

Report

Report to:	Planning Committee
Date of Meeting:	12 April 2005
Report by:	Executive Director (Enterprise Resources)

Application No	CL/05/0019
Planning Proposal:	Erection of 78 Dwellinghouses, 4 Flatted Dwellings, Formation of Roundabout, Associated Roadworks and Landscaping

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : BMJ Ltd
- Location : Balgray Road
Lesmahagow

2 Recommendation(s)

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

- (1) GRANT DETAILED PLANNING PERMISSION (SUBJECT TO CONDITIONS - BASED ON CONDITIONS LISTED OVERLEAF)

2.2 Other Actions/Notes

- (1) The Planning Committee has delegated powers to determine this application.
- (2) A financial contribution of £28,700 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: CRGP Limited
- ◆ Council Area/Ward: 03 Lesmahagow
- ◆ Policy Reference(s): Lower Clydesdale Local Plan (Adopted)
- Policy RES11 – Housing Opportunity Sites
- ◆ Representation(s):
 - ▶ 7 Objection Letters, including petition of 25 signatures

◆ Consultation(s):

Environmental Services

Leisure Services (Horticulture & Landscape Development)

Roads and Transportation Services (South Division)

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

Scottish Water

Education Resources

Scottish Natural Heritage

Scottish Wildlife Trust

West of Scotland Archaeology Service

Planning Application Report

1 Application Site

- 1.1** The application site, extending to approximately 3.6 hectares consists of undulating, agricultural land on the southern boundary of Lesmahagow. The site is bounded to the north by Balgray Road and an area of open space opposite the houses on Hillcrest. Balgray Road and Lesmahagow Industrial Estate bound the site to the east and agricultural land bounds the site to the south and west.

2 Proposal(s)

- 2.1** Detailed planning permission is sought for the erection of 78 dwellinghouses and 4 flatted dwellings. The submitted plans show a range of accommodation comprising 12 semi-detached bungalows, 58 two-storey semi-detached houses, one 4-in-a-block flat and 8 two-storey detached dwellings. Forty of the units would be developed for Clyde Valley Housing Association, the remaining 42 units would form a private housing development.
- 2.2** The applicant proposes to create a roundabout on Balgray Road opposite Lesmahagow Industrial Estate. The proposed vehicular access to the site would then be taken from this roundabout. The submitted plans show that the line of the access road into the site would continue to the edge of the boundary of Brackenhill which is owned by the Auchlochan Trust. The submitted plans also show a play area at the southern end of the site.
- 2.3** The applicant originally submitted a proposal for the erection of 186 dwellinghouses and 64 flatted dwellings which covered the whole of the proposed housing site shown on the adopted Lower Clydesdale Local Plan. The applicant chose to amend the original scheme by reducing the extent of the site and the number of dwellinghouses proposed. The amended plans also included the relocation of the vehicular access from the north of the site to a point opposite Lesmahagow Industrial Estate and the creation of a roundabout. It is expected that a further application will be submitted in early course for development of the remainder of the RES11 site.
- 2.4** It should also be noted that the developer has agreed to submit a financial contribution of £28,700 (£350 per unit) towards the improvement of recreational provision in the local area.

3 Background

3.1 Local Plan Status

The application site is located within the settlement boundary of Lesmahagow as defined in the adopted Lower Clydesdale Local Plan and forms part of the site identified for housing under Policy RES11 Housing Opportunity Sites.

3.2 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.

3.3 Planning History

No previous planning applications exist for the application site.

4 Consultation(s)

4.1 Education Resources – no response received to date.

Response: Noted

4.2 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 fully 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 fully intrusive survey can be dealt with by condition. I consider the requirement of a noise impact assessment at this site to be onerous. There are other dwellinghouses already in existence in the vicinity, some of which have been recently constructed. In terms of consistency, a noise impact assessment was not requested for these dwellings. In any case, I am not aware of complaints regarding noise from the adjacent Industrial Estates.

4.3 Leisure Services – advise that further edge planting around the site would be desirable. Also the inclusion of an informal area for a kick-about would be beneficial.

Response: Noted. It is my intention to attach a condition to any consent granted for this site requiring a landscaping scheme to be submitted and approved prior to work commencing on site. The requirement of additional edge planting will be included in this landscaping scheme. In terms of the provision of an informal kick-about area I intend to place a condition on any consent granted requiring further details of the play area for approval, therefore the possibility of including an informal kick-about area can be investigated at that stage.

4.4 Roads & Transportation Services – initially requested that a decision on the application be deferred. They considered that the location originally chosen for the access road was unsuitable.

Response: The issues raised by Roads and Transportation Services were discussed with the applicant who chose to reduce the size of the site, the number of dwellings and amend the position of the vehicular access with the creation of a roundabout. The Roads Service have confirmed that a Transportation Assessment would not now be required for the scale of the development, but that a condition should be attached to any consent granted for this site requiring a Transportation Assessment be submitted for the future application for the remaining phase(s) of the development of this housing site. The applicant has submitted details of the design of the roundabout access, including capacity calculations and the Roads Service have confirmed approval of this information. In terms of the internal layout of the

development the Roads Service has confirmed they have no objections subject to conditions relating to adequate parking and footway provision.

- 4.5 Scottish Water** – object to this application whereby the proposed development drains to the public sewerage system. This is due to the fact that the cost of providing infrastructure to serve the development is out-with their obligations. They advise that they would remove their objection if the applicant either bears the cost of the increase in capacity of their existing infrastructure to accommodate the development and/or promotes a scheme which does not compromise the quality and quantity of discharge from the existing sewerage system.

Response: The applicant has been advised of Scottish Water's comments. In order to resolve the objection, discussions are ongoing between the applicant's engineers and Scottish Water. Should committee agree to grant consent for this proposal a suspensive condition can be placed on the consent requiring the applicant to confirm that they have resolved the position with Scottish Water regarding the provision of the necessary infrastructure.

- 4.6 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 is withheld until the applicant clarifies this matter with Scottish Water. They further advise that if this matter can be resolved and connection can be made to the public sewer, they ask that any planning permission granted includes a condition requiring the applicant to treat surface water from the site in accordance with the principles of Sustainable Urban Drainage (SUDS).

Response: As explained above, the applicant is in discussion with Scottish Water to resolve the provision of the necessary infrastructure. I do not consider it necessary to delay the determination of the application for this reason, a suspensive condition can be placed on the consent requiring the applicant to confirm that they have resolved the position with Scottish Water regarding the provision of the necessary infrastructure. The applicant has included a SUDS scheme within the development.

- 4.7 SNH** – object to the proposal due to the impact on the landscape character and the failure of the proposal to reflect government policy in respect of open space provision, aspirations for housing quality, and deliver objectives of the Scottish Biodiversity Strategy.

Response: The site is identified for residential development in the local plan and I am satisfied that the proposed development is entirely consistent with local plan policy.

- 4.8 Scottish Wildlife Trust** – object to the part of the application site that relates to the flatted developments as it corresponds to the areas of highest ecological value ie ponds and long established hedgerows. They offer no objection to the remainder of the site as long as various conditions are attached to any consent granted in relation to ecological assessment, clearance works undertaken outside of nesting season, deadwood retained on site, boundary hedges restored, mature trees retained, existing path networks enhanced, SUDS scheme incorporated

Response: As explained previously, the applicant has chosen to amend the application, as such the majority of the area that the Trust object to has now been excluded from the current application site. If Committee agree to grant consent for this proposal it would be my intention to attach suspensive conditions on the consent requiring retention of mature trees, submission of a tree survey, restoration of boundary hedges and incorporation of a SUDS system. I consider the imposition of

a condition relating to retention of deadwood on site to be inappropriate. In addition I consider a condition restricting clearance work outside of the nesting season would be too onerous. The issue of enhancing existing path networks can be dealt with under the planning application(s) for future phases of the wider development site.

4.9 West of Scotland Archaeology Service – no response to date.

Response: Noted.

5 Representation(s)

5.1 Following the statutory neighbour notification procedure, seven letters of objection were received. One of the letters forms a petition signed by 25 individuals. The grounds of objection are summarised as follows: -

- (a) Concern over the position of the proposed vehicular access in terms of traffic safety and amenity. Traffic-calming or a roundabout is suggested as a solution.**

Response: As explained above, the applicant has amended the proposal by reducing the size of the site, the number of dwellings, and has moved the position of the vehicular access and incorporated a roundabout. The Roads Service have no objections to this amended proposal.

- (b) The roads leading in and out of Lesmahagow are in a poor state of repair, the Roads Service must be aware of the situation and something has to be done in light of the increased volume of traffic.**

Response: Noted. The Council's Roads Service were consulted on this application and they do not suggest that the development will have a detrimental impact on the condition of the surrounding roads.

- (c) Question is raised over whether the present sewage system can cope with the additional pressure.**

Response: This is covered in 4.5 above.

- (d) Local amenities are not sufficient to sustain further housing, in addition question is raised over whether the local health-care facilities are to be upgraded.**

Response: I am satisfied that there are adequate amenities in Lesmahagow and the surrounding area to support the proposed housing development.

- (e) The modernisation of two local primary schools is under consideration, the possible increase in pupils and nursery places that this development will generate should be addressed under the review process.**

Response: Noted.

- (f) There is insufficient local employment opportunities to serve yet another housing development.**

Response: This issue is not material to the assessment of the application. The application site is identified for residential development in the local plan.

- (g) Unsure of the requirement of another housing development in Lesmahagow as there are already 6 areas with housebuilding in progress.**

Response: This housing site was identified through the local plan process, therefore the principle of development of the site has already been established.

- (h) **If the proposal goes ahead, it should be under the condition that they are built with gas central heating to benefit all residents in the immediate vicinity as we at present have no gas supply.**

Response: Disagree. I consider a condition of this nature to be too onerous a requirement on the applicant.

- (i) **Concern over the noise and disruption that will arise from the building of a new housing development.**

Response: Noted. Environmental Services have legislative powers to control construction noise.

- (j) **The location plan does not show the wetland in front of 2-14 Hillcrest which is host to a range of wildlife.**

Response: The location plan may not show the location of the wetland, but as a site visit is undertaken as part of the assessment of the proposal, and SNH and Scottish Wildlife Trust were consulted, I am aware of the existence of the wetland.

- (k) **The plans do not show the right of way which starts at the proposed access road and extends down the Glen.**

Response: There are no claimed right of way routes through the application site.

- (l) **The existing footpath or old access road which leads from the access opposite the bungalows on Balgray Road through the site could be incorporated as part of the recreational facilities for the proposed development allowing residents access to the Nethan Valley and existing footpaths.**

Response: This issue can be dealt with via a condition on any consent granted and also through the future planning application(s) for the remaining phases of this housing site.

- (m) **A Tree Preservation Order should be placed on the beech tree in the north-east corner of the site.**

Response: The existing trees on the site can be protected via appropriate conditions on any consent granted.

- (n) **The position of the proposed new houses detrimentally affects the view from my home, and that of my neighbours. This may in turn affect the value of my home.**

Response: These are not material planning considerations.

- (o) **As Lanark is not an accessible place to reach due to poor public transport, request is made that the proposed plans be made available either in the local library or the Lesmahagow Resource Centre.**

Response: Noted, however it is not common practice to deposit public copies of planning applications in local libraries. Arrangements can be made with elderly or disabled individuals for a home visit to allow the submitted plans to be viewed.

- (p) **The neighbour notification letters were received on Christmas Eve, a bad time as all Council offices were closed for the season.**

Response: The Council offices were closed for 4 days over the festive period; the Council allows a period of 3 weeks from the date the planning application is registered for any written representations or objections to be submitted. In addition to this, it is Council procedure to accept any late representations up to the date the application is reported to committee if necessary.

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 78 dwellinghouses and 4 flatted dwellings and the formation of a roundabout access at the southern end of Lesmahagow on Balgray Road. The main determining issues in assessing this application relate to local plan policy, compliance with the Council's Residential Development Guide and traffic impact.
- 6.2** In terms of local plan policy, the site has been identified as a new housing site in the adopted Lower Clydesdale Local Plan under Policy RES 11 Housing Opportunity Sites. This policy states that the Council will consider proposals for the development of the Balgray Road site if market interest emerges. It further states that the Council will encourage the provision of affordable housing and partnerships aimed at broadening housing choice in the development of these sites consistent with Policies RES 3 and RES 4. It states that all proposals will be expected to accord with the standards set out in the Council's Residential Development Guide. Policy RES 3 Affordable Housing is referred to, this policy states that the Council will encourage private housebuilders to consider the provision of affordable housing and will support Communities Scotland/housing association involvement in such activities. Policy RES 4 Self Build Plots is also referred to, this policy states that the Council will negotiate agreements with developers of larger sites with the aim of broadening housing choice and an element of serviced self-build plots.
- 6.3** As the site lies within a new housing site in the adopted local plan, the principle of residential development has been established through the local plan process. The proposal accords with Policy RES 3 Affordable Housing in that 40 of the units will be developed for Clyde Valley Housing Association. I also consider that the proposal will broaden housing choice in the area as it consists of a mixture of flats, bungalows and family homes. Policy RES 4 Self Build Plots encourages the Council to achieve an element of serviced self-build plots within the development. This matter has not been pursued with the developer, as the ground levels of the site are such that it may make the provision of self-build plots problematic. In addition to this, I consider that there is a good mix of housing provision proposed within the site and there are sufficient sites in Lesmahagow and the surrounding area which allow for self-build provision.

- 6.4** 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. After carefully considering all relevant issues, I am of the view that the proposal is entirely consistent with local plan policy.

Iain Urquhart,
Executive Director (Enterprise Resources)

4 April 2005

Previous References

- ◆ None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations
 - Environmental Services 18/02/05
 - Scottish Wildlife Trust 02/03/05
 - Scottish Natural Heritage 21/03/05
 - Environmental Services 21/03/05
 - Scottish Water 17/03/05
 - S.E.P.A. (West Region) 07/02/05
 - Roads and Transportation Services (South Division) 28/01/05 & 31/03/05
- ▶ Representations
 - Representation from : Mr R & Mrs J Inglis, Firhill Cottage, Lesmahagow
DATED 11/01/05
 - Representation from : B. Richardson, 18 Hillcrest, Lesmahagow, ML11 OBW
DATED 30/12/04
 - Representation from : Mr Bryan Dillon & Mrs Lorraine Dillon, Glenview,
Lesmahagow
DATED 04/01/05
 - Representation from : Mrs Jean M Inglis, Firhill Cottage, Lesmahagow
DATED 04/02/05
 - Representation from : Mr A. Martin, 6 Hillcrest, Lesmahagow, ML11 OBW
DATED 28/01/05

Representation from : B. Richardson, 18 Hillcrest, Lesmahagow, ML11 OBW
DATED 25/3/05

Representation from : Mr Bryan Dillon & Mrs Lorraine Dillon, Glenview,
Lesmahagow
DATED 23/3/05

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 shall take place without the prior written approval of the Council as Planning Authority.
- 3 That no consent is hereby granted for the type and distribution of external finishes as shown 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.
- 4 That no trees within the application site shall be lopped, topped, pollarded or felled, or otherwise affected, without the prior written consent of the Council as Planning Authority and that two copies of a plan shall be submitted to the Council indicating trees on the site, including a note of height, species, base level and extent of canopy or branch spread, those to be retained and any proposed planting of trees and that not 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.
- 5 That the existing trees to be retained must be protected in accordance with methods as set out in BS5837/1991 during and until completion of all site operations and building works.
- 6 That before any work commences on the site, a scheme of landscaping for the area shown in yellow 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.
- 7 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 buildings 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.
- 8 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.

- 9 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.
- 10 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.
- 11 That before any work commences on the site, a scheme for the provision of the equipped play area within the application site shall be submitted to the Council as Planning Authority for written approval and this shall include : (a) details of the type and location of play equipment, seating and litter bins to be situated within the play area(s); (b) details of the surface treatment of the play area, including the location and type of safety surface to be installed; (c) details of the fences to be erected around the play area(s); and (d) details of the phasing of these works.
- 12 That prior to the completion or occupation of the last dwellinghouse within the development, all of the works required for the provision of the equipped play area included in the scheme approved under the terms of Condition 11 above, shall be completed, and thereafter, that area shall not be used for any purpose other than as an equipped play area.
- 13 That before development starts, full details of the design and location of all fences and walls, including any retaining walls, to be erected on the site shall be submitted to and approved by the Council as Planning Authority.
- 14 That before any of the dwellinghouses situated on the site upon which a fence is to be erected is occupied, the fence or wall for which the permission of the Council as Planning Authority has been obtained under the terms of Condition 13 above, shall be erected and thereafter maintained to the satisfaction of the Council.
- 15 That notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 (or any such order revoking or re-enacting that order), no gates, fences, walls or other means of enclosure shall be erected between the front of any dwellinghouse and the adjoining road.
- 16 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.
- 17 That before any dwellinghouse hereby approved is 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.
- 18 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.

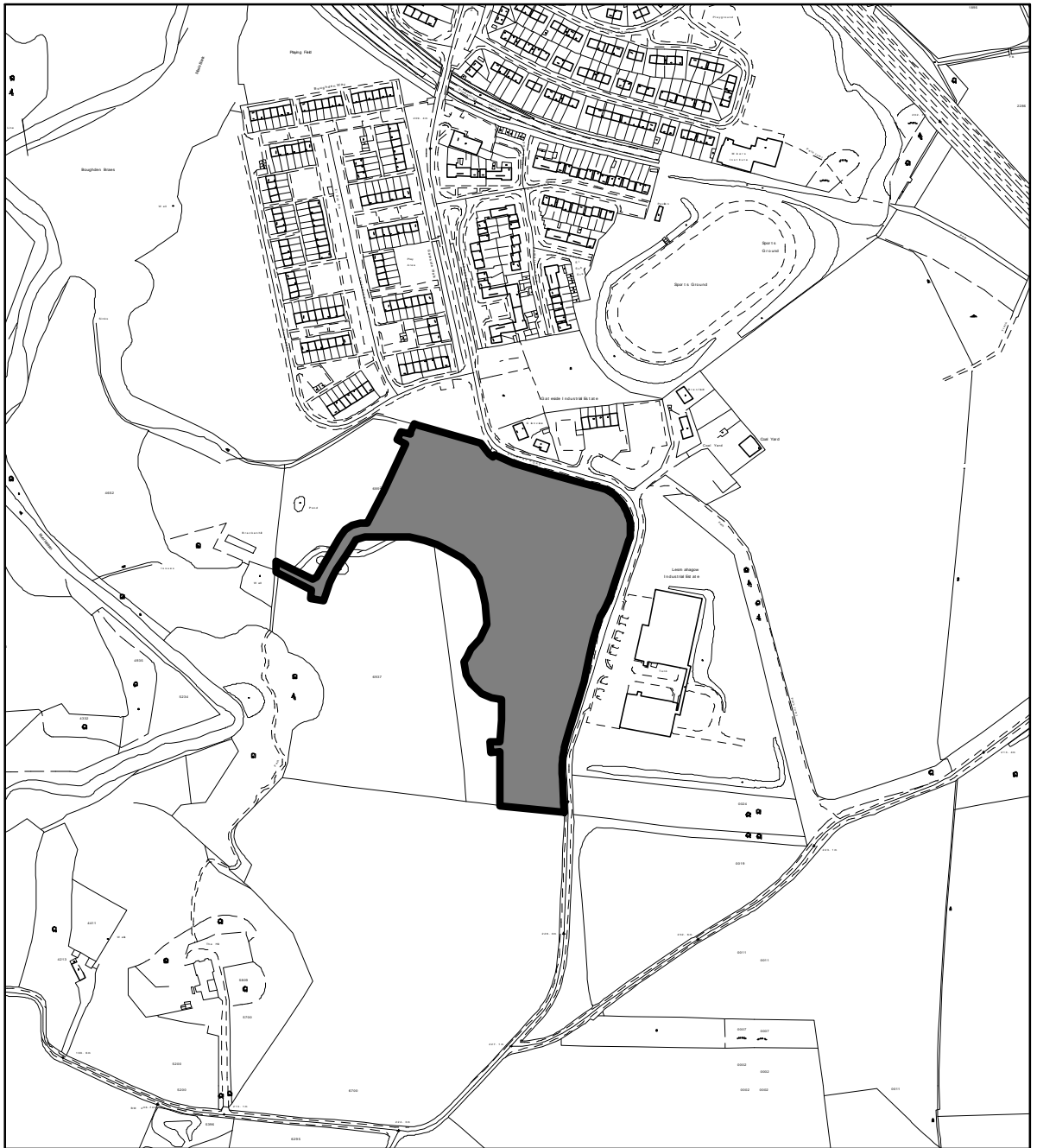
- 19 That before the development starts, a report from a professionally qualified source detailing the nature, concentration and distribution of any contaminants found within the application site, shall be submitted to and approved by the Council as Planning Authority and the development shall not be 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.
- 20 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.
- 21 That before any work commences on the site, further details in respect of provision of footpath(s) linking the development with Balgray Road shall be submitted to and approved in writing by the Council as Planning Authority.
- 22 That prior to the completion of the development hereby approved, the footpath(s) approved under the terms of Condition 21 above shall be completed.
- 23 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.
- 24 That before any work commences on site details of the design of the roundabout access, including capacity calculations for the overall development site shall be submitted to and approved in writing by the Council as Planning Authority.
- 25 That any future submission of a planning application(s) for dwellinghouses on the future phase(s) of development on the 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.
- 26 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 To ensure the use of appropriate materials suited to the rural, edge of settlement location of the development.
- 4 To ensure the protection and maintenance of the existing mature trees within the site
- 5 To ensure that adequate steps are taken to protect existing trees on the site throughout the period of the proposed building operations.
- 6 In the interests of the visual amenity of the area.
- 7 In the interests of amenity.
- 8 In the interests of amenity.

- 9 In the interests of amenity.
- 10 In the interests of amenity.
- 11 To ensure the provision of adequate play facilities within the site and in order to retain effective planning control
- 12 In order to retain effective planning control
- 13 These details have not been submitted or approved.
- 14 In order to retain effective planning control
- 15 In the interests of amenity and in order to retain effective planning control.
- 16 To ensure the provision of a satisfactory sewerage system
- 17 To ensure the provision of a satisfactory drainage system.
- 18 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.
- 19 To ensure the site is free from contamination
- 20 To ensure the mineral stability of the site
- 21 These details have not been submitted or approved.
- 22 To safeguard the amenity of the area.
- 23 In order to retain effective planning control
- 24 These details have not been submitted or approved.
- 25 In the interest of road safety
- 26 In the interest of road safety

PLANNING APPLICATION: CL/05/0019
BALGRAY ROAD, LESMAHAGOW



Scale 1:5000



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