	<h1>Report</h1>	Agenda Item <h1>6</h1>
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Report to:	Planning Committee
Date of Meeting:	27 February 2007
Report by:	Executive Director (Enterprise Resources)

Application No	CL/05/0347
Planning Proposal:	Erection of Six Dwellinghouses

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Tinto Construction
- Location : Logandale Court
Symington

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 original Section 50 Agreement covering the site requires to be discharged

3 Other Information

- ◆ Applicant's Agent: D Stewart Toy
- ◆ Council Area/Ward: 06 Biggar/Symington and Black Mount
- ◆ Policy Reference(s): Upper Clydesdale Local Plan (Adopted)
 - Proposal H22: Main Street
 - Policy 8: Existing Housing – Ancillary Development
 - Policy 74: Settlement Boundaries/Infill Development

South Lanarkshire Local Plan (Finalised Draft)

- Policy RES2: Proposed Housing Sites
- Policy RES6: Residential Land Use

- ◆ Representation(s):
 - ▶ 0 Objection Letters
- ◆ Consultation(s):

Symington Community Council

Education Resources

Environmental Services

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

Scottish Water

Roads & Transportation Services H.Q. (Flooding)

Roads and Transportation Services (South Division)

Planning Application Report

1 Application Site

- 1.1 The application site extends to approximately 0.5 hectares and is situated within a residential area within the settlement boundary of Symington, close to the south-western boundary of the village. The site has been re-graded and a service track has been formed which links onto School Road. Topographically, the land is reasonably level.
- 1.2 The site is bounded to the west, south and east by residential dwellings. To the north on the other side of School Road is vacant ground situated between two existing dwellings and beyond are agricultural fields which are currently subject of an outline application (CL/04/0865) for a residential development.

2 Proposal(s)

- 2.1 The proposal involves the erection of 6 dwellinghouses situated around a cul-de-sac with a turning head. The house type composition includes two 2-storey semi-detached, two 2-storey detached and two 1½-storey detached. The design is conventional and incorporates brick, tiles and render as an external finish. The proposal originally was for 9 dwellings, however this was reduced to six because three of the plots could have jeopardised access to a potential development to the north.
- 2.2 Members will recall that this application was reported to Committee in August 2006 recommending approval. Committee agreed to the recommendation. However, it was also agreed that a minute of variation to the original Section 50 Agreement covering the site was required prior to permission being issued. After further consideration, it is felt that the original reason for the Section 50 Agreement is no longer relevant. Therefore, to avoid unnecessary time and resources over a legal variation and to allow the logical development of the remaining plots both within the application site and the wider development area, the applicant seeks a total discharge of the Section 50 Agreement. The Section 50 Agreement ensured that development proceeded in a phased manner and currently restricts the number of houses to 28 over the total development. Discharge will theoretically allow an additional 7 houses making a potential total number of 35.

3 Background

3.1 Local Plan Status

- 3.1.1 In the adopted Upper Clydesdale Local Plan, the site is covered by Policy 8: Existing Housing – Ancillary development and Policy 74: Settlement Boundaries/Infill Development. Policy 8 has a presumption against proposals which would be detrimental to residential development. Policy 74 generally encourages new residential development within the settlement boundary subject to normal development control criteria. In addition, Proposal H22 has identified the site as forming part of a wider residential development which is subject of a Section 50 Agreement to control phasing.
- 3.1.2 In the South Lanarkshire Finalised Draft Local Plan, the relevant policies are RES2: Proposed Housing Sites and RES6: Residential Land Use Policy. In terms of RES2, the site is identified as forming part of a wider site where housing development is

supported. RES6 aims to protect residential amenity and ensure compliance with good design practice.

- 3.1.3 The Council's Residential Development Guide sets down standards for housing layouts. In general, the minimum rear garden depth should be 10 metres; the minimum distance between the side elevation of a house and a side boundary should be 2 metres and the minimum distance between windows of directly facing habitable rooms (ie. living rooms, dining rooms and bedrooms) should be no less than 20m. This may be relaxed where windows are at an angle.

3.2 **Relevant Government Advice/Policy**

SPP3: Planning for Housing, indicates that new housing development should preferably be accommodated within settlement boundaries where existing services can be easily accessed. Also, this approach helps protect environmental resources and prevents unnecessary sprawl.

3.3 **Planning History**

In 1992, the former Clydesdale District Council granted outline planning permission (P/LK/01910859) for a residential development. In 1993, detailed planning permission (P/LK/01930726) was granted for 30 Housing Association dwellings on part of the site subject of the outline consent. However, due to concerns expressed by the Community Council, a Section 50 Agreement was drawn up to phase the development of the remaining area with outline consent over a ten-year period. This agreement also restricted the number of units on the remainder of the site to 28.

4 **Consultation(s)**

- 4.1 **Environmental Services** – construction noise and working hours should comply with current standards. An action plan shall be formulated in the event of contaminated material being encountered.

Response: Environmental Health has separate legislative powers to control construction noise and working hours. If consent is granted, a condition can be applied to ensure the formulation of a contamination action plan in the events of contaminants being found.

- 4.2 **Scottish Water** – has objected, however they are prepared to remove their objection if the applicant can demonstrate that the proposed development will not adversely affect their infrastructure.

Response: If consent is granted, a condition will be applied before any development commences, that the applicant submits a letter from Scottish Water confirming that connections to the sewerage and water networks can be accommodated.

- 4.3 **SEPA** – requires written confirmation from Scottish Water that there is sufficient capacity in the sewerage system network and treatment facility to accommodate the additional flow. They have recommended a Sustainable Urban Drainage System (SUDS).

Response: If planning permission is granted, the issues raised can be addressed by the use of suitable conditions.

- 4.4 **Symington Community Council** – this proposal does not comply with the Section 50 Agreement covering the application site and wider development area on grounds that the house types include 2-storey dwellings, the road layout is different and the dwelling numbers do not comply.

Response: The wording of the agreement does not refer to any restriction on height of dwellings. The original application plan indicated a mini roundabout at the junction of the access road and School Road. This plan showed an indicative access link from the roundabout through a gap site to the fields to the north. These fields are subject of a separate outline planning application (CL/04/0865) for a residential development submitted by the same applicant; the purpose of the mini roundabout was obviously to demonstrate vehicle access to these fields in the event of outline consent being granted. However, after several discussions, this roundabout has now been omitted and the road layout is now similar to that shown on the plan attached to the Section 50 Agreement. The agreement does restrict the total number of dwellings to 28 and this proposal will extend this to 29. However, I believe the Section 50 is no longer relevant as additional dwellings can easily be accommodated without any adverse effect upon the wider community and services and infrastructure, subject to necessary conditions being imposed.

- 4.5 **Flood Prevention Unit** – recommends SUDS and the drainage system will have to be designed to prevent flooding of the site and neighbouring land.

Response: If consent is granted, these matters can be covered by a suitable condition.

- 4.6 **Education Resources** – no objections.

Response: Noted.

- 4.7 **Roads & Transportation Services** – originally recommended deferment of the application as the plans proposed a mini roundabout to serve the outline application site to the north and insufficient information had been submitted to demonstrate the adequacy of the access arrangements for the larger development. They have recommended that the applicant reserves sufficient land to accommodate the construction of a roundabout at this locus to avoid prejudicing any future site extension, if approved.

Response: The outline application site covering the agricultural fields to the north has not been included as a potential housing release in the South Lanarkshire Finalised Draft Local Plan. However, this may be reassessed if a decision is made in the future to establish a railway station at Symington, the access to which would have to be taken across these fields. Subsequently, it has been agreed in discussion with Roads to amend the layout to show a conventional junction to serve the current application site and to omit 3 plots, the land for which would be reserved for construction of the proposed roundabout.

5 Representation(s)

- 5.1 Following neighbour notification, no letters of objection were received.

6 Assessment and Conclusions

- 6.1 The proposal involves the construction of 6 dwellings on a site which already benefits from a historic outline consent which remains active because of the implementation of development on the other areas covered by the consent. In considering this, the principle of a residential development here has already been established. Therefore, I consider the determining issues in this instance to be the proposal's compliance with local plan policy and the impact on the amenity of the area.

- 6.2 In the Upper Clydesdale Local Plan (adopted), the relevant policies are 8: Existing Housing – Ancillary Development and 74: Settlement Boundaries. Policy 8 aims to protect residential amenity whilst Policy 74 does encourage appropriate residential development within the defined village boundary. Also of relevance is Proposal H22 which identifies the site as forming part of a wider residential development.
- 6.3 The South Lanarkshire Finalised Draft Local Plan is a material consideration in determination of this proposal. In that plan, Policy RES2: Proposed Housing Sites, has reiterated the adopted local plan in identifying the site as suitable for housing. The site is also covered by Policy RES6: Residential Land Use Policy which supports the principle of a residential development as long as amenity considerations are not compromised and good design principles are employed.
- 6.4 The layout, position and design of the proposed dwellings are largely compliant with the Council's Residential Development Guide in respect of garden provision and protection of privacy. The proposed dwellings adhere to the surrounding development pattern and will not impinge upon residential or visual amenity.
- 6.5 Scottish Water has objected, however they are prepared to withdraw their objection if the applicant can demonstrate that the proposal will not adversely affect their infrastructure. The issues raised by Roads have been resolved by amended plans which exclude the roundabout and Plots 1, 2 and 9.
- 6.6 The Community Council has expressed concern regarding this proposal contravening the Section 50 Agreement covering the site. The original purpose of the agreement was to phase the development over a ten-year period and restrict the total number of houses to 28 as a means of minimising potential adverse effects upon the community and associated services. The current application was originally for 9 dwellings, however 3 plots have since been omitted because the land may be required to access a future housing development to the west, if planning permission is obtained for that particular proposal. If, however, the land is not required, then the 3 plots could be developed. Presently, the proposal for the 6 houses would result in a total of 29, an excess of one over the restriction of 28. However, the 3 potential plots would extend this to 32. Across from the application site is a gap site, part of which may be required to access the potential housing site. If not required, then the gap site could potentially accommodate 3 house plots resulting in a maximum total of 35 units over the development area. The ten-year period for phasing has since expired and in considering the present situation pertaining to Symington, I am of the opinion that the small number of additional houses involved will not have an adverse effect upon the village or associated services/infrastructure. Also, any applications for additional houses outwith this application proposal will be subject of a full and proper appraisal and dealt with on their individual merits. In view of the above circumstances and the time and resources involved in a legal agreement, I am of the view that the intention to seek a total discharge is correct and justifiable. The other consultees have not objected subject to appropriate conditions being applied.
- 6.7 No letters of objection have been submitted by notified neighbours or other members of the public.
- 6.8 In conclusion, I am satisfied that the proposal complies with local plan policies, will not impact upon amenity, will help meet demand for new housing in Symington and that the discharge of the Section 50 Agreement is justified.

7 Reasons for Decision

- 7.1 The proposal complies with policies contained in both the Adopted and Finalised Draft local plans and will integrate into the surrounding development pattern without compromising amenity.

Iain Urquhart

Executive Director (Enterprise Resources)

19 February 2007

Previous References

- ◆ P/LK/01910859
- ◆ P/LK/01930726

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations
 - Environmental Services 06/06/2005
 - Roads & Transportation Services H.Q. (Flooding) 30/06/2005
 - Scottish Water 13/06/2005
 - S.E.P.A. (West Region) 10/06/2005
 - Roads and Transportation Services (South Division) 13/03/2006
 - Symington Community Council 27/06/2005
 - Education Resources 11/07/2005
- ▶ Representations
 - None received

Contact for Further Information

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

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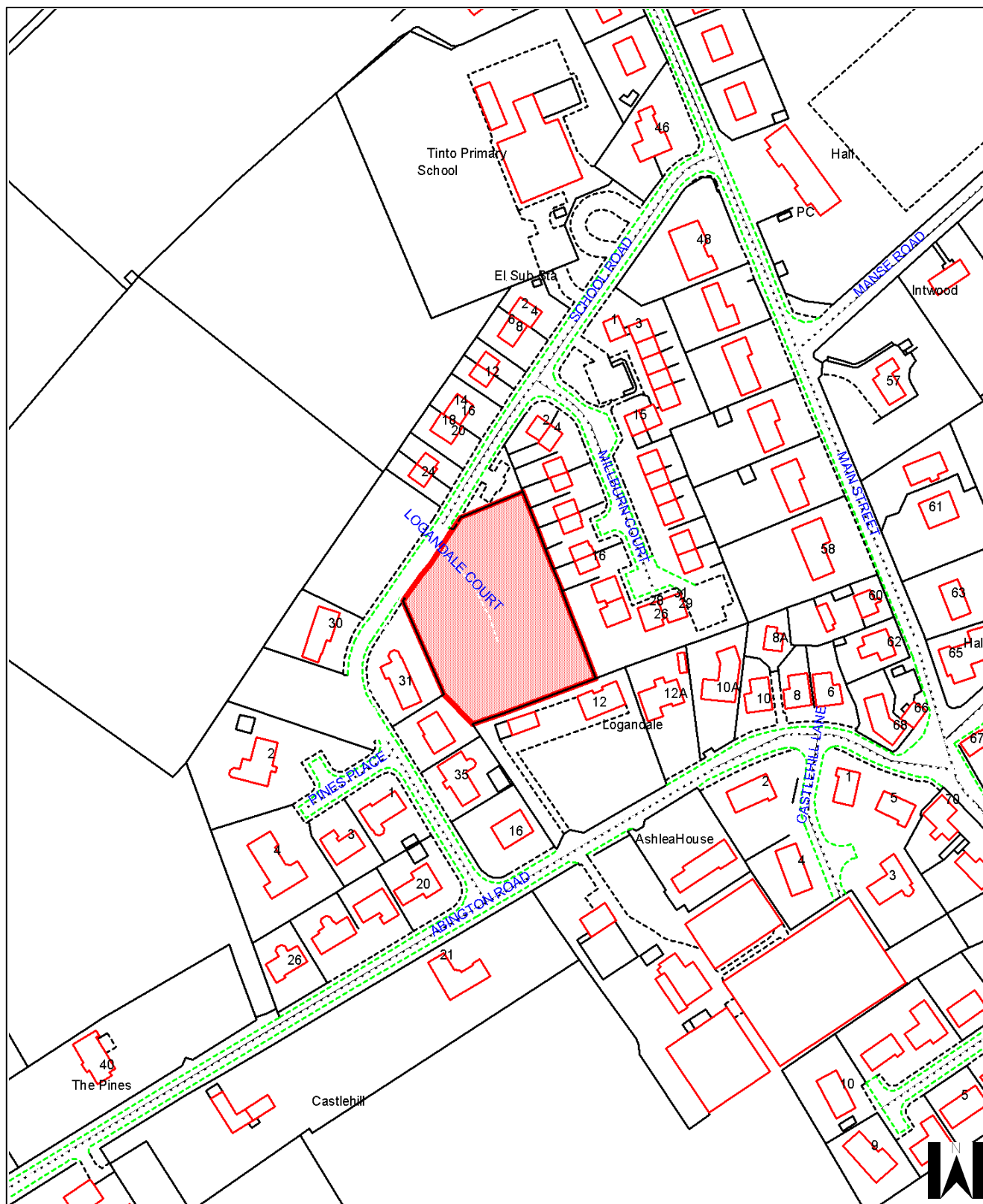
CONDITIONS

- 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 hereby approved are occupied, a 1.8 metre high close boarded screen fence shall be erected along the boundaries marked brown on the approved plans.
- 6 That before any of the dwellinghouses situated on the site upon which a fence is to be erected is occupied, the fences or walls for which the permission of the Council as Planning Authority has been obtained under the terms of Conditions 4 and 5 above, shall be erected and thereafter maintained to the satisfaction of the Council.
- 7 That no dwellinghouse shall be occupied until the developer provides a written agreement from Scottish Water that the site can be served by a sewerage and water scheme constructed to the specification and satisfaction of Scottish Water as the Water and Sewerage Authority.
- 8 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.
- 9 That the 30 year post development critical storm, attenuated within the site to the equivalent of a 1 in 2 year Green- Field release, shall be contained within the underground drainage system for the development and the difference between the 30 year and 200 year post development critical storms and the 200 year post development Flash Flood, is to be managed adequately within the site without detriment to properties, within or without the development.
- 10 If contaminated material is encountered the Planning Department shall be notified immediately and an action plan shall be formulated which addresses the problems of safe handling, storage and ultimate disposal of the contaminated material.

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 the interests of amenity and in order to retain effective planning control.
- 6 In order to retain effective planning control.
- 7 To ensure that the development is served by an appropriate effluent disposal system and water supply.
- 8 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 on-site and off-site flooding.
- 9 To prevent flooding within and outwith the development.
- 10 To ensure the site is free from contamination.

For information only



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