

# Report

8

Report to:	<b>Clydesdale Area Committee</b>
Date of Meeting:	<b>18 November 2008</b>
Report by:	<b>Executive Director (Enterprise Resources)</b>

Application No	CL/08/0229
Planning Proposal:	Erection of 3 No. Terraced Dwellings and 8 No. Flatted Dwellings and Associated Road Works, Ground Works and Landscaping.

## 1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Kanak Bose Ltd
- Location : 7A North Back Road  
Biggar  
ML12 6EJ

## 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 Area Committee has delegated powers to determine this application;
- (2) The application requires to be determined at Area Committee due to the number of dwellings proposed; and
- (3) A financial contribution of £3300 will be 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: N/A
- ◆ Council Area/Ward: 03 Clydesdale East
- ◆ Policy Reference(s): **Upper Clydesdale Local Plan (Adopted)**
  - Policy 74: Settlement Boundaries/Infill Development

### **Finalised South Lanarkshire Local Plan - (As Modified)**

- Policy RES6: Residential Land Use
- Policy DM1: Development Management
- Policy ENV30: New Housing Development

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

- ◆ Consultation(s):

Environmental Services

Scottish Water

West of Scotland Archaeology Service

Planning & Building Control HQ (Conservation Officer)

Biggar & District Civic Society

Biggar Community Council

Roads and Transportation Services (South Division)

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

## Planning Application Report

### 1 Application Site

- 1.1 The application site is located within the settlement boundary of Biggar. The site consists of a workshop and garage related to general industrial use. The site is bounded to the west by St Mary's Church and to the north by the graveyard associated with St Mary's Church. The church is a Category A Listed Building. The application site also adjoins Biggar Conservation Area to the south and east. The site is bounded to the east by 2 storey flatted dwellings and to the south by 2 storey terraced dwellings. The surrounding dwellings are traditional in terms of design and materials. The ground is level with the public road at the site entrance then steps upwards near the middle of the site.

### 2 Proposal(s)

- 2.1 The applicant seeks detailed planning consent for the erection of 3 No. terraced dwellings and 8 No. flatted dwellings and associated road works, ground works and landscaping at 7A North Back Road, Biggar. This scheme supersedes an initial submission comprising three blocks of 12 units.

### 3 Background

#### 3.1 Local Plan Status

- 3.1.1 The site is identified in the adopted Upper Clydesdale Local Plan as being within a residential area where policy 74 applies. Residential development in these areas will be looked upon favourably, subject to the development being compatible with the character of the surrounding area and size, shape and topography of the site.
- 3.1.2 The site is identified in the Finalised South Lanarkshire Local Plan (as modified) as being within a residential area where policy RES6 applies. This principle of residential development within these areas is considered acceptable.
- 3.1.3 Policies DM1 and ENV30 of the Finalised South Lanarkshire Local Plan (as modified) aim to ensure that developments take into account the characteristics of the surrounding area. In addition, developments should take into account the topography of the site and be of a high quality design.

#### 3.2 Relevant Government Advice/Policy

- 3.2.1 None.

#### 3.3 Planning History

- 3.3.1 None relevant.

### 4 Consultation(s)

- 4.1 SEPA – have no objections to the application.

Response: Noted.

- 4.2 Roads and Transportation Services - have no objections to the proposal subject to specific conditions being attached to any consent granted. This includes the formation of a 2.0 metre wide footpath along the frontage of the site and a 5.5metre wide dropped kerb footway crossing to the site being constructed.

Response: Noted. If consent is granted conditions would be attached to address the above.

4.3 **West of Scotland Archaeology Service (WOSAS)** - have no objections to the proposal, however request that the developer submits a written scheme of investigation and implements a programme of archaeological works prior to any work commencing on site.

**Response:** Noted. If consent is granted a condition would be attached to address the above.

4.4 **Scottish Water** - have no objections to the proposal.

**Response:** Noted.

4.5 **Environmental Health Services** – have no objections to this application; however request that a contamination land investigation report be carried out prior to work commencing on site.

**Response:** Noted. If consent is granted a condition would be attached to address the above.

## **5 Representation(s)**

5.1 Following neighbour notification and the advertisement of the application in the Lanark Gazette as development potentially affecting the character of Biggar Conservation Area, no letters of objections were received.

## **6 Assessment and Conclusions**

6.1 The applicant seeks detailed planning consent for the erection of 3 No. terraced dwellings and 8 No. flatted dwellings and associated road works, ground works and landscaping at 7A North Back Road, Biggar. The main determining issues in consideration of this application are whether the development complies with local plan policy and, in particular, its impact on the residential and visual amenity of the surrounding area and the character of Biggar Conservation Area.

6.2 In considering the proposal's effect on the character and amenity of the locality, Policy 74 of the adopted Upper Clydesdale Local Plan and policy RES6 of the finalised South Lanarkshire Local Plan (as modified) apply respectively. These policies consider the principle of residential development within these areas acceptable.

6.3 Policies DM1 and ENV30 of the Finalised South Lanarkshire Local Plan (as modified) and policy 74 of the adopted Upper Clydesdale Local Plan aim to ensure that developments take into account the characteristics of the surrounding area. In addition, developments should take into account the topography of the site and be of a high quality design. In these respects, the initially submitted proposals were considered unacceptable in terms of siting, design, layout and impact on neighbouring properties. Following discussions with the applicant, the revised proposals now take into consideration the changing ground level within the site, and the 3 No. terraced dwellinghouses to the rear of the site have been sensitively sited and designed to ensure that the height of the dwellings are not prominent from views outwith the site, in particular St Mary's Church and neighbouring properties in MacDiarmid Court. The dwellings are of high quality design and incorporate elements of both traditional and contemporary design. The main frontage onto North Back Road is of 2 storey traditional design which will visually integrate well with the surrounding 2 storey traditional buildings. However, within the site where the dwellings are less visually prominent the elevations are of more contemporary design. This is considered acceptable and complies with the aims of the above policies.

6.4 In view of the above, it is considered that the proposal would not have an adverse impact on the neighbouring (Biggar) Conservation Area located to the south and west of the site.

6.5 The development of the site for residential use will remove the existing workshop and industrial use from the site. The use of the site for residential purposes would improve the amenity of the surrounding residential area in terms of its visual appearance and day to day activity.

6.4 I consider that the proposal is an appropriate form of development for the site, and complies with local plan policy. I therefore recommend that planning permission be granted.

## **7 Reasons for Decision**

7.1 The proposal complies with policy 74 of the adopted Upper Clydesdale Local Plan and policies RES6, ENV30 and DM1 of the Finalised South Lanarkshire Local Plan (as modified) and would not have a detrimental impact on the amenity of the surrounding residential area or Biggar Conservation Area.

**Iain Urquhart**

**Executive Director (Enterprise Resources)**

11 November 2008

### **Previous References**

◆ None

### **List of Background Papers**

- ▶ Application Form
- ▶ Application Plans

- ▶ Consultations

S.E.P.A. (West Region) 09/05/2008

Environmental Services 02/05/2008

Roads and Transportation Services (South Division) 21/05/2008

West of Scotland Archaeology Service 21/05/2008

Biggar Community Council 06/06/2008

Scottish Water 06/06/2008

Planning & Building Control HQ (Conservation Officer) 03/06/2008

Roads and Transportation Services (South Division) 01/10/2008

- ▶ Representations

None

### **Contact for Further Information**

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

Pamela McMorran, Planning Officer, Council Offices, South Vennel, Lanark ML11 7JT  
Ext 3209 (Tel: 01555 673209)  
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 the type and distribution of external finishes shall be as shown on the approved plan, but prior to the commencement of any work on site, samples of the materials to be used shall be submitted to and approved by the Council as Planning Authority.
- 4 Notwithstanding the plans hereby approved, the face and cheeks of the dormers hereby approved shall be finished in slates to match the adjoining roof to which they relate.
- 5 That notwithstanding the terms of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or (or any such order revoking or re-enacting that order), no fences, walls or other means of enclosure shall be erected on the site other than post and wire or timber fences up to 1 metre in height or those expressly authorised by this permission without the prior written permission of the Council as Planning Authority.
- 6 That prior to the occupation of the dwellinghouses hereby approved, two standard trees per house shall be planted within the confines of the site, and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council as Planning Authority.
- 7 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.
- 8 Prior to the commencement of development on site, an energy statement which demonstrates that on-site zero and low carbon energy technologies contribute at least an extra 15% reduction in CO<sub>2</sub> emissions beyond the 2007 building regulations carbon dioxide emissions standard, shall be submitted to and approved in writing by the Council as Planning Authority. The statement shall include:
  - a) the total predicted energy requirements and CO<sub>2</sub> emissions of the development, clearly illustrating the additional 15% reduction beyond the 2007 building regulations CO<sub>2</sub> standard;

- b) a schedule of proposed on-site zero and low carbon energy technologies to be included in the development and their respective energy contributions and carbon savings;
  - c) an indication of the location and design of the on-site energy technologies; and
  - d) a maintenance programme for the on-site zero and low carbon energy technologies to be incorporated.
- 9 The approved on-site zero and low carbon energy technologies shall be fully installed and operational prior to the occupation of any approved buildings and shall thereafter be maintained and shall remain fully operational in accordance with the approved maintenance programme, unless otherwise agreed in writing by the Council as Planning Authority.
- 10 (a) Prior to commencement of any works on site, a comprehensive site investigation carried out to the appropriate Phase level, shall be submitted to and approved in writing by the Council as Planning Authority. The investigation shall be completed in accordance with the advice given in the following:
- (i) Planning Advice Note 33 (2000) and Part IIA of the Environmental Protection Act 1990 (as inserted by section 57 of the Environment Act 1995);
  - (ii) Contaminated Land Report 11 - 'Model Procedures for the Management of Land Contamination (CLR 11) - issued by DEFRA and the Environment Agency;
  - (iii) BS 10175:2001 - British Standards institution 'The Investigation of Potentially Contaminated Sites - Code of Practice'.
- (b) If the Phase 1 investigation indicates any potential pollution linkages, a Conceptual Site Model must be formulated and these linkages must be subjected to risk assessment. If a Phase 2 investigation is required, then a risk assessment of all relevant pollution linkages using site specific assessment criteria will require to be submitted.
- (c) If the risk assessment identifies any unacceptable risks as defined under Part IIA of the Environmental Protection Act, a detailed remediation strategy will be submitted to and approved in writing by the Council as Planning Authority. No works other than investigative works shall be carried out on site prior to receipt of the Council's written approval of the remediation plan.
- 11 (a) Remediation of the site shall be carried out in accordance with the approved remediation plan prior to the proposed development being brought into use. Any amendments to the approved remediation plan shall not be implemented unless approved in writing by the Council as Planning Authority.
- (b) On completion of the remediation works, the developer shall submit a completion report to the Council as Planning Authority, confirming that the works have been carried out in accordance with the approved remediation plan and that the works have successfully reduced these risks to acceptable levels.
- (c) Any previously unsuspected contamination which becomes evident during the development of the site shall be brought to the attention of the Council as Planning Authority within one week or earlier of it being identified. A more detailed site investigation to determine the extent and nature of the contaminant(s) and a site-

specific risk assessment of any associated pollutant linkages, shall then require to be submitted to and approved in writing by the Council as Planning Authority.

- 12 That the dwellinghouses hereby approved shall not be occupied until the site is served by a water supply constructed to the specification and satisfaction of Scottish Water.
- 13 That before the dwellinghouses hereby approved are brought into use a 5.5 metre wide dropped kerb footway crossing with a heel kerb laid flush to delineate the edge of the public road and the first 4.0 metres hard surfaced from the edge of the public road shall be constructed in accordance with the specification and to the satisfaction of the Council as Roads and Planning Authority.
- 14 That before the development hereby approved is completed or brought into use, a 2.0 metre wide footway shall be constructed along the full frontage of the site to the specification of the Council as Roads and Planning Authority.
- 15 That before any of the dwellinghouses hereby approved are occupied or complete, 22 car park spaces shall be constructed and laid out as shown on the plans hereby approved, and shall thereafter be maintained to the satisfaction of the Council as Roads and 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 To ensure satisfactory integration of the proposed dormer with the existing building both in terms of design and materials
- 5 To ensure only fencing of a type and height appropriate to the countryside is erected.
- 6 In the interests of amenity.
- 7 In order to safeguard any archaeological items of interest or finds.
- 8 To secure a reduction in carbon dioxide emissions.
- 9 To secure the timeous implementation of on-site zero and low carbon energy technologies.
- 10 To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.
- 11 To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.
- 12 To ensure the provision of a satisfactory water supply system.
- 13 In the interest of public safety
- 14 In the interest of public safety
- 15 To ensure the provision of adequate parking facilities to serve the development.

## INFORMATIVES

- 1 This grant of planning permission does not grant any right of access over any adjoining property or land required for the purpose of constructing or maintaining the development.

The consent of the appropriate land owner will be required in order to carry out building work or future maintenance that requires access to a neighbour's ground.

Any disputes which arise over access or boundaries are not a planning matter. These are civil matters to be resolved between the parties involved.

- 2 The applicant is advised that all works carried out on site must be carried out in accordance with BS5228 Parts 1-4 1984/1986, 'Noise control on construction and open sites'.

The applicant is further advised that audible construction activities should be limited to:

Monday to Friday 8.00am to 7.00pm, Saturday 8.00am to 1.00pm and Sunday -

No audible activity. The applicant is advised that Environmental Services may consider formally imposing these hours of operation by way of statutory notice should complaints be received relating to audible construction activity outwith these recommended hours and should such complaints be deemed justifiable by Officers from this Service.

Further details of this may be obtained from South Lanarkshire Council, Environmental Services, Atholl House, East Kilbride, G74 1LU. Telephone (01355) 806915

- 3 Scottish Water are the legal body responsible for some of the matters raised by this application. Details of this application should therefore be sent to them at the address below for their consideration and comment.

Scottish Water  
Planning & Development Services  
419 Balmore Road  
Glasgow  
G22 6NU

- 4 An application for a building warrant should be submitted for assessment to the Council as Building Standards Authority and the development should not commence until the relevant building warrant has been approved.

For information only

For information only

