	<h1>Report</h1>	Agenda Item <h1>6</h1>
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Report to:	Planning Committee
Date of Meeting:	26 April 2005
Report by:	Executive Director (Enterprise Resources)

Application No	CL/04/0901
Planning Proposal:	Erection of Sixty Dwellinghouses and Forty Three Flatted Dwellings, Formation of Roundabout, Associated Roadworks and Landscaping

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Grantly Developments Scotland Ltd
- Location : Land to south-west of Muirfoot Road, Rigside

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 OVERLEAF)

2.2 Other Actions/Notes

- (1) The Planning Committee has delegated powers to determine this application
- (2) The application is contrary to the Development Plan and an objection has been received. In accordance with Council procedures, a hearing may be required prior to determining the application.
- (3) If Committee are minded to grant consent, in terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997, the application must be referred to the Scottish Ministers because the proposal constitutes a significant departure from the approved Development Plan.
- (4) A financial contribution of £42,050 is required from the developer towards upgrading recreational provision in the area, to be lodged prior to the issue of consent.

3 Other Information

- ◆ Applicant's Agent: Keppie Planning Ltd
- ◆ Council Area/Ward: 09 Douglas
- ◆ Policy Reference(s): Glasgow & Clyde Valley Joint Structure Plan 2000 (Approved)
Strategic Policy 1(d) Rural Investment Area

Strategic Policy 9 Assessment of Development
Proposals
Strategic Policy 10 Departures from the
Structure Plan

Lower Clydesdale Local Plan (Adopted)
Proposal RES2 Proposed Housing Sites
Policy ENV2 Rural Area

- ◆ Representation(s):
 - ▶ 1 Comment Letter
 - ▶ 1 Objection Letter

- ◆ Consultation(s):

Environmental Services

Education Resources

Leisure Services (Horticulture & Landscape Development)

Roads and Transportation Services

Scottish Water

Douglas Community Council

West of Scotland Archaeology Service

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

Glasgow and the Clyde Valley Joint Structure Plan Team

Housing and Technical Resources

Planning Application Report

1 Application Site

The application site, extending to approximately 2.2 hectares, consists of agricultural grazing land on the south-western boundary of Rigside. The site is bounded to the north-west by the A70 Ayr Road, and to the north-east by existing dwellinghouses and an area of ground zoned for open space. Agricultural land bounds the site to the south-west and south-east. The site slopes steeply upwards from Ayr Road and a tree-belt runs along part of the north-eastern boundary, the south-eastern boundary and through the site.

2 Proposal

Detailed planning permission is sought for the erection of 103 units comprising of 60 dwellinghouses and 43 flatted dwellings. The proposal consists of detached and terraced blocks which are two storeys in height. A number of the terraced properties are laid out in a staggered fashion and some have been designed in such a way as to form a crescent layout. The flatted dwellings consist of two and three storey blocks. In general, the submitted plans show a mixture of render and facing brick finish with elements of timber to the external walls of the dwellings units. Parking facilities within the development take the form of a mix of individual driveways and communal parking areas.

The applicant proposes to create a roundabout on the A70 Ayr Road at the junction with the road which leads to Douglas Water. The proposed vehicular access to the site would then be taken from this roundabout. The submitted plans show a footpath link which would be created from the proposed development, through the adjoining open space to Muirfoot Road which adjoins the application site to the north-east. The submitted plans also show areas of open space, landscaping and tree planting within the site.

In support of the proposal, the applicant has submitted a planning statement, a desk study report, a tree survey and a landscape and visual impact assessment. The applicant indicates that this proposal forms the preliminary phase of their proposals for a wider site at this location. This would involve the development of a second phase to the south-west of the application site, and a third phase to the south-east. The applicant has requested that these further phases be provided for in the proposed South Lanarkshire Local Plan.

It should also be noted that the developer has agreed to submit a financial contribution of £42,050 (£350 per flatted dwelling, and £450 per dwelling) towards the improvement of recreational provision.

3 Background

3.1 Structure Plan Status

Within the adopted Glasgow and Clyde Valley Joint Structure Plan 2000, the site is covered by Policy 1(d) Rural Investment Area, Policy 9 Assessment of Development Proposals and Policy 10 Departures from the Structure Plan.

3.2 Local Plan Status

The majority of the application site is covered by Proposal RES 2 Proposed Housing Sites of the adopted Lower Clydesdale Local Plan. The proposed housing site is known as H55 Ayr Road, Rigside with a capacity of 30 dwellinghouses. The remainder of the site lies outwith the settlement boundary of Rigside where Policy ENV 2 Rural Area applies. The number of units which the applicant proposes to erect outwith the settlement boundary amounts to 29.

3.3 Relevant Government Advice/Policy

The Scottish Executive looks to planning authorities to maintain the effectiveness of existing greenbelts, safeguard the character and amenity of the countryside and protect the setting of towns. SPP3: Planning for Housing advocates that most housing requirements, therefore, should be met within or adjacent to existing settlements, making efficient use of existing infrastructure and public services, helping to conserve natural heritage and protect rural amenity.

3.4 Planning History

Outline planning consent was granted on 23 April 1991 for a residential development on part of the application site (P/LK/01900724).

4 Consultation(s)

4.1 Community Council – no response to date.

Response: Noted.

4.2 Education Resources – no response to date.

Response: Noted.

4.3 Environmental Services – advise that audible construction noise should comply with current standards. They also state that a report addressing the issue of noise requires to be compiled looking at the suitability of the site for residential development. In addition to this a full intrusive survey requires to be carried out to investigate all aspects of potential contamination.

Response: Environmental Services have separate legislation to control construction noise. The requirement of the full intrusive survey can be dealt with by condition. I consider the requirement of a noise impact assessment at this site to be onerous and after further discussion with Environmental Services, I consider relevant conditions can be attached to any consent granted to ensure adequate noise attenuation.

4.4 Leisure Services – advise that careful tree and woodland planting is required. The existing hedge line boundary trees are mature and require to be inspected to identify any which should be retained. Any trees which are removed should be replaced within the development. Boundary treatment in the form of woodland screens should be encouraged. They also advise that play facilities within Rigside are restricted and this development would benefit from its own amenities.

Response: Noted. It is my intention to attach a condition to any consent granted for this site requiring a landscaping scheme be submitted and approved prior to work commencing on site. In terms of play provision, the applicant has agreed to submit a £42,050 financial contribution towards upgrading recreational provision in the area rather than incorporating a play area within the application site.

4.5 Roads and Transportation Services – offer no objections subject to the following:

- that any future development of the area requires the submission of a Transportation Assessment which also takes into account the number of houses in this current application
- an amended design of the proposed roundabout shall be submitted for approval prior to work commencing on site. The amended design should take into account the steep gradient of the vehicular access into the development site.
- provision of new/improved footways should be provided linking the development to the existing footway network and to nearby facilities
- submission of a Safety Audit for the new junction and any other infrastructure modifications prior to the development commencing on site
- standard conditions relating to a development of this nature

Response: Noted. These issues can be conditioned.

4.6 Scottish Water – advise there is a public sewerage system and existing public water main to which a connection may be made. They recommend that the applicant considers the implementation of a Sustainable Urban Drainage System (SUDS) within the proposed drainage design.

Response: Noted. The applicant has included a SUDS scheme within the development.

4.7 SEPA – are concerned regarding this development as they understand that there is insufficient capacity within the existing sewerage system at this location to accept additional foul drainage. They therefore request that planning permission be withheld until the applicant clarifies this matter with Scottish Water. They also ask that a SUDS scheme is incorporated in the proposed drainage design.

Response: See 4.6 above

4.8 West of Scotland Archaeology Service (WOSAS) – advise there is a recorded site of possible significance directly affected by the proposals which may or may not be of some significance. They recommend that an initial assessment, followed by an archaeological field evaluation be carried out by the developer to determine the character and extent of any archaeological remains and to quantify the likely costs of appropriate investigative measures. They recommend that the results are submitted to the planning authority prior to it reaching a decision regarding the application. They further state that in the event that the planning authority is unable or unwilling to ask for an evaluation the alternative would be to attach a condition to the consent if granted.

Response: The applicant has submitted a project design for an archaeological evaluation of the proposed development site to WOSAS who have agreed its content. If committee agree to grant consent for this proposal it would be my intention to attach a condition of the consent ensuring the remainder of WOSAS's requirements are met.

4.9 Glasgow and the Clyde Valley Joint Structure Plan Team – consider the proposal is of strategic significance which requires to be addressed against the relevant policies within the approved Glasgow and the Clyde Valley Joint Structure Plan 2000, in this case policies 1 (d), 9 and 10. They consider the proposal does not meet the criteria of Strategic Policy 9A and is contrary to Strategic Policy 9B since part of the site proposes to use Greenfield land and does not seek to give preference

to the use of brownfield urban land. Therefore, they consider it a significant departure from the development plan and is not justified on the basis of the criteria identified in terms of Strategic Policy 10A. They further state that Strategic Policy 10B allows the consideration of any social benefits in relation to this proposed development. However they advise that the proposed residential development has not been justified on the grounds of social benefit and so do not consider that the development has been justified in terms of Strategic Policy 10. Notwithstanding this, they understand that there are material local planning considerations which need to be taken into account in the final determination of the application.

Response: Noted. Consideration of the above comments will be given under the Assessment and Conclusions section of this report.

- 4.10 Housing & Technical Resources** - advise they have no objections to this proposal, but would ask that cognisance be taken of the over-supply of social rented housing that exists in the village.

Response: Noted. I am aware of the voids in rented stock and of the recent initiatives to address this issue. I am however of the opinion that if approved, this proposal will provide significant housing choice in Rigside and the wider rural area and will assist in improving the perception of Rigside as an attractive area to live.

5 Representation(s)

The application was advertised as Development Potentially Contrary to the Development Plan. Following this publicity and statutory neighbour notification, one letter of objection and one letter of comment were received. The grounds of objection and comment are summarised as follows:

- (a) **Concern over whether the strip of ground between the boundary fence of an existing dwelling and the proposed development site will be incorporated into the development to prevent the land becoming overgrown. Also interested in knowing what boundary fence will be built at the rear of the property.**

Response: The land in question does form part of the application site and will be incorporated into the garden areas of the proposed dwellings. The proposed boundary treatment can be covered by means of conditions.

- (b) **Question over what trees will be taken down at rear boundary of existing property. The trees are mature and their roots will spread under the gardens of the adjacent existing dwellings.**

Response: The trees at the objector's rear boundary will be removed as part of the proposal.

- (c) **Concerns regarding overlooking.**

Response: I am satisfied that the proposal complies with the Council's Residential Development Guide and does not cause overlooking.

- (d) **Interested in whether an Engineers Report has been obtained as to the suitability of the ground for building, bearing in mind the mine workings in the area.**

Response: A desk study report was submitted with the application. The submission of a fully intrusive survey and certificate confirming the mineral stability of the site can be covered by means of conditions.

- (e) **The South Lanarkshire Minerals Local Plan identifies a known deposit of coal to the south/south-west of the current housing application site. The Council should have regard to this in considering the planning application for the housing development. In particular, the 250m settlement buffer zone will presumably be pushed further out from Rigside if the housing development is approved, thus encroaching into the coal deposit area. It may be prudent to consider some form of landscaping (bundling, tree planting) along the southern/south-western boundary of the development site.**

Response: Noted. The bulk of the application site falls within the settlement boundary of Rigside and within the 250m settlement buffer zone. Only a strip of the site, approximately 35m wide will push the settlement boundary outwards. I am satisfied that this is not significant. Woodland edge planting to the development is shown on the layout plan and can be controlled by condition.

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

6 Assessment and Conclusions

- 6.1** The application entails the development of 60 dwellinghouses , 43 flatted dwellings and the formation of a roundabout access on Ayr Road, Rigside. The determining issues in assessing this application relate to local and structure plan policy, compliance with the Council's Residential Development Guide and traffic impact.
- 6.2** In terms of local plan policy, the majority of the application site has been identified as a new housing site in the adopted Lower Clydesdale Local Plan where Proposal RES2 Proposed Housing Sites applies. Part of the site falls outwith the settlement boundary of Rigside where Policy ENV2 Rural Areas applies. This policy states that, within the rural area, the Council will generally favour development of an appropriate form which should meet the needs of the rural community and support the rural economy. Development is preferred on sites identified within settlement boundaries, or where the development can be integrated with existing groups of buildings. It further advises that isolated proposals will be resisted, along with those which would lead to ribbon development, an extension of a settlement or which, by virtue of their scale or design would change the established character of the area.
- 6.3** The proposal accords in part with the adopted Local Plan. I am satisfied that the principle of residential development for the larger part of the site has been established through the local plan process. Development of the remainder of the site is contrary to the adopted local plan. The extension to the settlement boundary involves a strip of ground approximately 35 metres wide which runs along the south-western boundary of Rigside as shown in the adopted local plan. This strip of ground would accommodate a total of 29 houses. The proposal involves the provision of a roundabout access on Ayr Road, which includes the junction of the road which leads to Douglas Water and as such the position of the proposed roundabout requires to be off-set from the proposed housing site as shown in the adopted local plan. The extension of the settlement boundary is necessary to make the scheme viable and I consider that the incursion into the rural area can be justified in this instance.

- 6.4** In strategic terms, the proposal does not comply with Strategic Policies 1 (d) (Rural Investment Area), 9 (Assessment of Development Proposals) and 10 (Departures from the Structure Plan) of the Glasgow and Clyde Valley Structure Plan. Whilst it is recognised that the proposed development does represent a departure from the Structure Plan, the extension to the settlement boundary of Rigside is necessary to make the scheme viable and in this particular instance I consider that a departure from the Structure Plan can be fully justified.
- 6.5** The regeneration of Rigside and other rural villages is one of the priorities in the Glasgow and Clyde Valley Structure Plan, the emerging South Lanarkshire Local Plan and the South Lanarkshire Rural Partnership. A site which can provide a wider range and choice of housing is to be welcomed. This should encourage more spend within the village itself and help stabilise the rural population. I would therefore conclude that this particular proposal will meet the needs of the Rural Investment Area and the village of Rigside in particular by giving a better range and choice of housing particularly suited to the needs of young people and new families within the village, allowing them to stay in the village rather than relocating to a larger urban area where a fuller market range of house types is available.
- 6.6** I am satisfied that the proposed layout complies with the Council's Residential Development Guide and the Council's Roads Service have no objections to the proposal in terms of traffic safety subject to an amended roundabout design, adequate footway provision, submission of a Safety Audit and standard conditions relating to a development of this nature. After carefully considering all relevant issues, I am of the view that the proposal is acceptable and a departure from the Glasgow & Clyde Valley Joint Structure Plan 2000 & Lower Clydesdale Local Plan can be justified for the following reasons:
- There are no infrastructural issues
 - The site can be well screened by additional boundary landscaping which will integrate the site with the existing village.
 - The provision of the roundabout access on Ayr Road will improve traffic safety and reduce vehicle speeds
 - The strip of ground which is located outwith the settlement boundary is required to incorporate the location of the roundabout and access road to the site
 - The strip of ground which is located outwith the settlement boundary will render the scheme viable and in turn will allow development of an established housing site
 - The proposal will provide a wider range of housing choice, which will assist in stabilising the rural population.

Iain Urquhart
Executive Director (Enterprise Resources)

19 April 2005

List of Background Papers

- ▶ Application Form
- ▶ Application Plans

► Consultations	
Scottish Water	04/03/05
Roads & Transportation Services	12/04/05 & 15/4/05
Environmental Services	31/12/04
S.E.P.A. (West Region)	03/02/05
West of Scotland Archaeology Service	15/02/05
Leisure Services	02/03/05
Housing and Technical Resources	21/01/05
Glasgow and the Clyde Valley Joint Structure Plan Team	13/04/05

- Representations
- Representation from : Colin Ortlepp
 Planning Manager
 Scottish Coal,
 Castlebridge Business Park
 Gartlove
 Near Alloa
 Clackmannanshire
 FK10 3PZ, DATED 23/03/05
- Representation from : Mr & Mrs W. Gray,
 48 Muirfoot Road
 Rigside, DATED 31/12/04

Contact for Further Information

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

Gail Rae, Planning Officer, Clydesdale Area Office
 Ext 3205 (Tel :01555 673205)
 E-mail: 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 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.
- 5 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.
- 6 That prior to any work commencing on the site, a maintenance management schedule for the landscaping scheme approved under the terms of Condition 4 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.
- 7 That the open space relating to the development shall be laid out simultaneously with the development or each phase thereof, and shall be completed to the satisfaction of the Council as Planning Authority.
- 8 That proposals for the maintenance of all areas of open space within the development shall be submitted to the Council as Planning Authority and no work on the site shall be commenced until the permission of the Council has been granted for these proposals or such other proposals as may be acceptable.
- 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.

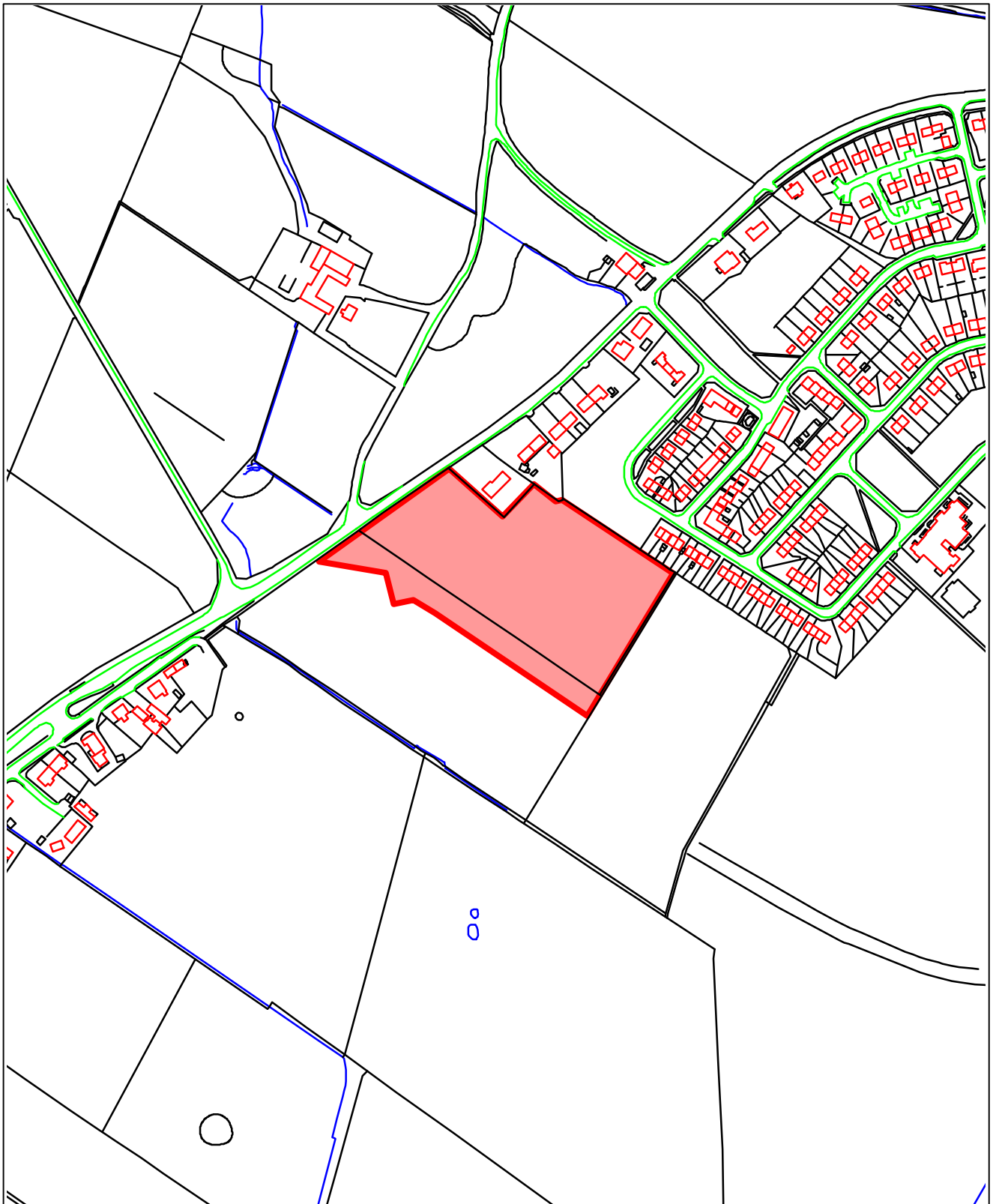
- 10 That before any of the dwellinghouses situated on the site upon which a fence is to be erected is occupied, the fence or wall for which the permission of the Council as Planning Authority has been obtained under the terms of Condition 9 above, shall be erected and thereafter maintained to the satisfaction of the Council.
- 11 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 any of the dwellinghouses and the adjoining road.
- 12 That before any of the dwellinghouses hereby approved are occupied, a drainage system capable of preventing any flow of water from the site onto the public road or into the site from surrounding land shall be provided and maintained to the satisfaction of the Council as Roads and Planning Authority.
- 13 That before the development starts, a report from a professionally qualified source detailing the nature, concentration and distribution of any contaminants found within the application site, shall be submitted to and approved by the Council as Planning Authority and the development shall not be commenced until such action as is recommended by this report, in order to remove, or render harmless, any such contaminants, has been implemented and completed to the full specification and entire satisfaction of the Council. The developer shall give the Council at least 7 working days notice in writing prior to the commencement of any decontamination works on the site.
- 14 That before the development starts, a certificate from a recognised firm of chartered engineers shall be submitted to the Council as Planning Authority confirming the mineral stability of the site.
- 15 That before any work commences on the site, further details in respect of provision of the footpath linking the development with Muirfoot Road as well as other footpaths linking the development with the existing footway network and nearby facilities shall be submitted to and approved in writing by the Council as Planning Authority.
- 16 That prior to the completion of the development hereby approved, the footpaths approved under the terms of Condition 15 above shall be completed.
- 17 That before any of the dwellinghouses shaded brown on the approved plans are occupied, a 1.8 metre high close boarded screen fence shall be erected along the boundary marked green on the approved plans.
- 18 That no development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

- 19 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; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems.
- 20 That notwithstanding condition 19 above the proposed infiltration trenches shall not be sited as to undermine the foundations of the dwellinghouses or parking bays/driveways.
- 21 That notwithstanding condition 19 above a CCTV camera survey of the existing culvert shall be carried out and the results submitted to and approved in writing by the Council as Planning Authority.
- 22 That notwithstanding condition 19 above the side slopes to the retention pond shall be 1 in 4 maximum.
- 23 That notwithstanding condition 19 above full details of proposed landscaping and safety fencing for the area in and around the retention pond shall be submitted to and approved in writing by the Council as Planning Authority.
- 24 That proposals for the maintenance of the sustainable urban drainage system within the development shall be submitted to the Council as Planning Authority and no work on the site shall be commenced until the permission of the Council has been granted for these proposals or such other proposals as may be acceptable and be in operation.
- 25 That before the last dwellinghouse hereby approved is occupied, the new vehicular access so far as it lies within the boundaries of the road abutting the site, shall be constructed in accordance with the specification and to the satisfaction of the Council as Roads and Planning Authority.
- 26 That no dwellinghouse shall be occupied until the access roads and footways leading thereto from the existing public road have been constructed to base course level.
- 27 That before the last dwellinghouse hereby permitted is occupied, all roads and footways within the development shall be completed to final wearing course level.
- 28 That any future submission of a planning application(s) for dwellinghouses on land adjacent to the site shall include a Transportation Assessment which should take account of the number of dwellinghouses hereby granted under this application to the satisfaction of the Council as Planning Authority.
- 29 That before any work commences on site, details of the amended design of the roundabout access, shall be submitted to and approved in writing by the Council as Planning Authority.
- 30 That before any work commences on site a Safety Audit for the new junction and any other infrastructure modifications shall be submitted to and approved in writing by the Council as Planning Authority.

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 In the interests of the visual amenity of the area.
- 5 In the interests of amenity.
- 6 In the interests of amenity.
- 7 In the interests of amenity.
- 8 In the interests of amenity.
- 9 These details have not been submitted or approved.
- 10 In order to retain effective planning control
- 11 In the interests of amenity and in order to retain effective planning control.
- 12 To ensure the provision of a satisfactory drainage system.
- 13 To ensure the site is free from contamination
- 14 To ensure the mineral stability of the site
- 15 These details have not been submitted or approved.
- 16 To safeguard the amenity of the area.
- 17 In the interests of amenity and in order to retain effective planning control.
- 18 In order to safeguard any archaeological items of interest or finds.
- 19 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 off-site flooding.
- 20 To ensure the sustainable urban drainage system scheme does not have a detrimental impact on the residents.
- 21 To ensure the condition and capacity of the existing culvert is suitable to receive the discharge from the retention pond.
- 22 In the interests of amenity and public safety
- 23 In the interests of amenity and public safety
- 24 To ensure a suitable maintenance regime is established
- 25 In the interests in public safety
- 26 To ensure satisfactory vehicle and pedestrian access facilities to the dwellings.
- 27 To ensure satisfactory vehicle and pedestrian access facilities to the dwellings.
- 28 In the interest of road safety
- 29 In the interest of road safety
- 30 In the interest of road safety

For information only



For information only