

Report

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

Application No	HM/04/0559
Planning Proposal:	Erection of 19 dwellinghouses and formation of access road

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Amigo Developments Ltd
- Location : Station Road
Netherburn

2 Recommendation(s)

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

- (1) Grant Detailed Planning Permission (Subject to Conditions – based upon the attached conditions.

2.2 Other Actions/Notes

The Planning Committee has delegated powers to determine this application. Committee should note that no consent will be issued until the developer has provided a financial contribution towards the improvement of existing sports/recreation facilities in the area amounting to £9,500.

3 Other Information

- ◆ Applicant's Agent: Seven Design Group
- ◆ Council Area/Ward: 51 Dalserf
- ◆ Policy Reference(s): **Hamilton District Local Plan**
EN2 – Village Envelopes
DC1 – Residential Areas - General

- ◆ Representation(s):
 - 2 Objection Letters

- ◆ Consultation(s):

Scottish Water

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

Scottish Natural Heritage

Environmental Services

Roads and Transportation Services (Hamilton Area)

Power Systems

TRANSCO (Plant Location)

Planning Application Report

1 Application Site

- 1.1 The application site which extends to some 1.18 hectares in area is located to the east of the settlement of Netherburn and is currently used to graze horses. The site is largely triangular in shape and is bounded by open fields to the north, east and south.
- 1.2 Along the northern boundary is a public footpath which is to remain unaffected by the development. The western boundary is defined by a short section of Station Road, before running away at an angle to the south. A shallow ditch runs the extent of this south western boundary which is lined by a row of low trees. To the south west of the site is an untended area of land where junk metal appear to have accumulated.

2 Proposal(s)

- 2.1 It is proposed by the applicant to erect 19 detached two storey dwellinghouses and form an access road off Station Road to serve the development. Access to the site would be gained from a roundabout which is to be formed on Station Road. Two of the properties are to feature detached garages, while the remainder have integral garaging.
- 2.2 The proposals further involve structural planting along the eastern boundary to minimise the impact of the development upon the countryside in that direction.

3 Background

3.1 Local Plan Status

3.1.1 The Hamilton District Local Plan identifies the site as being EN2 – Village Envelopes. This policy states that within village envelopes the Council will seek to improve the character and amenity of each settlement. Residential development will be acceptable in principle provided that proposals do not have adverse traffic, parking or service implications and the design of any development is satisfactory. Policy DC1 states that all applications should take fully into account the local context and built form and should take cognisance of scale, position materials of adjacent buildings. Policy DC2 requires that the number of houses and density of development will be dictated by site characteristics and the surrounding built form. New residential developments should provide roads and off street parking to meet appropriate guidelines.

3.2 Site History

3.2.1 The site was granted outline planning consent for residential development in 1998 and then subsequently in 2003 under reference number HM/03/0026.

4 CONSULTATIONS:

4.1 Environmental Services – have requested that a full intrusive survey is conducted on site to determine contamination on site.

Response: Noted. This can be conditioned into any consent granted.

4.2 Roads and Transportation Services – have requested that the road layout and parking and turning provisions achieve the required standards. In the consultation

response, the Roads department suggested that the branch road to the south could be reduced to 4.8m wide provided driveways are widened for manoeuvrability. However, this has been clarified further, and was later amended to 5.5m wide.

Response: The points raised within the consultation response were relayed to the applicant who addressed them. As the branch road would not be adopted unless it were widened to 5.5m this has been requested from the applicant. This, however, has had implications for plot numbers 12, 14 and 16 which will be addressed later in this report.

- 4.3** **SEPA** – No response received at present. At outline permission stage SEPA advised that they have no objections on the understanding foul drainage is connected to the public sewer.

Response: Noted.

- 4.4** **Scottish Water** – have no objections to the proposals provided a totally separate drainage system of foul and surface water sewers are provided.

Response: noted.

- 4.5** **Scottish Natural Heritage** – have no objections to the proposal provided a number of conditions are attached to any consent granted. These condition include; no development shall take place until a comprehensive badger survey of the site has been undertaken by an independent, qualified individual; all trees on site are to be protected, details of which are to be submitted prior to the granting of consent; should any mature trees require to be felled this should not be done so without a bat roost survey being conducted; no trees or shrubs should be felled during the bird breeding season (March – June); and any footpaths or informal desire line paths through the site should be retained or reasonable alternatives provided.

Response: Noted. The above matters can be addressed through conditions attached to any consent granted.

- 4.6** **Power Systems** – have no objections in principle to the proposed development, and identify the position of all known apparatus.

Response: Noted. The applicants will be advised of the apparatus in the area of the site.

- 4.7** **TRANSCO** – advised has no gas mains in the area and have no comment to make on the application.

Response: noted.

5 REPRESENTATIONS:

- 5.1** Following statutory neighbour notification two letters of representation were received. The points raised are summarised below:

(a) The application should be incorporated into a masterplan for the area so that conflicting issues between this application site and neighbouring proposed developments can be addressed.

Response: It is not considered that the area requires to be developed through the use of a masterplan, and that the adjoining sites can be determined in isolation without the need for a combined approach.

(b) The application site involves visibility splays that will encroach upon land to the south. The adjoining landowner refuses to allow any legal access over their land to form the visibility splays so required.

Response: The applicant had originally intended to access the site via a standard road junction onto Station Road and would therefore have required the adjacent land owner's permission to form visibility splays on the land to either side of the junction. In order to remedy this, however, the applicant has incorporated a roundabout into the scheme and no longer requires visibility splays over land to either side. Roads and Transportation Service have viewed the proposed roundabout and agreed to it.

(c) It has been requested that the Council consider the plans for development on sites adjacent to the application site

Response: Noted.

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

6 Assessment and Conclusions:

- 6.1** The main planning considerations in determining the application relate to the application's ability to comply with policies contained within the Hamilton District Local Plan, its effect on the amenity of the area and its compliance with the Council's Residential Development Guide.
- 6.2** In relation to local plan policy, the site lies within an area identified as EN2 within the Hamilton District Local Plan. Policy EN2 states that residential development is acceptable in principle provided it does not have adverse traffic, parking or service implications and the design of any development is satisfactory. It is not considered that the development will have a negative impact upon the traffic within the settlement. The introduction of the roundabout will address the issue of visibility splays raised within the letter of representation, but will also act as traffic calming along Station Road. The Roads and Transportation Service are satisfied as to the standard and principle of the introduction of a roundabout at this location. It is therefore considered that the development will comply with this element of the policy.
- 6.3** With regards the impact of the development upon the amenity of the area, a condition of the 2003 outline consent was that a 5m wide strip of structural planting should be included along the eastern boundary. Through the processing of this application this was reduced to 3m, and the structural planting, is contained within the rear garden areas of the properties along the eastern boundary. Although I have no objections in principle to reducing the planting strip to 3m in depth, the inclusion of this planting within the rear garden areas may result in difficulties of retaining this buffer in the longer term. As such a condition will be attached to any consent granted to ensure that the maintenance and retention of the structural planting strip be included within the title deeds of these properties. A further condition will be attached to obtain details of the landscaping to be incorporated into the scheme. This should ensure that future residents are aware of the need to retain this important landscaping buffer.
- 6.4** The Residential Development Guide has been produced to provide advice and guidance on the key development standards that applicants will require to meet in submissions for new housing developments. It includes such guidance on housing layout, roads and open space. It is considered that the applicant has addressed all relevant points raised within the production pertaining to garden sizes, window to

window distances and plot layout. The developer has agreed to a financial contribution towards the improvement of existing sport/recreational facilities in the area in lieu of the provision of a play area within the site. The provision of the financial contribution satisfies this requirement contained within the Residential Development Guide.

- 6.5** However, Roads and Transportation Services initially stated that the branch road within the site could be 4.8m wide provided driveways along its length were widened. This, however, would result in a road that would not be to an adoptable standard, which is not considered to be acceptable. On this basis, it is accepted that the road would have to be widened despite the consequent reduction in rear garden lengths of plots 12, 14 and 16. Plot 12 in particular would extend to only 9.3m in length instead of the 10m that is requested by the Residential Development Guide. Despite this the garden would still be above the required 70m² as detailed in the Guide. As such it has been accepted and it is considered that the application still largely complies with the Residential Development Guide despite being deficient in this one element. Plot 12 is the only plot that would be so affected.
- 6.6** As has been stated above, the application satisfies the Hamilton District Local Plan in that the site is zoned appropriately for residential development, the requirements of the Residential Development Guide have been achieved and all consultation responses have come back favourably. For these reasons, therefore, it is recommended that the application be granted approval subject to the conditions attached.

Iain Urquhart
Executive Director (Enterprise Resources)

3 March 2005

Previous References

None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations
 - Scottish Water 11/08/2004
 - TRANSCO (Plant Location) 02/08/2004
 - Roads and Transportation Services (Central Division) 03/08/2004
 - Environmental Services 17/08/2004
 - Scottish Natural Heritage 14/09/2004
- ▶ Representations
 - Name of Zahid Hanif

Representee :

Address: Manseport Ltd
30 Wykehamhill
Wembley
London
HA9 9RZ

Date of reply: 18/08/2004

Name of Representee : Zahid Hanif (on behalf of Manseport Limited)

Address: 30 Wykehamhill
Wembley
London
HA9 9RZ

Date of reply: 31/12/2004

Contact for Further Information

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

Jamie McCracken, Planning Officer, Brandon Gate, Hamilton
Ext. 3552 (Tel :01698 453552)
E-mail: Enterprise.hamilton@southlanarkshire.gov.uk

CONDITIONS

- 1 That the development hereby permitted shall be started not later than two years from the date of this approval.
- 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 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.
- 5 That before the development hereby permitted is occupied or brought into use, all the fences or walls for which the permission of the Council as Planning Authority has been obtained under the terms of Condition 4 above, shall be erected and thereafter maintained to the satisfaction of the Council.
- 6 That before the development hereby approved is completed or brought into use, a dropped kerb access to the site shall be constructed in accordance with the specification and to the satisfaction of the Council as Roads and Planning Authority.
- 7 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.
- 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 the development hereby approved is completed or brought into use, the new vehicular access and roundabout 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.

- 10 That no dwellinghouse shall be occupied until the access roads and footpaths leading thereto from the existing public road have been constructed in accordance with the specification of and to the satisfaction of the Council as Roads and Planning Authority.
- 11 That before the development hereby approved is completed or brought into use, the maintenance and retention of the structural planting that exists along the eastern boundary will be written into the title deeds of properties running along this boundary. A sample copy of the title deeds containing this clause will be provided to the Planning Service for approval, prior to any work commencing on site.
- 12 That any garage or car port erected within the curtilage of the site shall be at least 6 metres from the heel of the footway.
- 13 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.
- 14 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.
- 15 That no development shall take place until a comprehensive badger survey of the site has been undertaken by an independent, qualified individual. Such a badger survey should include an examination of the site for any badger setts, irrespective of whether or not they are currently in use. In the even of a badger sett(s) being discovered, then SNH should be consulted.

REASONS

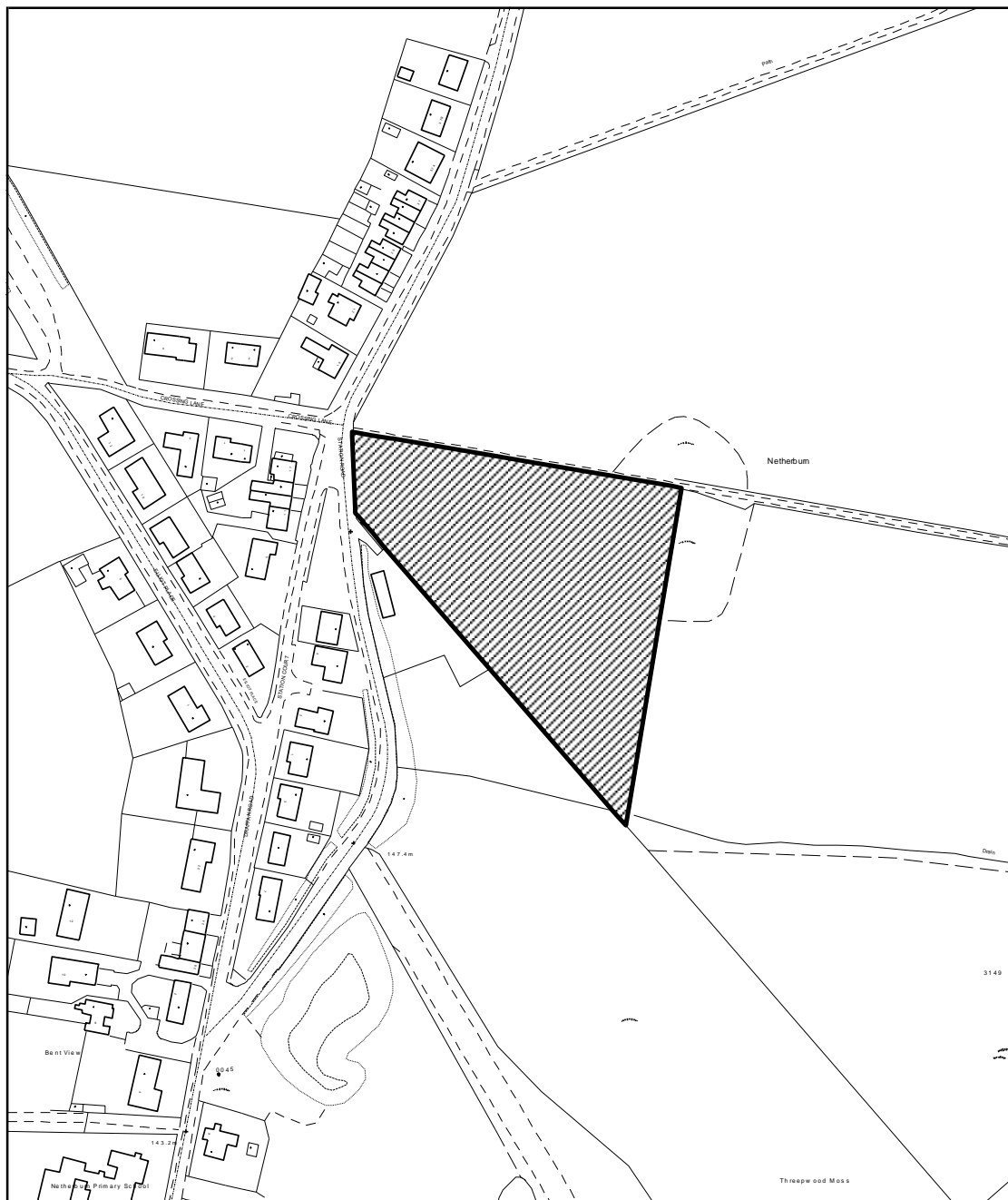
- 1 To accord with the outline planning permission.
- 2 In the interests of amenity and in order to retain effective planning control.
- 3 In the interests of amenity and in order to retain effective planning control.
- 4 These details have not been submitted or approved.
- 5 In the interests of amenity and in order to retain effective planning control.
- 6 In the interest of public safety
- 7 In the interests of the visual amenity of the area.
- 8 In the interests of amenity.
- 9 In the interest of public safety
- 10 To ensure satisfactory vehicular and pedestrian access facilities to the dwellings
- 11 To ensure the retention and maintenance of the structural planting along this boundary to ensure the effective screening of the site.
- 12 In the interest of public safety
- 13 To ensure the provision of a satisfactory sewerage system.
- 14 To ensure the site is free from contamination

- 15 To ensure that the development does not impact upon the natural habitat of of a protected species in the area and to develop a strategy to deal with any such setts identified.

INFORMATIVES

- 1 That the developer shall obtain details of the position of gas pipes owned by the relevant Gas Transporters.

HM/04/0559 - AMIGO DEVELOPMENTS STATION ROAD, NETHERBURN



Map at Scale 1:2500



South Lanarkshire Council, Licence No. LA09047L

This copy has been produced specifically for planning and building control purposes only. No further copies may be made.

Reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationery Office (HMSO).

© Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Drawn 23/02/2005