

# Report

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| Report to:       | <b>Planning Committee</b>                        |
| Date of Meeting: | <b>22/03/2005</b>                                |
| Report by:       | <b>Executive Director (Enterprise Resources)</b> |

|                    |  |
|--------------------|--|
| Application No     | CL/05/0037   |
| Planning Proposal: | Erection of 21 dwellinghouses, 36 flatted dwellings, associated infrastructure and landscaping (amendment to CL/03/0067) |

## 1 Summary Application Information

- Application Type : Detailed Planning Application (Amend)
- Applicant : Robert D Hogg Construction
- Location : Birkshaw Nursery  
Sheildhill Road  
Carluke  
ML8 5AL

## 2 Recommendation(s)

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

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) A financial contribution of £5,000 is required from the developer towards upgrading recreational provision in the surrounding area, to be lodged prior to the issue of consent.

## 3 Other Information

- ◆ Applicant's Agent: The John Russell Partnership
- ◆ Council Area/Ward: 05 Clyde Valley
- ◆ Policy Reference(s): Lower Clydesdale Local Plan (Adopted)  
Policy RES1 Residential Areas  
Policy RES2 Proposed Housing Sites  
H6 Lanark Road/Shieldhill Road

- ◆ Representation(s):  
▶ 3 Objection Letters

- ◆ Consultation(s):

Leisure Services (Horticulture & Landscape Development)

Roads and Transportation Services (South Division)

# **Planning Application Report**

## **1 Application Site**

- 1.1** The application site consists of the former Birkshaw Nursery on Shieldhill Road, Carluke. The land is generally flat in nature at the front of the site and then slopes gently towards the rear of the site. The site is bounded to the south by Shieldhill Road, and by two storey dwellings which were developed in the early 1990s. Two storey local authority dwellings on Milton Crescent adjoin the site to the west, with the steep slope leading down to Jocks Burn adjoining the site to the north. The site is bounded by residential properties to the east.

## **2 Proposal(s)**

- 2.1** The applicant, on behalf of Clyde Valley Housing Association, seeks to amend the previously approved application which was for the erection of 15 dwellinghouses and 22 flats to allow 21 dwellinghouses and 36 flats. This will increase development capacity from 37 units to 57 units.
- 2.2** The submitted plans show two blocks of flats at the entrance to the site. The height of the flats at the front of the site range from two storey to three storey with a turret style feature incorporated into the design. A further block of flats is proposed on the western, rear corner of the site. By using the gradient of the site, this block of flats is 4 storeys high on the northern elevation and lowers to three storeys in height on the remaining elevations. Two further blocks of flats are proposed on the site which are both three storeys in height. A further block of flats in the centre of the site is proposed at two storeys in height. The proposed dwellinghouses in the site are all two storeys in height and range from semi-detached to terraced properties with one detached dwelling. The submitted plans show areas of open space within the site and parking facilities for the flats and dwellinghouses. The area of ground to the rear of the site which leads to Jocks Burn would form part of the open space provision for the development.
- 2.3** It should also be noted that the developer submitted a financial contribution of £12,025 (£325 per unit) to the Council towards recreational provision in the area under the previous consent. The developer has agreed to submit an additional financial contribution of £5,000 (£250 per additional unit) for this amended scheme.

## **3 Background**

### **3.1 Local Plan Status**

The application site is covered by Policy RES1 Residential Areas and Proposal RES2 Proposed Housing Sites of the adopted Lower Clydesdale Local Plan. The proposed housing site is known as H6 Lanark Road/Shieldhill Road and the Plan indicates the site has a capacity for 20 dwellinghouses.

### **3.2 Relevant Government Advice/Policy**

SPP 3 Planning for Housing states that where possible, most housing requirements should be met within or adjacent to existing settlements. This prevents the sprawl and coalescence of settlements, makes efficient use of existing infrastructure and public services and helps to conserve natural heritage and rural amenity. The

guidance further advises that infill sites can often make a useful contribution to the supply of housing land. Planning authorities should ensure that infill development respects the scale, form and density of its surroundings and enhances rather than detracts from the character and amenity of existing residential areas.

### 3.3 Planning History

Planning permission was granted in March 2004 for the erection of 15 dwellinghouses and 22 flats on this site (CL/03/0067).

## 4 Consultation(s)

- 4.1 **Leisure Services** – no objections to the proposal but suggest that a safety barrier be erected on the pavement outside the children's play area in view of the formation of a T junction at this point.

**Response:** Noted. The financial contribution which the developer has already submitted and the additional contribution which would be submitted under this consent is available to Leisure Services to undertake this work.

- 4.2 **Roads and Transportation** - no objections subject to the application for construction consent and the provision of adequate parking and drainage arrangements.

**Response:** Noted. Relevant conditions can be attached to any approval.

## 5 Representation(s)

- 5.1 Following neighbour notification, 3 letters of objection have been received. The objections and my comments thereon are summarised as follows:

a) **Concern over the proximity of the refuse bins adjacent to dwellinghouse.**

**Response:** The objector made the same point under the previous application. At that time the bin store was located immediately adjacent to the boundary of the objector's property. A condition was placed on the consent to ensure that the developer provided details of an alternative position for the bins at this particular location. This amended application shows the bin store positioned 5 metres from the boundary of the objector's property. As such I am satisfied that the amended position of the bin store will not have a detrimental impact on the amenity of the adjacent dwelling.

b) **The area between the end of 30 Shieldhill Road and the gable of the proposed flats should be blocked off by either a wall or high fence to prevent this area being used as a walkway.**

**Response:** If Committee agree to grant consent for this proposal it would be my intention to place a condition on the planning consent requiring the submission of details of proposed fences and walls for approval. The submitted plans do not show a footpath along the side of 30 Shieldhill Road, according to the plans it is the developer's intention to form an area of open space at this location.

c) **The development will considerably increase the amount of traffic using the main road, some kind of traffic calming system should be installed bearing in mind that there is a children's play park directly opposite the new development.**

**Response:** The Roads Service have advised verbally that traffic calming measures will have to be incorporated within the site. If Committee agree to grant consent for this application the Roads Service will ensure implementation of this through the Roads Construction Consent.

- d) The submitted plans show blocks of three storey flats. As there are no other three storey properties on this road, I believe these will be out of character with adjacent properties and the general area. Concern is also raised over the potential loss of sunlight and privacy.**

**Response:** Noted. The proposal to erect three and four storey blocks of flats within this site has been carefully assessed. The applicant has submitted a number of sections through the site which illustrate the storey height of the proposed buildings in relation to the height and position of the existing adjacent dwellings. I am satisfied that the site levels can accommodate the three and four storey elements and that there will not be a loss of privacy or sunlight.

- e) Concern over loss of wildlife on the site and around Jocks Burn.**

**Response:** The site is located within an urban environment and I do not consider that the wildlife would be affected to such an extent to warrant refusal of this proposal. The proposed development does not directly affect the open space area and the Jocks Burn.

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

## **6 Assessment and Conclusions**

- 6.1** The principle of residential development of this site is established by virtue of the previous detailed planning consent. Therefore the determining issues which require to be addressed when assessing this proposal are the impact which the amended proposals will have on the amenity of the area and its compliance with the Council's Residential Development Guide.
- 6.2** Clyde Valley Housing Association seek to amend the previously approved application which was for the erection of 15 dwellinghouses and 22 flats to allow 21 dwellinghouses and 36 flats, which changes the proposal from 37 units to 57 units. The applicant advises that the changes in the scheme reflect their identified needs from the housing lists for the Carluke area. The submitted plans show that the original feature of the flats at either side of the entrance to the site has been retained. These flats range from two storeys to three storeys with a turret style feature incorporated into the design and have been amended slightly to meet the Housing Association's space standards. The detached and semi-detached houses around the perimeter of the site have been changed in the main to terraced housing with a couple of semi-detached houses and one detached house. The proposed dwellinghouses in the site are all two storey in height. The applicant has introduced two blocks of three storey flats on the north-east and south-west corners of the site. The original block of flats situated in the north-west corner was three storeys in height, however the applicant has now amended this to four storeys in height by using the slope of the site. In addition a block of two storey flats has been introduced in the centre of the site.
- 6.3** In terms of the proposal's effect on the character and amenity of the local area, I consider the development of the site for residential purposes to be appropriate, as it

will bring back into productive use a large area of land that is currently lying vacant since the closure of Birkshaw Nursery. The impact of the amended proposal to erect additional units on this site and the introduction flats with three and four storey elements has been carefully assessed. The layout, as proposed meets the standards in terms of the Council's Residential Development Guide and I consider that the site levels can accommodate the proposed storey heights.

- 6.4** To conclude, I recommend approval and welcome this proposal which will help revitalise a redundant site and bring it back into productive use.

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

**3 March 2005**

### **Previous References**

- ◆ Bullet point list

### **List of Background Papers**

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations
  - Roads and Transportation Services (South Division) 17/02/05
- ▶ Representations

|                                      |   |
|--------------------------------------|---|
| Name of<br>Representee :<br>Address: | Edward Wright JP<br><br>Birkdale<br>4 Lanark Road<br>Carluke<br>ML8 4HD |
| Date of reply:                       | 23/02/05  |
| Name of<br>Representee :<br>Address: | Mr & Mrs S Lambert<br><br>18 Milton Crescent<br>Carluke<br>ML8 5AN      |
| Date of reply:                       | 24/01/05  |
| Name of<br>Representee :<br>Address: | Mrs A Mulheron<br><br>30 Shieldhill Road<br>Carluke<br>ML8 5AL          |
| Date of reply:                       | 28/01/05  |

**Contact for Further Information**

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

Gail Rae, Planning Officer, South Vennel, Lanark  
Ext. 810 3205 (Tel : 01555 673205 )  
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 shall take place without the prior written approval of the Council as Planning Authority.
- 3 That before any work commences on site, further detailed sections, at an appropriate scale, of the common boundaries around the site shall be submitted to and approved by the Council as Planning Authority.
- 4 That no consent is hereby granted for the type and distribution of external finishes for the block of flats hatched in purple 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 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.
- 6 That no trees within the application site or the area outlined in green 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.
- 7 That before any work commences on the site, a scheme of landscaping for the application site, the boundaries marked in green and the area outlined in 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 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 further submission of details required under Condition 6 above shall include provision for a safeguarded route for a proposed public access footpath along the bank of Jocks Burn in the area shown in brown on the approved plans.
- 9 That the approved landscaping scheme shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following commencement of works on the site hereby approved, and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.



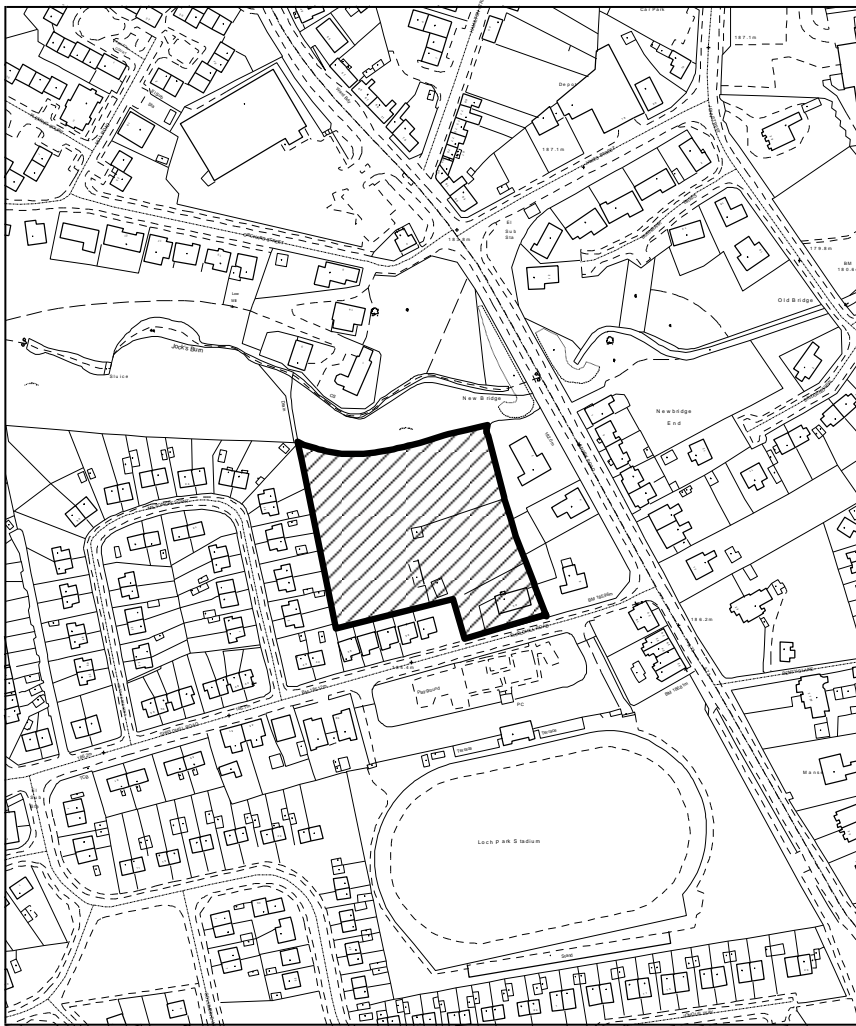
- 10 That prior to any work commencing on the site, a maintenance management schedule for the landscaping scheme approved under the terms of Condition 6 above shall be submitted to and approved by the Council as Planning Authority. Thereafter, the landscaping shall be maintained in accordance with the approved management schedule to the satisfaction of the Council.
- 11 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.
- 12 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 10 above, shall be erected and thereafter maintained to the satisfaction of the Council.
- 13 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.
- 14 That the surface water drainage system shown on the approved plans shall be implemented simultaneously with the development hereby approved and thereafter maintained, to the satisfaction of the Council as Planning Authority.
- 15 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.
- 16 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.
- 17 That before the last dwellinghouse hereby permitted is occupied, all roads and footways within the development shall be completed to final wearing course level.
- 18 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.
- 19 That before any of the dwellinghouses hereby approved are completed or brought into use, remediation/control measures must be fully implemented to the satisfaction of the Council as Planning Authority.

- 20 That any alterations to the remediation plan may only take place with the written approval of the Council as Planning Authority.
- 21 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.
- 22 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.
- 23 That no consent is hereby granted for the second floor, living room window on the western elevation of the block of flats hatched in orange on the approved plans, and no work shall commence on site until amended floor plans and elevations for this block of flats showing an alternative window arrangement, have been 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 To enable the Planning Authority to monitor the development and to ensure that it is carried out in accordance with the terms of this consent.
- 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 To ensure the protection and maintenance of the existing mature trees within the site
- 7 In the interests of the visual amenity of the area.
- 8 In order not to prejudice the proposed provision of a public access footpath.
- 9 In the interests of amenity.
- 10 In the interests of amenity.
- 11 These details have not been submitted or approved.
- 12 In order to retain effective planning control
- 13 To ensure the provision of a satisfactory drainage system.
- 14 To ensure the provision of a satisfactory surface water drainage system.
- 15 In the interest of public safety
- 16 To ensure satisfactory vehicle and pedestrian access facilities to the dwellings.
- 17 To ensure satisfactory vehicle and pedestrian access facilities to the dwellings.
- 18 To ensure the site is free of contamination and suitable for development.
- 19 To ensure the site is free of contamination and suitable for development.
- 20 In order to retain effective planning control
- 21 In order to retain effective planning control
- 22 To ensure the mineral stability of the site
- 23 In the interests of amenity and in order to retain effective planning control.

**PLANNING APPLICATION: CL/05/0037**  
**BIRKFIELD NURSERY, SHIELDHALL ROAD, CARLUKE**



**Scale 1:2500**



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