

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>23 February 2010</b>
Report by:	<b>Executive Director (Enterprise Resources)</b>

Application No	CL/09/0319
Planning Proposal:	Erection Of 36 Dwellinghouses And Associated Roadworks And Ground Works

## 1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Wilson Developments (Scotland) Ltd
- Location : Former Builders Yard  
Rowhead Quarry  
Biggar Mill Road  
Biggar  
ML12 6LY

## 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.

## 3 Other Information

- ◆ Applicant's Agent: DTA Chartered Architects
- ◆ Council Area/Ward: 03 Clydesdale East
- ◆ Policy Reference(s): **Adopted South Lanarkshire Local Plan**  
Policy RES2 – Proposed Housing Sites  
Policy ENV31 – New Housing Development  
Policy DM1 – Development management  
Policy ENV11 – Design Quality

- ◆ Representation(s):
  - ▶ 9 Objection Letters
  - ▶ 0 Support Letters
  - ▶ 0 Comments Letters
- ◆ Consultation(s):

Environmental Services

Roads & Transportation Services H.Q. (Flooding)

Scottish Water

West of Scotland Archaeology Service

Roads and Transportation Services (South Division)

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

Biggar Community Council

Biggar & District Civic Society

# Planning Application Report

## 1 Application Site

- 1.1 The application site at (former) Rowhead Quarry, Biggar Mill Road, Biggar, extends to 0.929 hectare in area. The site is located within the north-west boundary of the settlement Biggar, and adjoins the edge of Biggar Conservation Area which extends to the south and west. The site is bounded to the west by open land and to the east by the public road beyond which is steeply downwards sloping open land. The northern and southern boundaries of the site both have single storey houses. The application site is an irregular square shape which fronts on to Biggar Mill Road. The site ground level has been raised by 500mm, as approved under previous planning consent CL/06/0266, and is bounded by embankments. Notwithstanding the previous ground level changes the site still sits lower than houses to the south-east and land to the west. Access to the site from the town centre is along Biggar Mill Road through either a single track road through Biggar Burnbraes Park or along Rowhead Terrace.

## 2 Proposal(s)

- 2.1 The applicant seeks detailed planning consent for the erection of 36 dwelling houses and associated road works and ground works. The dwelling houses are two storeys in height and a mixture of semi-detached, terraced and flatted. Car parking would be provided within the curtilage of each house and through the formation of a car parking courtyard to the southern boundary of the site. Overall 72 spaces would be created. A Sustainable Urban Drainage System (SUDs) is proposed along the frontage of the site and a 15 metre wide landscaping buffer is proposed along the western boundary. The applicant proposes to widen the road along the frontage of the site and install a footway along this section only.
- 2.2 The applicant does not propose any play area to be accommodated within the site as the site is located in close proximity to Biggar Burnbraes Park which is located to the south-east of the site. Two areas of open space would be provided along the site frontage (the location of the SUDS facility) and in the south western corner of the site. The development would be constructed for and occupied by Clydesdale Housing Association.

## 3 Background

### 3.1 Local Plan Status

- 3.1.1 The application site is located within the settlement boundary of Biggar and is identified in the adopted South Lanarkshire Local Plan as a proposed housing site and will be assessed against policy RES2. This policy supports the principle of housing development on these sites.
- 3.1.2 To assess the details of the proposal policies ENV31, ENV11 and DM1 are relevant. These policies aim to ensure that new housing development promotes quality and sustainability in its design and layout and should make 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 The application site is adjacent Biggar Conservation Area along the eastern boundary of the site. The impact of the development upon the character and setting of the Conservation Area should be considered.
- 3.2 Planning History
- 3.2.1 Outline planning consent CL/03/0678 for residential development was granted in March 2004.
- 3.2.2 Detailed planning consent CL/06/0266 for the erection of 22 two storey houses was granted by the Planning Committee on 26 September 2006. The consent was issued on 11th December 2006 after the applicant had submitted a financial contribution towards the improvement of recreational provision within the locality.
- 3.2.3 A detailed planning application CL/07/0654 for the erection of 22 two storey house and six 2 bedroom flats in a 2½ storey block was withdrawn on 19 March 2008 at the applicant's request.
- 4 **Consultation(s)**
- 4.1 **Roads and Transportation Services (Flooding)** – The proposed arrangement for surface water discharge has not been approved to date, and discussions are on going. The applicant requires to demonstrate that an acceptable arrangement can be achieved.  
**Response:** Noted. If consent is granted, a suitable condition will be attached to ensure that the developer addresses the above prior to work commencing on site.
- 4.2 **Roads and Transportation Services** – Have not objected to the proposal. The increase in the level of traffic that will be created from 36 dwellings in comparison to the previous consent of 22 dwellings will be approximately 12 trips per hour. This is considered acceptable in terms of road and public safety. In addition, access to the site is acceptable subject to the provision of a 2m footway along the frontage of the site together with street lighting between the access point and existing lighting columns on Rowhead Terrace.  
**Response:** Noted.
- 4.3 **Environmental Services** – do not object to this application; however advise that prior to works on site a ground investigation survey should be carried out and submitted for assessment.  
**Response:** Noted. Should consent be granted a condition will be attached to ensure that the developer carries out a survey of the site with any remedial works carried out as necessary.
- 4.4 **WOSAS** – do not object to this proposal as there are no known archaeological issues raised.  
**Response:** Noted.
- 4.5 **SEPA** – Do not object to this application. Surface water from the site should be treated in accordance with SUDS principles.  
**Response:** Noted. A condition will be used to address this issue.
- 4.6 **Biggar Community Council** – Object to this planning application due to inappropriate number of houses and over development over the site. It is felt that the gardens are also too small. The road leading to this site is incapable of dealing with the excess traffic and too narrow to afford a pavement to be constructed thus making it very dangerous for pedestrians.

**Response:** Following amendments to the layout including clarification on proposed ground levels in rear garden areas, I am satisfied that each dwelling house would have an acceptable amount of useable rear garden area while the proposed layout is in compliance with guidance from the Council's Residential Development Guide.

- 4.7 **Scottish Water** – do not object to this application. However, note that Coulter Water Treatment Works has limited capacity while Biggar Wastewater Treatment has no capacity to service this new demand.

**Response:** Noted. The applicants have been made aware of this and are in discussions with Scottish Water. A suspension condition would be used to ensure this is resolved before development starts on site.

- 4.8 **Biggar Civic Trust** – To date a response has not been received.

**Response:** Noted.

## **5 Representation(s)**

- 5.1 Following the carrying out of statutory neighbour notification by the applicant and the advertisement of the application in the Lanark Gazette as Development Potentially Contrary to the Development Plan and Development affecting the Character of Biggar Conservation Area, 9 letters of objection were received. The grounds of objection are summarised as follows:

- a) **The roads access to the site from both Rowhead Terrace and Biggar Public Park is substandard for the high level of traffic the development will create. There is no footpath along Rowhead Terrace and it often has parked cars due to a lack of off-street parking for the houses. This provides a hazard for pedestrians and the increase of traffic from the development will exacerbate this road safety problem. There is no footpath along the narrow single track section of Biggar Mill Road approaching the application site. This is dangerous for both pedestrians and vehicles and there is no ability for cars to pass other vehicles or pedestrians as there is not sufficient verge. Furthermore, Biggar Mill Road is unlit.**

**Response:** Roads and Transportation Services do not object to this proposal and consider that there will be no detriment to road or public safety. Furthermore, the applicant will upgrade a section of Biggar Mill Road along the frontage of the site to provide a footpath and street lighting. Street lighting will be continued from the site along Biggar Mill Road to the south where the road meets the junction with Rowhead Terrace, and will provide a link between existing lighting along Rowhead Terrace.

- b) **The proposal constitutes over development of the site with the development appearing squeezed in, which is out of character of edge of settlement location adjoining the Rural Area. The development is also out of keeping in terms of density with other housing development within the Biggar area.**

**Response:** The layout has been amended following discussions with the applicants so that I am satisfied it is appropriate in terms of the Council's Residential Development Guidelines. The site is self contained and the proposal would respect the character of the surrounding area.

- c) **The site will create noise, smell and pollution issues.**

**Response:** I do not consider that the site will create noise or pollution issues. However, any noise created will likely be during construction of the development. In

this case Environmental Health Services would have powers to investigate and resolve any noise issues.

- d) The development would put a strain on existing infrastructure such water, and foul and surface water drainage. The development would also put a strain on local educational and health facilities.**

**Response:** SEPA and Scottish Water have not objected to this application. It should be noted that planning consent does not authorise connection to Scottish Water infrastructure and the applicants will be required to agree such a connection before development starts. The site has been allocated as a proposed housing site in the adopted South Lanarkshire Council Local Plan where the impact on local services such as schools and health centres was considered.

- e) The proposed development could harm local wildlife which frequent Burn Braes.**

**Response:** It is unlikely that the development would have an impact on local wildlife as the site is on a significantly higher ground level than the land surrounding the burn to the west. The site is considered Brownfield and previously contained a builder's yard which would have been a more intensive use and potential harm on the environment.

- f) The proposed height of the dwellings is not in keeping with the houses neighbouring the development.**

**Response:** Due to the ground levels of the site and the land adjoining the site, the site can accommodate two storey dwellings without the ridge height being significantly higher than neighbouring properties. The applicant has provided cross-sections of the site showing the relationship of the proposed houses in relation to existing houses to demonstrate any impact. In this case the two storey houses will not be prominent within the landscape.

- g) The surrounding area is of high quality natural beauty and the development would adversely affect this.**

**Response:** The applicant has proposed a significant landscaping buffer along the western boundary to ensure that the site will be sufficiently screened from the main views of the site which are from the west.

- h) The listed Mill Building along Biggar Mill Road is in a state of disrepair; this will be adversely affected by construction vehicles and the high volume of traffic.**

**Response:** This is a private legal matter between the developer and the owner of the listed building.

- i) There is insufficient car parking spaces provided within the site.**

**Response:** The applicant has amended the internal layout of the site to provide 72 car park spaces (200% provision) which is considered an acceptable level of provision by Roads and Transportation Services.

- j) The proposed modern materials, such as facing brick and concrete tiles, are not in keeping with the neighbouring residential area and adjoining conservation area.**

**Response:** The consent if granted will require the submission of materials before development starts for approval of the Council. The applicant has agreed to add render to the proposed materials.

- k) **There is concern that the roads network to the site cannot cope with construction traffic. Also the construction vehicles may damage the road surface.**

**Response:** Roads and Transportation Services do not object to this proposal. Roads and Transportation Services can provide advice to the developer with regard to this issue to minimise disturbance.

- l) **There is very little play area within the site.**

**Response:** The applicant does not propose any play area to be accommodated within the site as the site is located in close proximity to Biggar Burnbraes Park which is located to the south-east of the site. Furthermore, there was a financial contribution submitted towards improving recreational facilities under previous planning consent CL/06/0266.

- m) **There are only two bin spaces per house proposed, when most houses already have three.**

**Response:** Environmental Health Services have not objected to this application. There is sufficient land within each property to provide space for three bins.

- n) **One of the access roads to the site is through Biggar Burnbraes Park. This single track road through a ford cuts through a children's play park, which has been improved over the years through funding and now attracts a much higher number of visitors. The increase in traffic through this area is worrying given road safety to children using the park.**

**Response:** The road through the park is a public road and therefore there are no restrictions on its use. There is an alternative road into the town centre along Rowhead Terrace which most of the new residents would be likely to use.

- o) **Although previous planning consent was granted for 22 houses, the proposed application for 36 houses will substantially increase the traffic even further to an unacceptable level.**

**Response:** Disagree. Refer to the Roads and Transportation Services response in paragraph 4.2.

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

## **6 Assessment and Conclusions**

- 6.1 The applicant seeks detailed planning consent for the erection of 36 dwelling houses and associated road works and ground works at the former Rowhead Quarry, Biggar Mill Road, Biggar. The principle of residential development on this site is established through the previous planning consents and its inclusion as a proposed housing site in the adopted South Lanarkshire Local Plan. Therefore the main considerations in determining this application are its compliance with detailed local plan policies, its impact on the visual and residential amenity of the surrounding area, road safety, its impact of the setting of Biggar Conservation Area, and the previous planning history of the site.
- 6.2 The proposed dwellings are of modern design and materials, however the site is at a lower level and set back a reasonable distance from traditional properties along Rowhead Terrace. It is bounded on all sides by an embankment making it relatively self contained. Due to the fact the site was formerly used as a builder's yard and for the above reasons I consider that the site does not obviously relate to the neighbouring built up area and as a result a more modern form of development can be successfully accommodated on site without intruding upon the streetscape to the detriment of nearby dwellings and the neighbouring conservation area. Furthermore,

the applicant proposes to plant a 15 metre wide landscaping strip along the western boundary of the site, and provide planting along part of the southern boundary which will create a buffer to the site and soften any visual impact from the wider area to the west. In this case, and giving significant weight to the previous use of the site and self-contained nature of the site, I consider that the proposal compiles with the aims of policy DM1 and criteria within policy ENV31.

- 6.3 The proposed development meets the guidance within the Council's Residential Development Guide in terms of rear garden area, sufficient window to window distance to protect privacy, and car parking provision. The proposal also complies with criteria within policy ENV31. Although the proposal would increase the number of houses on the site from 22 (as previously granted) to 36, I am satisfied that the site can accommodate this higher density due to the reasons above and the self contained nature of the site. In addition, there would not be an adverse impact on road and pedestrian safety as a result of the increase in the number of houses proposed.
- 6.4 The applicant has not provided play provision or a level of open space as recommended by the Council's Residential Development Guide, however the site is located within close proximity to Biggar Burnbraes Park which has substantial play park facilities and open space. In this case, the requirement for the site to have its own play provision is unnecessary. Notwithstanding, the applicant would provide two areas of open space at the frontage and within the centre of the site and which, together with the proposed landscaping on the western and southern boundaries, would aid the visual integration of the site.
- 6.5 In view of the above, I consider that the proposal is an appropriate development for the site and complies with local plan policy. I therefore recommend that detailed planning consent be granted, subject to conditions (based on conditions attached).

## **7 Reasons for Decision**

- 7.1 The proposal complies with policies RES2, ENV11, ENV31 and DM1 of the adopted South Lanarkshire Plan and there would not be an adverse impact on residential amenity or road safety nor on the setting of Biggar Conservation Area.

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

**16 February 2010**

## **Previous References**

- ◆ CL/03/0678
- ◆ CL/06/0266
- ◆ CL/07/0654

## **List of Background Papers**

- ▶ Application Form
- ▶ Application Plans
  
- ▶ Consultations  
Scottish Water

14/08/2009



Housing Services (Lanark)	11/08/2009
Biggar Community Council	20/08/2009
Environmental Services	24/08/2009
S.E.P.A. (West Region)	20/10/2009
Roads and Transportation Services (South Division)	05/11/2009
Roads & Transportation Services H.Q. (Flooding)	01/12/2009

► Representations

- Representation from : Philip Saunders, 2 Rowhead Court, Biggar, ML12 6US, DATED 03/08/2009
- Representation from : Ms Joyce MacIntyre, Rowhead Cottage, Biggar, ML12 6LY, DATED 25/08/2009
- Representation from : Mr Ross Armstrong, 6 Lindsaylands Road, Biggar, ML12 6EQ, DATED 25/08/2009
- Representation from : Mr & Mrs Murray, 33 Rowhead Terrace, Biggar, ML12 6DU, DATED 20/08/2009
- Representation from : Mrs Barbara Paton Stevenson, 3 Rowhead Court, Biggar, ML12 6US, DATED 04/09/2009
- Representation from : Alan M Whitley, 15 Rowhead Terrace, Biggar, ML12 6DU, DATED 31/08/2009
- Representation from : Dr David Deane, 11 Rowhead Terrace, Biggar, ML12 6DU, DATED 27/08/2009
- Representation from : Mr & Mrs Houston, 21 Rowhead Terrace, Biggar, ML12 6DU, DATED 27/08/2009
- Representation from : Dr Janet Moxley, Wallace Cottage, 1 Gas Works Road, Biggar, ML12 6BZ, DATED 17/09/2009

**Contact for Further Information**

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

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**CONDITIONS**

- 1 This decision relates to drawing numbers: NN-01; AL(0-)01 Revision Q; AL(0-)02; AL(0-)03; L(0-)02; L(0-)Sk.A.03; L(0-)Sk.A.01FF; L(0-)Sk.A.01GF; L(0-)Sk.A.02; L(0-)Sk.B.03; L(0-)Sk.B.01; L(0-)Sk.B.02; L(0-)Sk.C.03; L(0-)Sk.C.02; L(0-)Sk.C.01; L(0-)Sk.D.03; L(0-)Sk.D.02; L(0-)Sk.D.01.
- 2 The development hereby permitted shall be started within three years of the date of this permission.
- 3 That the development shall be carried out strictly in accordance with the plans hereby approved and no change to the design or external finishes shall take place without the prior written approval of the Council as Planning Authority.
- 4 That no consent is hereby granted for the type and distribution of external finishes as shown on the approved plan, and no work shall commence on site until samples of alternative materials have been submitted to and approved in writing by the Council as Planning Authority.
- 5 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 gates, fences, walls or other means of enclosure shall be erected between the front of the dwellinghouse and the adjoining road.
- 6 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. No fences shall be erected until written approval is given.
- 7 That before any work commences on the site a scheme of landscaping for the areas 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 any of the dwellings hereby approved are occupied, the entire access road and footpath network serving the development shall be laid out and constructed in accordance with the specification of the Council as Roads and Planning Authority.
- 10 That no work shall commence on site until the applicant provides a letter from Scottish Water confirming that the site can be served by a water supply and sewerage disposal provided to the specification and satisfaction of Scottish Water.
- 11 That prior to any of the dwellings being occupied, the car parking spaces and parking court as indicated on the plans shall be provided and thereafter maintained to the satisfaction of the Council as Planning and Roads Authority.
- 12 That prior to works commencing on site, details of proposed road signage along Biggar Mill Road shall be submitted for assessment to the Council as Planning and Roads Authority. The agreed signage shall be provided at the cost to the developer prior to any of the dwellings being occupied.
- 13 That before the occupation of any of the dwellings hereby approved a 2 metre wide footpath with lighting and drainage shall be constructed along the frontage of the site at the expense of the developer and to the specification and satisfaction of the Council as Roads and Planning Authority.
- 14 That before any development starts, the carriageway of Biggar Mill Road shall be upgraded and widened as shown on the plans hereby approved at the expense of the developer, all in accordance with the specification and satisfaction of the Council as Roads and Planning Authority.
- 15 That prior to work commencing on site a scheme for surface water discharge shall be submitted for assessment to the Council as Planning and Roads Authority. No dwelling house shall be occupied until the agreed scheme is implemented to the satisfaction of the Council as Planning and Roads Authority.
- 16 (a) Prior to commencement of any works on site, a comprehensive site investigation carried out to the appropriate Phase level, shall be submitted to and approved in writing by the Council as Planning Authority. The investigation shall be completed in accordance with the advice given in the following:
  - (i) Planning Advice Note 33 (2000) and Part IIA of the Environmental Protection Act 1990 (as inserted by section 57 of the Environment Act 1995);
  - (ii) Contaminated Land Report 11 - 'Model Procedures for the Management of Land Contamination (CLR 11) - issued by DEFRA and the Environment Agency;
  - (iii) BS 10175:2001 - British Standards Institution 'The Investigation of Potentially Contaminated Sites - Code of Practice'.

(b) If the Phase 1 investigation indicates any potential pollution linkages, a Conceptual Site Model must be formulated and these linkages must be subjected to risk assessment. If a Phase 2 investigation is required, then a risk assessment of all relevant pollution linkages using site specific assessment criteria will require to be submitted.

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

17 (a) Remediation of the site shall be carried out in accordance with the approved remediation plan prior to the proposed development being brought into use. Any amendments to the approved remediation plan shall not be implemented unless approved in writing by the Council as Planning Authority.

(b) On completion of the remediation works, the developer shall submit a completion report to the Council as Planning Authority, confirming that the works have been carried out in accordance with the approved remediation plan and that the works have successfully reduced these risks to acceptable levels.

(c) Any previously unsuspected contamination which becomes evident during the development of the site shall be brought to the attention of the Council as Planning Authority within one week or earlier of it being identified. A more detailed site investigation to determine the extent and nature of the contaminant(s) and a site-specific risk assessment of any associated pollutant linkages, shall then require to be submitted to and approved in writing by the Council as Planning Authority.

## REASONS

- 1 For the avoidance of doubt and to specify the drawings upon which the decision was made.
- 2 To comply with section 58 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 3 In the interests of amenity and in order to retain effective planning control.
- 4 In the interests of amenity and in order to retain effective planning control.
- 5 In the interests of amenity and in order to retain effective planning control.
- 6 These details have not been submitted or approved.
- 7 In the interests of the visual amenity of the area.
- 8 In the interests of amenity.
- 9 To ensure satisfactory vehicular and pedestrian access facilities to the site.
- 10 To ensure the provision of a satisfactory water supply and sewerage system.
- 11 To ensure the provision of adequate parking facilities to serve the development.
- 12 In the interest of road and pedestrian safety.
- 13 In the interest of public safety
- 14 In the interest of public safety
- 15 To ensure the provision of a satisfactory surface water discharge is provided.
- 16 To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.

- 17 To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.

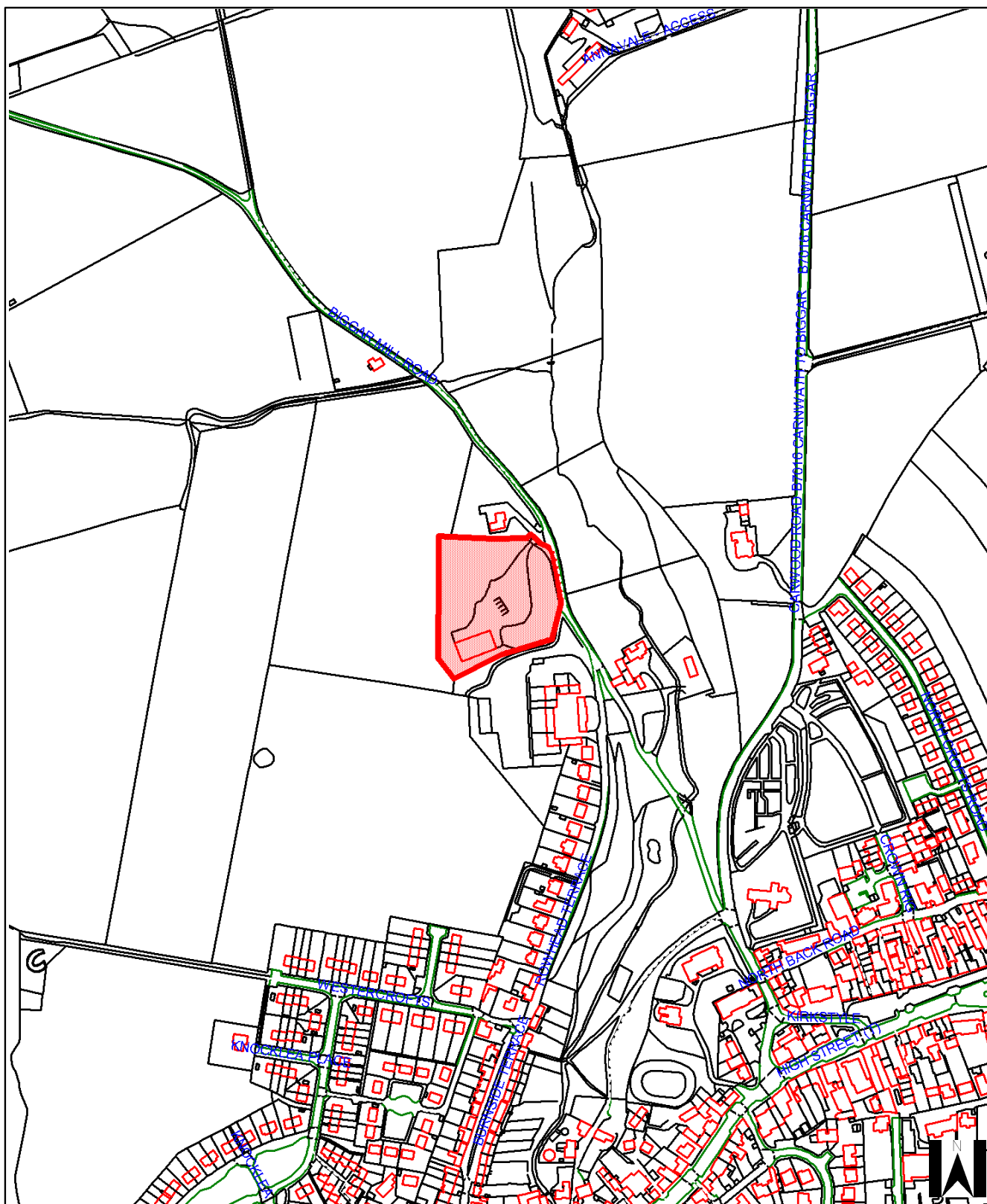
CL/09/0319

Former Builders Yard, Rowhead Quarry,  
Biggar Mill Road, Biggar, ML12 6LY

Planning and Building Standards Services

Scale: 1: 5000

For information only



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