the satisfaction of the Council as Planning Authority.
- 4 That prior to any work starting on site, a Drainage Assessment in accordance with 'Drainage Assessment - A Guide for Scotland', shall be submitted to and approved in writing by the Council as Planning and Roads Authority (and the Scottish Executive as Trunk Roads Authority).
- 5 That before any of the flatted dwellings hereby approved are completed or brought into use, all of the parking spaces shown on the approved plans shall be laid out, constructed and thereafter maintained to the specification of the Council as Roads and Planning Authority.
- 6 That the development and works on site shall be undertaken in accordance with the measures identified in the Bat Survey (10th May 2011) with the exception of the replacement bat box which shall be incorporated into the structure of the new building on site, and not attached to the structure. The development and Bat Survey (10th May 2011) is subject to any additional requirements of the Scottish Government bat licence, and no changes shall take place without the further prior written approval of the Council as Planning Authority.
- 7 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 proposed 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.

- 8 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.
- 9 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. The approved fences shall then be implemented prior to the occupation of any of the flatted dwellings on the site and thereafter maintained.
- 10 That before any of the flatted dwellings hereby approved are completed or brought into use, a visibility splay of 2.5 metres by 35 metres measured from the road channel shall be provided on both sides of the vehicular access 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.

## **REASONS**

- 1 For the avoidance of doubt and to specify the drawings upon which the decision was made.
- 2 In the interests of amenity and in order to retain effective planning control.
- 3 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.
- 4 To demonstrate that a satisfactory means of waste and surface water drainage can be achieved.
- 5 To ensure the provision of adequate parking facilities within the site.
- 6 To ensure that provision is made to safeguard the ecological interest on the site.
- 7 In the interests of the visual amenity of the area.
- 8 In the interests of amenity.
- 9 These details have not been submitted or approved.
- 10 In the interest of road safety



For information only

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