

	<h1>Report</h1>	Agenda Item <h1>10</h1>
---	-----------------	---------------------------------------

Report to:	Planning Committee
Date of Meeting:	25 August 2009
Report by:	Executive Director (Enterprise Resources)

Application No	CL/09/0188
Planning Proposal:	Residential Development (Planning Permission in Principle)

1 Summary Application Information

- Application Type : Planning Permission in Principle
- Applicant : Achadonn Properties Ltd
- Location : Mayfield Brickworks
Wilton Road
Carluke ML8 4PL

2 Recommendation(s)

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

- (1) Grant planning permission in principle (subject to conditions – based on conditions listed overleaf)

2.2 Other Actions/Notes

- (1) The Planning Committee has delegated powers to determine this application.

3 Other Information

- ◆ Applicant's Agent: James Barr
- ◆ Council Area/Ward: 01 Clydesdale West
- ◆ Policy Reference(s): **South Lanarkshire Local Plan (Adopted)**
 - Policy RES2: Proposed Housing Sites
 - Policy RES6: Residential Land Use
 - Policy DM1: Development Management
 - Policy TRA2: Walking, Cycling and Riding Routes

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

◆ Consultation(s):

Community Resources (Amenity Services)

Environmental Services

Roads & Transportation Services H.Q. (Flooding)

Scottish Water

Roads and Transportation Services (South Division)

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

Roads & Transportation Services H.Q.(Transportation)

Building Standards Services (Clydesdale Area)

Carluke Community Council

Education Resources - School Modernisation Team

Scottish Natural Heritage

Planning Application Report

1 Application Site

- 1.1 The site extending to 3.64 hectares (or thereby) is located at the southern end of Carluke on Wilton Road. Mayfield Brickworks operate from the site which consists of two industrial units including a tall chimney, and a number of ancillary buildings along with a substantial yard area. The yard area is currently used for the storage of clay and finished bricks. The area surrounding the site is primarily residential in character, although the western edge of the site is bounded by a tree belt along Lanark Road extending to between approximately 30 to 50 metres in depth. This tree belt is owned by the applicant. Wilton Road bounds the site to the north, residential properties bound the site to the south and east, along with playing fields. A footpath runs along the eastern boundary between Wilton Road and Old Lanark Road. Within the site itself there are a number of trees located at the front of the site parallel with Wilton Road.

2 Proposal(s)

- 2.1 The applicant seeks planning permission in principle for the creation of residential development on the site. The submitted plan shows that a new vehicular access would be taken from Wilton Road, 45 metres to the east of the existing access. The existing structures located on the site would be demolished to make way for the proposed residential development.
- 2.3 In support of this proposal, the applicant submitted a planning statement, a transport statement, a phase one environmental assessment report, and a protected species survey.

3 Background

3.1 Local Plan Background

- 3.1.1 The site is located within the settlement boundary of Carluke where the majority of the site is identified as a proposed housing site in the adopted South Lanarkshire Local Plan, covered by Policy RES2. Small sections of the site boundary fall outwith the zoned housing site into areas covered by Policy RES6: Residential Land Use. Policy DM1: Development Management is also relevant. The site is bisected by the line of a proposed walking and cycling route covered by Policy TRA2: Walking, Cycling and Riding Routes.

3.2 Government Advice/Policy

- 3.2.1 Scottish Planning Policy 3: Planning for Homes (Revised 2008) (SPP3) promotes the efficient use of land and buildings, in principle this means directing the majority of new development towards sites within existing settlements to make efficient use of existing infrastructure and that redevelopment of brownfield sites for housing should be preferred to development on greenfield sites.

3.3 Planning Background

- 3.3.1 No relevant planning history.

4 Consultation(s)

- 4.1 Carluke Community Council – no response to date.
Response: Noted.
- 4.2 Education Resources – have no adverse comments.

Response: Noted.

- 4.3 **Environmental Services** – offer no objections subject to conditions requiring the submission of a contaminated land assessment and details of refuse storage design and uplift. In addition they advise that the applicant shall undertake a noise survey to determine the impact of road traffic noise on the development.

Response: Noted. Relevant conditions and advisory notes have been attached to address these issues.

- 4.4 **Community Resources** – offer no objections but advise that appropriate recreational facilities should be included in the further application in line with the Council's Guidelines. In addition to this the Council's Arboriculture Manager advises that as there are a number of trees within the site and outwith the site on Lanark Road a tree inspection would be appropriate in order to identify a suitable development footprint. Suitable conditions should be attached to protect the trees.

Response: Noted. Conditions have been attached to the consent to ensure that this information is submitted with any future applications for this site.

- 4.5 **Roads & Transportation Services (Area Office)** – offer no objections and provide details of conditions which should be attached to the consent in relation to provision of footways, access standards, parking provision and drainage.

Response: Noted. A relevant condition can be attached to any consent granted to address these issues.

- 4.6 **SEPA** – offer no objections and ask that a condition is attached requiring the discharge of surface water to be in accordance with the principles of Sustainable Urban Drainage.

Response: Noted a relevant condition has been attached to address this issue.

- 4.7 **SNH** – offer comments on the ecology survey submitted by the applicant. They note that the buildings on site were determined as being unsuitable for bats, with the exception of the office building. Further to this no signs of bats were found in any of these buildings or in any trees on site. However as the office building could potentially be used by bats, SNH recommend that a bat activity survey is undertaken prior to the determination of the application. They further advise that if more than six months passes between the date of the activity survey and the commencement of the proposed works, then the activity survey for the office building should be repeated. In addition to this they recommend that trees which have been identified as being suitable for bats should be checked by a qualified Ecologist prior to any felling work taking place. In terms of badgers they are satisfied that badgers will not be an issue for this site. Finally, they recommend that a qualified ecologist checks any trees and vegetation if they are to be removed within the breeding bird season.

Response: Noted. The applicant was advised of SNH's requirements in relation to the submission of a bat activity survey. This was subsequently submitted and SNH confirm they are satisfied with the results. Appropriate conditions and advisory notes have been attached to address the remaining issues raised by SNH.

- 4.8 **Scottish Water** – offer no objection.

Response: Noted.

- 4.9 **Roads and Transportation Services (HQ)** – in terms of the Transport Statement which was submitted they advise that the development will not have a major impact on the existing road network and they are satisfied with the proposed location of the new access into the site. They recommend a number of conditions which should be attached to any consent covering the required visibility splay, provision of a 2m wide

footpath along the frontage of the site, submission of a safety audit, retention of the footpath link through the site, provision of pedestrian connections.

Response: Noted and appropriate conditions have been attached.

4.10 **Roads and Transportation Services (Flooding)** – no objections.

Response: Noted.

5 Representation(s)

5.1 Following statutory neighbour notification and advertisement of the proposal in the local press under Article 12(5) of the regulations (applicant could not identify the owner of neighbouring land), one letter of objection was received. The content of the letter is summarised as follows:

- (a) **The objector wishes to point out that he is not against the development as he considers the removal of the brickworks can only be a plus for the residents in the area, but wishes to know why he was not neighbour notified.**

Response: The objector's property does not immediately bound the application site and as such there was no requirement for the applicants to notify him.

- (b) **Concerns about the proximity of the proposed amended access point to his dwelling and the ability of the surrounding road network to cope with the surge in usage, including the traffic from the proposed new Tesco supermarket.**

Response: The Council's Roads and Transportation Service were consulted on this application and they advise that they are satisfied that the development will have no major impact on the existing road network. At over 50 metres away the position of the proposed new access point will be some distance from the objector's property, I therefore consider that there will be no adverse impact on the objector's amenity or safety.

- (c) **Concerns that the content of the environmental statement is not entirely truthful. The section regarding air pollution incidents states that there has only been one, this is not the case.**

Response: Noted. However this relates to an incident during the operation of the brickworks and has no bearing on the outcome of the application.

- (d) **Would the possibility that the company making this application, is a subsidiary of the company that owns the brickwork have any bearing on the application.**

Response: It is not relevant who the applicant is when an application is being determined.

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

6 Assessment and Conclusions

6.1 The applicant seeks planning permission in principle for the creation of a residential development. The main determining issues in assessing this application relate to local plan policy and road safety.

6.2 In terms of local plan policy, the majority of the site has been identified as a new housing site in the adopted South Lanarkshire Local Plan. Policy RES2: Proposed

Housing Sites is therefore relevant and this policy states that the Council will support development for housing on these sites. In view of this, the principle of development of the site has been established by the local plan process.

- 6.3 Policy RES6: Residential Land Use covers the remaining land and this policy states that the Council will resist any development that will be detrimental to the amenity of the area. The areas covered by this policy are essentially residential in nature and therefore the development of that part of the site affected by the policy is acceptable.
- 6.4 Policy DM1: Development Management is also relevant in the assessment of this application. Both RES6 and DM1 require proposals 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. In addition the policies state that the proposals should provide suitable access, parking and have no adverse implications for public safety and should make appropriate infrastructure provision to serve the development. Following discussions the statutory consultees have confirmed they have no objections to the proposal and I am satisfied that appropriate conditions can be attached to the consent to ensure that the further, detailed application takes fully into account the requirements of the consultees. This includes the provision of a survey and management plan for both the trees on the site and the substantial tree belt adjacent to the site.
- 6.5 The site is bisected by a proposed access route, which follows the line of the Old Lanark Road and is covered by Policy TRA2 Walking, Cycling and Riding Routes. This policy states that the Council will seek to safeguard the identified existing and proposed walking and cycling routes within the Local Plan. The policy further advises that development proposals adjacent to or on the line of a route will require to take account of the route where appropriate. The applicants are aware of this requirement and advise that this facility could be incorporated into a detailed design. In view of this a condition has been attached to ensure the layout of the site includes provision of a multi-function access route constructed to the Council's specification and satisfaction.
- 6.6 In terms of road safety, the Council's roads service have confirmed that development will not have a major impact on the existing road network and they are satisfied with the position of the proposed vehicular access on Wilton Road. The Transportation Statement submitted with the application showed that visibility splays of 4.5m x 90m to the left (west) and right (east) of the access can be achieved, however the Roads Service advise that a visibility splay of 9m x 90m be provided to the left (west) Given that the applicants have control over the land to the west, this splay should be able to be achieved. A condition has been attached to ensure the future detailed application reflects this requirement.
- 6.7 I consider that the re-development of the brickworks site will have a positive impact on the visual amenity of the area by removing substantial industrial buildings, a chimney and yard area. In addition the general amenity of the area will be enhanced by removing an industrial use and replacing it with a residential use which is more compatible with the surrounding area. In view of this I recommend approval of this application.

7 Reasons for Decision

- 7.1 The proposal is consistent with Policies RES2, RES6, DM1 and TRA2 as contained in the adopted South Lanarkshire Local Plan and there will not be an adverse impact on road safety.

Colin McDowall
Executive Director (Enterprise Resources)

11 August 2009

Previous References

- ◆ None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans

- ▶ Consultations
 - Environmental Services 03/06/2009
 - Education Resources - School Modernisation Team 17/06/2009
 - Roads and Transportation Services (South Division) 19/06/2009
 - Scottish Natural Heritage 23/06/2009
 - S.E.P.A. (West Region) 14/07/2009
 - Scottish Water 03/06/2009
 - Roads and Transportation Services (HQ) 06/08/2009
 - Roads and Transportation Services (Flooding) 29/06/2009

- ▶ Representations
 - Representation from : D Young, 52 Wilton Road, Carluke, DATED 28/05/2009

Contact for Further Information

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

Gail Rae, Planning Officer, South Vennel, Lanark ML11 7JT
Ext 810 3205 (Tel :01555 673205)
E-mail: Enterprise.lanark@southlanarkshire.gov.uk

CONDITIONS

- 1 This decision relates to drawing numbers:
1 Site Location Plan 1:2500 Scale
SCT3121/SK001 Visibility & Junction Spacing 1:1000
- 2 Before development commences, further application(s) for the approval of the matters specified in this condition must be submitted to and approved by the Council as Planning Authority. These matters are as follows:
 - (a) a site layout plan at a scale of 1:500 showing the position of all buildings, roads, footpaths, parking areas (distinguishing where appropriate between private and public spaces), walls, fences, landscaping, open space and recreational provision;
 - (b) plans and elevations of each house and garage type showing their dimensions and type and colour of materials;
 - (c) a landscaping plan at a scale of 1:500 showing the location, species and ground spread of existing and proposed trees, shrubs and hedges;
 - (d) details of the phasing of development (covering all relevant aspects of development detailed in (a) above);
 - (e) detailed cross-sections of existing and finished ground levels and finished floor levels, in relation to a fixed datum, preferably ordnance datum.
 - (f) a Design and Access Statement which sets out the design principles, justifying the design solution, showing how the proposal responds to the wider context of the area as well as the characteristics of the site and how issues relating to access to the development for disabled people have been dealt with.
 - (g) a noise survey to determine the impact of road traffic noise on the development using the principles set out in "Calculation of Road Traffic Noise (DoT/Welsh Office, HMSO, 1988) or by a method to be agreed by the Planning Authority and shall identify the Noise Exposure Category specified in Planning Advice Note 56 within which the development will fall. If it falls within category B or C then a scheme for protecting the proposed dwellings from road traffic noise shall be included as part of the noise survey.
 - (h) bat survey
- 3 Planning permission in principle expires 2 years from approval of the specified matters being granted, or if different matters are approved on different dates, then 2 years from the date of the last approval.
- 4 The application(s) for these further matters (as required in Condition 2 above) must be made to the Council as Planning Authority before whichever is the latest of the following:
 - (a) expiry of 3 years from when permission in principle was granted
 - (b) expiry of 6 months from date when an earlier application for approval was refused, and
 - (c) expiry of 6 months from date on which an appeal against the refusal was dismissed.

Approval of the further specified matters can be made for -

 - (i) different matters, and
 - (ii) different parts of the development
- 5 That the further applications required under the terms of Condition 2 above, shall

make reference to and incorporate the criteria specified within the approved South Lanarkshire Council 'Residential Development Guide'.

- 6 That no trees within the application site shall be lopped, topped, pollarded or felled, and no shrubs or hedges shall be removed from the application site without the prior written consent of the Council as Planning Authority.
- 7 That the further application required under condition 2 above shall include a plan indicating the existing 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 no work on site shall be commenced until the permission of the Council has been granted for these proposals or such other proposals as may be acceptable.
- 8 That notwithstanding condition 7 above, the further application required under condition 2 above shall include a woodland management and maintenance scheme, covering the area hatched in green on the approved plans, and it shall include: (a) proposals for the continuing care, maintenance and protection of the trees, shrubs and hedges including details of the timing and phasing of all such works; (b) details of the number, variety and size of trees and shrubs to be planted and the phasing of such works.
- 9 That the further application required under the terms of Condition 2 above, shall include a detailed scheme for surface water drainage. Surface water from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland and with the Council's Sustainable Drainage Design Criteria and requirements and shall be agreed in writing with the Council as Planning Authority in consultation with SEPA.
- 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 That the further application required under condition 2 above shall include details of facilities for the storage of refuse within the site, including design, location, external finishes and access for its uplift. No dwelling unit shall be occupied until these facilities have been provided in accordance with the approved scheme or such alternative as may be agreed in writing with the Council as Planning Authority.
- 12 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 CO2 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 CO2 emissions of the development, clearly illustrating the additional 15% reduction beyond the 2007 building regulations CO2 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.
- 13 That the further application required under condition 2 above shall include the provision of a multi-function access route through the site following the route of the Old Lanark Road (as shown on the adopted South Lanarkshire Local Plan Settlement Plan). The access route shall be suitable for use by pedestrians, cyclists and horse-riders and shall be constructed to the specification and satisfaction of the Council as Planning Authority.
- 14 That the further application required under the terms of Condition 2 above shall include:
- (a) a Stage 1 Safety Audit for the design of the proposed access into the development
 - (b) an internal layout and parking provision which accords with the Council's 'Guidelines for Development Roads'
 - (c) provision of a 2 metre wide footway along the frontage of the development on Wilton Road
 - (d) a layout which maintains the existing footpath from Old Lanark Road which runs to the east of the site as a pedestrian link to Wilton Road
 - (e) pedestrian connections from the development to Wilton Road and Lanark Road as appropriate to encourage the use of public transport
 - (f) vehicular access to the site from Wilton Road as shown on the approved plans with a visibility splay of 9 metres x 90 metres provided to the left (west)

REASONS

- 1 For the avoidance of doubt
- 2 To comply with section 59 of the Town and Country Planning (Scotland) Act 1997.

- 3 To comply with section 59 of the Town and Country Planning (Scotland) Act 1997.
- 4 To comply with section 59 of the Town and Country Planning (Scotland) Act 1997.
- 5 In the interests of amenity and to ensure that the Council's key residential development standards are met.
- 6 To ensure the protection and maintenance of the existing trees and other landscape features within the site.
- 7 To ensure the protection and maintenance of the existing mature trees within the site and to retain effective planning control.
- 8 To ensure the protection and maintenance of the existing woodland within the area
- 9 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.
- 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 ensure that adequate refuse arrangements are provided that do not prejudice the enjoyment of future occupiers of the development or neighbouring occupiers of their properties, to ensure that a satisfactory external appearance is achieved and to ensure that appropriate access is available to enable refuse collection.
- 12 To secure a reduction in carbon dioxide emissions.
- 13 To ensure that development makes appropriate provision for outdoor access
- 14 To ensure that the overall layout and design of development of the site provides satisfactory access, parking and drainage arrangements

For information only

For information only

