

	<h1>Report</h1>	<b>Agenda Item</b>  <h1>8</h1>
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Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>26 September 2006</b>
Report by:	<b>Executive Director (Enterprise Resources)</b>

Application No	CL/06/0211
Planning Proposal:	Erection of 18 Detached Dwellings and Formation of Access Road

## 1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Consort Homes (Scotland) Ltd
- Location : Gilchrist Loan  
Lesmahagow

## 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 the delegated powers to determine this application.
- (2) A financial contribution of £8,100 will be required from the developer towards the cost of improving recreational provision in the area, to be lodged prior to the issue of consent.

## 3 Other Information

- ◆ Applicant's Agent: Drew Deans Design
- ◆ Council Area/Ward: 03 Lesmahagow
- ◆ Policy Reference(s): Lower Clydesdale Local Plan (Adopted)
  - Policy RES1: Residential Areas
- South Lanarkshire Local Plan
  - Policy RES 2: Proposed Housing Sites
  - Policy ENV30: New Housing Development
- ◆ Representation(s):
  - ▶ 2 Objection Letters
  - ▶ 3 Comments Letters
- ◆ Consultation(s):

Roads & Transportation Services H.Q. (Flooding)

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

Environmental Services

Roads and Transportation Services (South Division)

Power Systems

Scottish Gas, Digital Records Department

Scottish Water

## Planning Application Report

### 1 Application Site

- 1.1 The application site, extending to approximately 0.66 ha, consists of a number of traditional farm buildings and a paddock area at Clannochdyke Farm at the northern end of Lesmahagow. The application site slopes from south to north. It is adjoined to the North and West by new houses in the Hillpark estate on Cairncross Crescent and Gilchrist Loan respectively. The eastern boundary of the application site contains a beech/hawthorn hedge, whilst the boundary is marked by a wooden fence at the northern and western edge of the site. The private road known as Craigie Brae bounds the site to the east as well as the recently constructed dwellings at the top of Craigie Brae. The south of the application site is bounded by open agricultural fields upon which consent has been granted for residential dwellings as an extension to Gilchrist Loan.

### 2 Proposal(s)

- 2.1 Detailed planning permission is sought for the demolition of the existing farm buildings and the erection of eighteen detached houses with an associated vehicular access from Gilchrist Loan. The residential development consists of five different house types, all two storey. The proposed design and materials are similar to the existing dwellings in the vicinity of Gilchrist Loan.

### 3 Background

#### 3.1 Local Plan Status

The adopted Lower Clydesdale Local Plan identifies the site within the residential area of Lesmahagow where Policy RES1: Residential Areas applies. The Finalised Draft of the South Lanarkshire Local Plan constitutes a material consideration in the determination of this application. In this regard the site is covered by Policy RES2: Proposed Housing Sites. Policies RES 6: Residential Land Use and ENV 30: New Housing Development also apply.

#### 3.2 Relevant Government Advice/Policy

SPP 3: Planning for Housing advises that most housing requirements should be met within or adjacent to existing settlements, making efficient use of existing infrastructure and services and helping to protect rural amenity.

#### 3.3 Planning Background

Detailed planning permission was previously granted for the demolition of the farm steading, and the formation of 12 house plots and associated vehicular access. (CL/04/0642)

### 4 Consultation(s)

- 4.1 Roads and Transportation Services – no objections subject to an approved construction consent, the submission of a valid roads bond and conditions relating to suitable access arrangements, parking and turning. They also request submission of a drainage assessment in accordance with the principles of Sustainable Urban Drainage (SUDS) for the development site.

**Response:** Noted. Conditions can be placed on any consent granted in relation to the requirements relating to access, parking and turning. In terms of the provision of a SUDS a condition requiring its approval, prior to the commencement of development on the site, will be attached to any consent.

- 4.2 **Environmental Services** – have no objection, subject to conditions, including the submission of a desk study to determine any types of contamination likely to be encountered.

**Response:** Conditions requiring the submission of a desk study can be attached if consent is granted.

- 4.3 **Scottish Water** – advises that their objection to this proposal, due to drainage constraints, can be deemed to be withdrawn, if conditions are attached to the grant of any planning consent requiring the applicant to provide evidence that an agreement has been reached by the applicant with Scottish Water for the provision of a drainage scheme to serve the development. They further advise that there are currently capacity issues at Lesmahagow Wastewater Treatment Works and as such they object to the application in this respect. However, they will remove their objection if the developer can demonstrate that the development will not have an impact on their assets, or that suitable infrastructure can be put in place to support the development. They also ask that the surface water drainage scheme should be designed in accordance with the principles of sustainable urban drainage (SUDS).

**Response:** The applicant has been advised of Scottish Water's objection and meetings have been held to discuss the capacity and connections issues. They have noted that Scottish Water is unable to reserve capacity, and connections to the water and waste water networks can only be granted on a first come first served basis. In view of this I intend to attach a suspensive condition to any consent granted for this site requiring the applicant to confirm that the development can be served by a drainage and water scheme before work starts on site.

- 4.4 **SEPA** – have objected to the proposal due to concerns that any increased pollutant loading discharged to the receiving watercourse will present a significant risk of downgrading river class and thereby result in failure to comply with the regulation of the Water Framework Directive. They consider that this potential environmental impact is a material planning consideration and failure to meet the aims of the Directive may result in infraction proceedings. They further advise that if the applicant can resolve their concerns regarding the foul drainage then they ask that the applicant treats the surface water from the site in accordance with the principles of Sustainable Urban Drainage.

**Response:** The applicant was advised of SEPA's objection, following which a meeting between the applicant, SEPA, Scottish Water and the Councils Flooding Unit were undertaken. The applicants are unable to resolve this issue as Scottish Water have stated they will not consider drainage proposals at this particular site until planning consent has been granted. In these circumstances, I intend to attach a suspensive condition to any consent granted for the site requiring the applicant to confirm that the development can be served by a drainage and water scheme before work commences on site. This will require negotiations with Scottish Water and, in particular, will address SEPA's concerns.

## **5 Representation(s)**

- 5.1 Following the statutory neighbour notification procedure, two letters of objection, and three comment letters, were received, the contents of which are summarised as follows:

- (a) **The applicant indicated in the application form that no trees would be affected by the proposed construction of 18 houses. A mature tree sits on**

**the western boundary of the site, and this should be retained as it would not interfere with the development.**

**Response:** Noted. I propose to attach conditions to the grant of any consent, requiring the protection and retention of this tree.

- (b) **A portion of land shown on the site plan does not belong to the applicant, which means that the application site is wrongly represented and should not be included within the site boundary.**

**Response:** this is a legal matter which does not prevent the assessment and determination of the application on its merits. The applicant has been made aware of this issue.

- (c) **The land in question has been used as a farm for many years, and the view from houses in Gilchrist Loan will be spoiled by the erection of two storey houses.**

**Response:** The application site is within the settlement boundary of Lesmahagow where the adopted Lower Clydesdale Local Plan identifies the site as a proposed housing site where Policy RES 1: Residential Areas applies. The loss of view is not a material consideration while the erection of 2 storey houses is in keeping with the wider area.

- (d) **Sunlight would be reduced to property on Gilchrist Loan while recent development by Caledonian Homes has already substantially reduced incoming sunlight. Not building close to boundary fences would assist.**

**Response:** The layout for the site complies with the Council's guidelines on new residential development, including overshadowing issues and distances from boundaries. The plots are of a sufficient size to ensure that the proposed houses are positioned well off the site boundaries thereby ensuring that overshadowing and loss of sunlight will not be affected. I am satisfied that overshadowing and loss of sunlight are not pertinent issues.

- (e) **Previous house building works have caused problems with noise and litter. The Council should strictly enforce the clauses written into any planning consent.**

**Response:** The developer will have to comply with current standards on noise emission. Environmental Services have legislative powers to control noise levels which cause nuisance.

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

## **6 Assessment and Conclusions**

- 6.1 The determining issue that requires to be addressed when accessing this proposal is its conformity with existing and proposed local plan policies, its impact on visual and residential amenity of the area, and infrastructure implications.
- 6.2 The site is covered by Policy RES1: Residential Areas of the Lower Clydesdale Local Plan and Policy RES2: Proposed Housing Sites of the finalized Draft South Lanarkshire Local Plan. Policy RES1 states that the priority will be to protect residential amenity and that proposals for new development will generally be acceptable when this would not adversely affect local character or amenity. Policy RES2 identifies the site as forming part of the larger housing land release at Hillpark. I consider that the principle of residential development has been established through

the local plan process and the previous consent for housing at the site and is therefore acceptable.

- 6.3 The layout of the site complies with the Council's guidelines on new residential development such that there would not be an adverse impact on the visual and residential amenity of the area. The design and use of materials for the proposed dwellinghouses is similar to the surrounding properties, and accords with Policy ENV30: New Housing Development of the finalised South Lanarkshire Local Plan which requires new housing development to promote quality and make a positive contribution to the character and appearance of the area. Connection to the public foul drainage system and the provision of SUDS will be the subject of suspensive conditions attached to the grant of consent, enabling the applicant and Scottish Water to continue designing a system which satisfies both their requirements.
- 6.4 After carefully considering all relevant issues, I am of the view that the proposal is acceptable.

## **7 Reasons for Decision**

- 7.1 (a) The proposed dwellinghouses are acceptable in terms of their position, scale and design and would not have an adverse impact on the amenity of the area or adjoining residents;
- (b) a satisfactory access can be provided; and
- (c) there are no infrastructure issues that cannot be resolved by suspensive conditions.
- (d) The residential development of the site has been established through Policy RES1 of the Lower Clydesdale Local Plan and RES2 of the Finalised South Lanarkshire Local Plan.

**Iain Urquhart**  
**Executive Director (Enterprise Resources)**

**11 September 2006**

## **Previous References**

- ◆ CL/04/0642

## **List of Background Papers**

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations
  - Roads and Transportation Services (South Division) 16/05/2006
  - S.E.P.A. (West Region) 24/04/2006
  - Environmental Services 26/04/2006

Scottish Water	30/03/2006
Scottish Water	12/04/2006
Roads and Transportation Services (South Division)	12/04/2006
Scottish Water	30/03/2006

► Representations

Representation from : John R Watson, 'Strathview'  
Yieldshields Road  
Carluke, DATED 27/07/2006

Representation from : David Abercrombie, 25 Gilchrist Loan  
Lesmahagow  
ML11 0NB, DATED 29/03/2006

Representation from : McInally Associates, Planning & Development Consultants  
6 Newton Place  
Glasgow  
G3 7PR, DATED 30/03/2006

Representation from : Rocc Developments Limited, 47 Broompark Drive  
Lesmahagow  
ML11 0DH, DATED 10/04/2006

Representation from : Caledonia Homes, 81 The Shore  
Coalhill, Leith  
Edinburgh  
EH6 6RG, DATED 06/04/2006

**Contact for Further Information**

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

Ailsa Graham  
(Tel: 01555 673190)  
E-mail: [Enterprise.lanark@southlanarkshire.gov.uk](mailto:Enterprise.lanark@southlanarkshire.gov.uk)

**CONDITIONS**

- 1 That the development hereby permitted shall be started within five years of the date of this permission.
- 2 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.
- 3 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.
- 4 That no development shall commence on site until the applicant provides written confirmation from Scottish Water to the Council as Planning Authority that the site can be satisfactorily served by a sewerage scheme designed in accordance with Scottish Water's standards.
- 5 That no development shall commence until details of surface water drainage arrangements have been submitted to and approved in writing by the Council as Planning Authority and Scottish Water; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's and Scottish Water's Sustainable Drainage Design Criteria and requirements.
- 6 That prior to the commencement of development on site, details of the provision of flood prevention works, together with attenuation of surface waters, and their management and maintenance arrangements shall be submitted to and approved by the Council as Planning Authority. The works will require to comply with the Council's Sustainable Drainage Design Criteria and requirements.
- 7 That no trees within the application site, as highlighted by hatching on the approved plans, shall be lopped, topped, pollarded or felled, or otherwise affected, without the prior written consent of the Council as Planning Authority.
- 8 That the existing trees to be retained, as shown by hatching on the approved plans, must be protected in accordance with methods as set out in BS5837/1991 during and until completion of all site operations and building works.
- 9 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.; (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.

- 10 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.
- 11 That prior to any work commencing on the site, a maintenance management schedule for the landscaping scheme approved under the terms of Condition 9 above shall be submitted to and approved by the Council as Planning Authority. Thereafter, the landscaping shall be maintained in accordance with the approved management schedule to the satisfaction of the Council.
- 12 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 dwellinghouses and the adjoining road.
- 13 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.
- 14 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 12 above, shall be erected and thereafter maintained to the satisfaction of the Council.
- 15 That on completion of all remediation works, a completion report confirming that works have been carried out to the agreed plan, shall be submitted to and approved by the Council as Planning Authority.
- 16 That prior to the demolition of the existing structures, a survey determining whether or not there is the presence of any materials containing asbestos and where such materials exist, details of the method of removal, shall be submitted to and approved by the Council as Planning Authority.
- 17 That before development starts a Phase 1 or Desk Study, to review all currently available information about the historical uses of this site, shall be carried out to determine any types of contamination likely to be encountered and possible pathways to sensitive receptors shall be submitted to and approved by the Council as Planning Authority. If this investigation gives any indication of the potential for contaminants to be present, development shall not begin until a full intrusive survey has been carried out and its findings submitted to and, approved by the Council as Planning Authority. This survey shall clearly document the methodology, findings and results. The risks posed by the presence of pollutants in relation to sensitive receptors shall be assessed to current guidelines and, where appropriate recommendations for further investigations or remediation options to reduce these risks identified.
- 18 That before the dwellinghouse hereby approved is completed or brought into use, remediation/control measures must be fully implemented to the satisfaction of the Council as Planning Authority

- 19 That before the development hereby approved is completed or brought into use, the entire access road and footpath network serving the development shall be laid out and constructed in accordance with the specification of and to the satisfaction of the Council as Roads and Planning Authority.
- 20 That before the development hereby approved is completed or brought into use, a 5.5 metre wide access with 2.0 metre wide footways or service verges shall be designed and constructed in accordance with the specification and to the satisfaction of the Council as Roads and Planning Authority.
- 21 That driveways to be a minimum length of 12 metres in length with the first 2.0 metres behind the heel of the footway or service verge to be paved. This may be reduced to 6.0 metres where a garage is provided.
- 22 That before the dwellinghouses hereby permitted are occupied, 2 car parking spaces (3 bedroomed dwelling) or 3 car parking spaces (4 bedroomed dwelling) shall be provided within the curtilage of the plot and outwith the public road or footway and shall thereafter be maintained to the satisfaction of the Council as Planning Authority. Each space shall be capable of being accessed directly from the public road without the need to remove any vehicle already parked in the driveway.

## REASONS

- 1 To accord with the provisions of the Town and Country Planning (Scotland) Act 1997.
- 2 In the interests of amenity and in order to retain effective planning control.
- 3 In the interests of amenity and in order to retain effective planning control.
- 4 To ensure that the development is served by an appropriate effluent disposal system.
- 5 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.
- 6 To safeguard the amenity of the area.
- 7 To ensure the protection and maintenance of the existing mature trees within the site
- 8 To ensure that adequate steps are taken to protect existing trees on the site throughout the period of the proposed building operations.
- 9 In the interests of the visual amenity of the area.
- 10 In the interests of amenity.
- 11 In the interests of amenity.
- 12 In the interests of amenity and in order to retain effective planning control.
- 13 These details have not been submitted or approved.
- 14 In order to retain effective planning control
- 15 In order to retain effective planning control.
- 16 To safeguard the amenity of the area.
- 17 To ensure the site is free of contamination and suitable for development.

- 18 To ensure the site is free of contamination and suitable for development.
- 19 To ensure satisfactory vehicular and pedestrian access facilities to the site.
- 20 In the interest of public safety
- 21 In the interest of public safety
- 22 To ensure the provision of adequate parking facilities within the site.

For information only

