

# Report

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>23 January 2007</b>
Report by:	<b>Executive Director (Enterprise Resources)</b>

Application No	CL/05/0413
Planning Proposal:	Demolition of Industrial Building and Creation of 8 Flatted Dwellings with Associated Access and Parking Area

## 1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Dolan Properties
- Location : 18/18A James Street  
Carluke

## 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 Planning Committee has delegated powers to determine this application
- (2) The application is contrary to the Development Plan and an objection has been received. In accordance with Council procedures, a hearing may be required prior to determining the application.

## 3 Other Information

- ◆ Applicant's Agent: A D Plans
- ◆ Council Area/Ward: 11 Carluke/Crawforddyke
- ◆ Policy Reference(s): Lower Clydesdale Local Plan (Adopted)
  - Policy COM12: James Street/Hamilton Street, Carluke
  - Policy SLP6: Development Control General

### South Lanarkshire Local Plan (Finalised Draft)

- Policy RES2: Proposed Housing Sites
- Policy RES3: Residential Masterplan Sites
- Policy DM1: Development Management Policy
- Policy DM9: Demolition and Redevelopment for Residential Use
- Policy ENV11: Design Quality Policy
- Policy ENV30: New Housing Development

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

Carluke Community Council

Environmental Services

Roads & Transportation Services H.Q. (Flooding)

Roads and Transportation Services (South Division)

Scottish Water

## **Planning Application Report**

### **1 Application Site**

- 1.1 The application site extends to some 0.1 hectares, is regular in shape and slopes gently from north to south. It is bounded by James Street with residential properties beyond to the south, residential property to the east, a Council-owned yard currently leased by a transport operation and residential properties to the north and a small transport yard with associated buildings to the west.
- 1.2 The application site is currently used for commercial purposes and has been in this use for a number of years. It comprises a large brick-built structure with access off James Street via two large roller shutter doors. The building visually dominates this part of James Street due to its position and massing.

### **2 Proposal(s)**

- 2.1 The applicant seeks detailed planning permission for the demolition of an industrial building and the erection of 8 flatted dwellings with associated access and car parking. The dwellings comprise one terraced block of 2-storey design, with each dwelling being accessed from the front of the building and having two bedrooms. It is proposed to finish the dwellings in a mixture of facing brick and smooth render with concrete tiles. 16 car parking spaces are to be provided for the development, these areas will be split into 2 parking courts, each having its own access off James Street. An element of landscaping is proposed to the front of the site.

### **3 Background**

#### **3.1 Local Plan Status**

- 3.1.1 In the adopted Lower Clydesdale Local Plan, the site is allocated within Policy Area COM12: James Street/Hamilton Street, Carluke, potential retail area. Policy SLP6: Development Control General also applies.
- 3.1.2 In the emerging South Lanarkshire Local Plan (Finalised Draft), the site is affected by Policy RES2: Proposed Housing Sites, Policy RES3: Residential Masterplan Sites and must also comply with Policies DM1: Development Management, DM9: Demolition and Redevelopment to Residential Use, ENV11: Design Quality and ENV30: New Housing Development.

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

SPP3: Planning for Housing advocates that most housing requirements should be met within or adjacent to existing settlements, making efficient use of existing infrastructure and public services.

#### **3.3 Planning History**

Retrospective planning permission was refused on 3 July 2002 for change of use of warehouse premises to permit retail sales (Class 1) and associated installation of shop front. An Enforcement Notice was subsequently served on the operator and the operations ceased.

### **4 Consultation(s)**

- 4.1 **Environmental Services** – no objections, subject to conditions. These include that a Phase 1 or Desk Study is carried out to determine the presence or otherwise of contaminants on the site.

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

- 4.2 **Roads & Transportation Services** – no objections, subject to conditions.  
**Response:** Noted. Conditions can be attached to any approval.
- 4.3 **Scottish Water** – no objections.  
**Response:** Noted.
- 4.4 **Roads & Transportation Services HQ (Flood Prevention Unit)** – no objections, provided that the site is served by a surface water drainage scheme to the satisfaction of the Council.  
**Response:** Noted. Conditions can be attached to any approval to safeguard the Flood Prevention Unit's concerns.
- 4.5 **Carluke Community Council** – no response to date.  
**Response:** Noted.

## **5 Representation(s)**

- 5.1 Following neighbour notification, and advertisement in the local press as Development Potentially Contrary to the Development Plan, one letter of objection was received. A summary of the objection and my comments thereon are as follows:
- (a) **The proposed development is out of character with existing and surrounding properties which are commercial/industrial use and single-storey dwellings.**  
**Response:** Disagree. There are residential properties adjacent to the property, therefore the site being redeveloped for residential purposes would, in my opinion, be consistent with the mixed use characteristics of the area. A 2-storey building, set back from the road, would not be dominant on the streetscape and will, in fact, be lower than the existing industrial building to be demolished.
- (b) **The construction will cause disturbance in terms of noise, mess and increased traffic.**  
**Response:** The development of any site inevitably has short-term implications with regard to demolition and construction work. It is part of the development process that cannot be avoided. If, however, the development is in breach of any Environmental Health legislation, then they will monitor the situation and act accordingly.
- (c) **Access to the site would be problematic as it is on a busy road and on a bend and there is poor visibility.**  
**Response:** The Council's Roads & Transportation Services have no objections to the development.
- (d) **There is only one pavement on James Street, therefore increased traffic from the application site would be hazardous to pedestrians.**  
**Response:** As stated above, the Council's Roads Service has no objections to the site's development. The new development will, in my opinion, make it safer to walk along the street than the current arrangement due to the proximity of the existing building to the pavement and road.
- (e) **The proposed development will inevitably lead to vehicles entering and leaving the site 24 hours a day.**

**Response:** There is no way of controlling residential properties' car usage. However, I do not consider that traffic movements generated by this proposal will adversely affect the amenity of the area.

(f) **Inadequate parking at the site.**

**Response:** Disagree. Roads & Transportation Services are satisfied with the provision of 2 parking spaces per dwelling.

(g) **Loss of privacy to those properties that will be overlooked by the proposed development.**

**Response:** Disagree. The nearest dwellings to the rear of the proposed flats are some 50 metres away, and 44 metres to the nearest dwellings on the opposite side of James Street. There are no windows in the side elevation of the proposed dwellings, therefore the adjacent bungalow will not be overlooked. These distances are far in excess of the minimum standards of distance between habitable room to habitable room of 18 metres.

(h) **The granting of this application will set a precedent for other sites in commercial use.**

**Response:** Disagree. Each site is considered on its own merits and, in any case, the site has now been identified for residential development in the Finalised Draft South Lanarkshire Local Plan.

This letter has been copied and is available for inspection in the usual manner.

## **6 Assessment and Conclusions**

6.1 The main determining issues in this case are the extent to which the proposal complies with the adopted local plan, the emerging South Lanarkshire Local Plan (Finalised Draft), Government Advice and the Council's Residential Development Guide.

6.2 In terms of the adopted Lower Clydesdale Local Plan the site is located within the James Street/Hamilton Street town centre expansion area where Policy COM12 applies. This policy states that within the lifetime of the plan, the Council will assess the redevelopment potential of the James Street/Hamilton Street area and its potential contribution to the retail function of the town. It is now considered that the application site has no development potential in terms of town centre expansion, and the site therefore has been allocated for residential development in the Finalised Draft South Lanarkshire Local Plan. The proposal does however, conflict with the approved land use allocation within the adopted plan.

6.3 Policy SLP6: Development Control General in the adopted plan also applies. This policy states that all planning applications should take fully into account the local context and built form. All new development should aim to achieve the quality and appearance of the local environment. The Council will have regard to:-

- ◆ the local context;
- ◆ accessibility;
- ◆ safety and security;
- ◆ layout and form;
- ◆ use of materials, particularly on public elevations;
- ◆ landscape treatment;
- ◆ impact/energy consumption; and
- ◆ any existing design guidance prepared by the Council.

It is considered that the proposal generally meets the terms of this policy and the criteria outlined above.

- 6.4 Within the emerging South Lanarkshire Local Plan (Finalised Draft) the site is located within a proposed housing site where Policy RES2 applies. This policy states that the Council will support development for housing on these sites included in the housing land audit. The proposal complies, therefore, with this policy.
- 6.5 The site is also located within an area identified as a Residential Masterplan site. Within these areas the Council will support residential development of the sites where masterplans are brought forward for Council approval. Although a masterplan has not been brought forward for the site, it is considered that the site can be developed in such a way that it will not adversely impact upon the developability of the remainder of the masterplan area.
- 6.6 Within the emerging local plan, the site is also covered by a number of other policies, DM1: Development Management, DM9: Demolition and Redevelopment to Residential Use, ENV11: Design Quality and ENV30: New Housing Development.
- 6.7 Policy DM1: Development Management states that proposals will require to take account of the local context and built form and should be compatible with adjacent buildings and surrounding streetscape in terms of scale, massing, design, external materials and impact on amenity. Proposals require to meet certain criteria in order to comply with this policy. I am satisfied that the proposed layout and design are appropriate and consider, therefore, that the proposal complies with this policy.
- 6.8 Policy DM9: Demolition and Redevelopment for Residential Use states that as well as complying with ENV30: New Housing Development, any proposal must meet certain criteria including sympathetic design in keeping with the adjacent area, no overlooking issues, no overshadowing of adjacent properties and suitable access and parking provision. It is considered that the proposal meets the terms of this policy.
- 6.9 Policies ENV11: Design Quality and ENV30: New Housing Developments seek to promote quality and sustainability in a developments design and that any new development should enhance and make a positive contribution to the character and appearance of the urban environment in which it is located. It is considered that the proposal complies with these policies.
- 6.10 In terms of Government advice, SPP3: Planning for Housing, states that previously developed sites should be used in preference to greenfield locations and expresses a preference for sites accessible to public transport. The application site meets these criteria and is located close to Carluke Town Centre and local amenities. I am of the opinion, therefore, that the site is in a suitable location for a higher density development.
- 6.11 The development accords with the Council's Residential Development Guide in terms of the site layout and there are no adverse comments from consultees.
- 6.12 I conclude therefore that a departure from the adopted local plan policy can be justified for the following reasons:
  - ◆ the proposal is consistent with emerging policy in the South Lanarkshire Local Plan (Finalised Draft);

- ◆ development of the site will not prejudice the development of adjacent sites;
- ◆ there are no infrastructure implications;
- ◆ the proposal constitutes higher density development in a sustainable location; and
- ◆ the development will remove an unattractive commercial building and replace it with a well designed residential development.

6.13 I therefore recommend that detailed planning consent is granted.

## **7 Reasons for Decision**

7.1 For the reasons stated in paragraph 6.12 above.

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

**9 January 2007**

### **Previous References**

- ◆ None

### **List of Background Papers**

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations
 

Environmental Services	28/06/2005
Roads and Transportation Services (South Division)	26/07/2005
Roads & Transportation Services H.Q. (Flooding)	10/08/2005
Scottish Water	01/08/2005
- ▶ Representations
 

Representation from :	Stuart Miller, 4 Burnbank Braes Carluke ML8 4EW, DATED 21/06/2005
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### **Contact for Further Information**

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

Jim Lennon, Planning Officer, South Vennel, Lanark  
 Ext. 810 3126 (Tel: 01555 673126)  
 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 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 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 4 above, shall be erected and thereafter maintained to the satisfaction of the Council.
- 6 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.
- 7 That within 2 months of the date of this permission, a scheme of landscaping for the area shaded 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 landscaping scheme, approved under the terms of Condition 7 above, shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of the last dwellinghouse hereby approved and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.
- 9 That before any of the dwellinghouses hereby approved are occupied, the new vehicular accesses so far as they lie within the boundaries of the road abutting the site, shall be constructed in accordance with the specification of the Council as Roads and Planning Authority.



- 10 That before the first dwellinghouse hereby approved is occupied, two 4.8 metre wide dropped kerb accesses to the site shall be constructed in accordance with the specification and to the satisfaction of the Council as Roads and Planning Authority.
- 11 Development shall not commence until details of all surface finishes to parking bays, parking courts and curtilage parking areas has been submitted for the consideration and written approval of the Council as Planning Authority. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the Council as Planning Authority.
- 12 That before the first dwellinghouse hereby approved is occupied, visibility splays of 2.5 metres by 3.5 metres measured from the road channel shall be provided on both sides of the vehicular accesses and everything exceeding 1.05 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 1.05 metres in height shall be planted, placed or erected within these sight lines.
- 13 That before the first dwellinghouse hereby approved is occupied, a drainage system capable of preventing any flow of water from the site onto the public road or neighbouring land, 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 before development starts, details of a surface water drainage system, incorporating Sustainable Urban Drainage System proposals, shall be submitted and approved by the Council as Planning Authority.
- 15 That the surface water drainage system, approved under the terms of Condition 14 above, shall be implemented simultaneously with the development hereby approved, to the satisfaction of the Council as Planning Authority and SEPA and shall be completed prior to the last dwellinghouse hereby permitted being occupied.
- 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 occupied, any remediation/control measures, requested as part of Condition 18 above, must be fully implemented to the satisfaction of the Council as Planning Authority.

## REASONS

- 1 To accord with the provisions of the Town and Country Planning (Scotland) Act 1997.
- 2 In the interests of amenity and in order to retain effective planning control.
- 3 In the interests of amenity and in order to retain effective planning control.
- 4 These details have not been submitted or approved.
- 5 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 the interests of amenity.
- 9 In the interest of public safety
- 10 In the interest of public safety
- 11 These details have not been submitted or approved.
- 12 In the interest of road safety
- 13 To ensure the provision of a satisfactory drainage system
- 14 To ensure the provision of a satisfactory surface water drainage system.
- 15 To ensure the provision of a satisfactory surface water drainage system.
- 16 To ensure satisfactory vehicular and pedestrian access facilities to the dwellings.
- 17 To ensure satisfactory vehicular 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.

For information only

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