

	<h1>Report</h1>	Agenda Item <h1>11</h1>
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Report to: **Planning Committee**
 Date of Meeting: **25 August 2009**
 Report by: **Executive Director (Enterprise Resources)**

Application No CL/08/0314
 Planning Proposal: Residential Development (Planning Permission in Principle)

1 Summary Application Information

- Application Type : Planning Permission in Principle
- Applicant : Mrs F Henderson
- Location : Plot of land South of Carlisle Road
Crawford

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 the application.

3 Other Information

- ◆ Applicant's Agent: Neville Design Ltd
- ◆ Council Area/Ward: 03 Clydesdale East
- ◆ Policy Reference(s): **South Lanarkshire Local Plan (Adopted)**
 - Policy RES2: Proposed Housing Sites
 - Policy STRAT5: Rural Investment Area
 - Policy ENV4: Protection of the Natural and Built Environment
 - Policy ENV29: Regional Scenic Area and Areas of Great Landscape Value
 - Policy DM1: Development Management

- ◆ Representation(s):

- ▶ 2 Objection Letters
- ▶ 0 Support Letters
- ▶ 0 Comments Letters

◆ Consultation(s):

Environmental Services

Scottish Water

West of Scotland Archaeology Service

Roads and Transportation Services (South Division)

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

Education Resources

Scottish Natural Heritage

Network Rail

Planning Application Report

1 Application Site

- 1.1 The application site consists of an open field extending to 1.8 hectares in size on the south-eastern edge of the village of Crawford. The main west-coast railway line bounds the site to the east, with the A702 bounding the site to the west. The M74 lies further to the west. The northern part of the site is bounded by open ground, with the north-western part of the site wrapping around the rear gardens of residential properties on Carlisle Road. The ground slopes downwards from the road level with the central part of the site sitting in a hollow, the land then rises again towards the railway line. Traditional stone-dyke walls and stob and wire fences form the boundary of the site. There are a number of mature trees situated just outwith the application boundary, falling within the garden ground of the adjoining dwellings. Notwithstanding this there are some trees and shrubs located in the north-west corner of the site, close to the proposed access with Carlisle Road.

2 Proposal(s)

- 2.1 The applicant seeks planning permission in principle for the creation of a residential development at the site. The submitted plan shows that vehicular access to the site would be taken from Carlisle Road, running in a south-eastern direction along the boundary with 151 Carlisle Road and via an existing field access.
- 2.2 In support of this proposal, the applicant submitted a noise impact assessment due to the proximity of the site to the railway line and motorway.

3 Background

3.1 Local Plan Background

- 3.1.1 The settlement of Crawford is located within the Rural Investment Area as shown in the adopted South Lanarkshire Local Plan. The majority of the application site is located within the settlement boundary of Crawford and is allocated as a proposed housing site where Policy RES2 applies. A small part of the site (namely the access road) is located outwith the housing site and settlement boundary and is therefore covered by Policy STRAT5: Rural Investment Area and Policies ENV4: Protection of the Natural and Built Environment, ENV29: Regional Scenic Area and Areas of Great Landscape Value and Policy DM1: Development Management are relevant for the whole site.

3.2 Government Advice/Policy

- 3.2.1 The Scottish Government 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.
- 3.2.2 Planning Advice Note 56: Planning and Noise states that the planning system has the task of guiding development to the most suitable locations and in regulating the layout and design of new development. It further advises that noise implications of development can be a material consideration in determining applications for planning permission. It explains that there are various ways to control noise or limit people's exposure to it through design measures such as sound insulation and screening with purpose-designed acoustic barriers, or layout design. The advice note suggests the use of Noise Exposure Categories to help planning authorities

determine applications for residential development on sites subjected to noise from road, rail, air and 'mixed' transportation noise. For Category A sites, noise is unlikely to be a determining factor, while for Category D sites refusal of planning permission is likely to be the most appropriate solution. Categories B and C deal with situations where noise mitigation measures may make development acceptable.

3.3 **Planning Background**

3.3.1 No relevant planning history.

4 **Consultation(s)**

4.1 **Education Resources** – no response has been received to date.

Response: Noted.

4.2 **Environmental Services** – initially recommended that a decision on the application is deferred until a noise survey is submitted to determine the impact of road traffic and railway noise on the proposed development. They also recommend that conditions and advisory notes are attached to any consent granted in relation to dust mitigation, contaminated land and construction noise.

Response: Noted. The applicant was advised of Environmental Services comments and subsequently submitted a noise survey. Environmental Services advise that the noise assessment showed that during daytime hours the majority of the site falls within Noise Exposure Category B and during night time hours the majority of the site falls within Noise Exposure Category C. As explained in paragraph 3.2.2 of this report, government guidance states that planning permission should not normally be granted on category C sites, however it further states that it may be possible to grant permission subject to measures that ensure an adequate level of protection against noise.

Environmental Services advise that as the application is for planning permission in principle, the author of the noise impact assessment was not able to demonstrate the levels of mitigation required and accordingly they advise that if consent is granted, a condition should be attached requiring the applicant to submit a further assessment which fully details the mitigation to be used and the predicted reduction in noise levels which the mitigation will provide. In addition to the noise issue Environmental Services confirm that the levels of vibration associated with the rail track would not be considered as a constraint on development of the site. A relevant condition has been attached to address the noise issue. Conditions and advisory notes have also been attached in relation to dust mitigation, contaminated land and construction noise.

4.3 **Roads & Transportation Services** – offer no adverse comments, they note that as the application is for planning permission in principle no information regarding house volumes, road layout and parking requirements has been included with the application. Construction and design details for the site and the proposed junction with Carlisle Road must meet their requirements.

Response: Noted.

4.4 **Network Rail** – offer no objections however given the close proximity of the site to the operational railway they request a number of conditions are attached to any consent to cover matters such as drainage, security of the railway line, fencing, proximity of tree planting, position of lighting and method statements for site works.

Response: Noted and relevant conditions and advisory notes have been attached which address these issues.

- 4.5 **SEPA** – originally objected to the proposal on foul drainage grounds. They note that the applicant proposes to connect the foul drainage to the public sewer (a septic tank), which only has limited residual capacity and they are not aware of any plans to upgrade the sewerage system. As the site is a significant size, they had concerns that the proposal could bring the septic tank over the limits imposed by its licence and increase the risks of pollution to the receiving watercourse. In addition to their objection they also recommend that if granted, a condition is attached to ensure the surface water from the site is treated in accordance with the principle of Sustainable Urban Drainage (SUDS).

Response: Noted. The applicant was advised of SEPA's concerns and subsequently provided SEPA with additional information. The developer has confirmed to SEPA that the proposed number of dwellings at the site would be 18 and that Scottish Water would have no objection to these units connecting to Crawford's public sewerage network. In light of this SEPA have withdrawn their objection on the condition that any planning permission granted is subject to a condition that the foul drainage from the development is connected to Scottish Water's public sewer. A condition has therefore been attached to ensure that this will take place.

- 4.6 **Scottish Water** – offer no objections however advise that any planning approval granted by the Council does not guarantee a connection to their infrastructure until a satisfactory solution is identified. They advise that Crawford main Waste Water Treatment Works at present has insufficient capacity to serve the proposed development.

Response: It is noted that Scottish Water advise that at the current time there is insufficient capacity to serve this development. However, the application is in principle at this time and a condition has been attached to ensure that no dwellinghouse is occupied until a suitable connection to Scottish Water's public sewer can be made. The onus is on the applicant to discuss the matter in detail with Scottish Water and potentially pay for any required upgrades to the system.

- 4.7 **SNH** – offer no objections

Response: Noted.

- 4.8 **WOSAS** – offer no objections but advise that an initial assessment, followed by an archaeological field evaluation should be carried out by the developer to determine the character and extent of any archaeological remains and to quantify the likely costs of appropriate mitigation.

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

5 Representation(s)

- 5.1 Following statutory neighbour notification and advertisement of the proposal as 'Development Potentially Contrary to the Development Plan' in the local press, two letters of objection were received. The content of the letters is summarised as follows:

- (a) **The access to the development will create noise and disturb privacy given that it will run along the side of our house.**

Response: It is noted that the proposed access to the site would run along the side of the objector's property, however there is a row of mature trees mostly contained within the objector's garden which screens the proposed access. In addition a condition has been attached to ensure additional planting takes place within the application site along the boundary in question

to further screen the access. In view of this I do not consider that the route will have a significant impact on the objector's property.

- (b) **Scottish Water have legal rights of access into the ground due to the drainage for surrounding houses, it would therefore be advisable to contact them.**

Response: Scottish Water were consulted on the application and offer no objection. Any legal issues in respect of servitude rights of access or relocation of Scottish Water equipment would be the responsibility of the developer and are not material planning issues.

- (c) **We understood that this land was only suitable for agricultural use.**

Response: Historically the site fell outwith the settlement boundary of Crawford and as such at that time would have remained in agricultural use. The site has subsequently been zoned as a proposed housing site in the adopted South Lanarkshire Local Plan.

- (d) **Network Rail and Scottish Water frequently use this field for access to the railway line so they should be consulted.**

Response: Noted and consultation with these bodies did take place and neither have objected.

- (e) **The height of the proposed dwellinghouses would overshadow the neighbouring bungalows. Also concerns raised about overlooking and loss of privacy.**

Response: Noted. The application is only in principle at this stage and no details of house position or storey height have been submitted. If approved, the future reserved matters application would show these details and the layout and design would have to comply with the Council's Residential Development Guide which would ensure that appropriate distances between neighbouring dwellinghouses is met as well as ensuring no overshadowing occurs.

- (f) **There are problems with drainage in the area.**

Response: Noted. Relevant conditions have been attached to ensure an appropriate drainage scheme is submitted with the future detailed application.

- (g) **The height of the proposed houses would block reception for TV aerials.**

Response: This is not a material planning consideration. However, it is extremely unlikely that this would occur.

These letters have been copied and are 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 determining issue in assessing this application relates to local plan policy.
- 6.2 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 DM1: Development Management also applies and this policy states that all planning applications 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. In addition the policy states that the proposal 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 Roads Service, drainage issues and water and sewerage provision as well as addressing the issue of noise. In addition conditions have been attached to ensure that the design of the dwellinghouses respects the rural character of the site.
- 6.4 The remaining part of the site, (namely the access onto Carlisle Road) falls outwith the settlement boundary and is covered by Policy STRAT5: Rural Investment Area. This policy states that the local plan strategy will be to encourage developments within established settlement boundaries. Thereafter consideration may be given to limited settlement expansion, proportional to the settlement size and which supports the economic and social development of these areas and focuses on design and environmental quality. This element of the proposal is contrary to the development plan given that it would constitute an extension to the settlement boundary of Crawford. I am however of the opinion that the proposal is acceptable. The area of ground in question consists of a thin strip of ground running along the south-western edge of the site. The ground itself mostly consists of a grassed embankment which lies between the boundary of the allocated housing site and the grass verge which is situated alongside the A702. This strip of ground logically forms part of the site when viewed on the ground and given that the site rises up towards the grass verge with the A702 it constitutes a natural boundary to both the site and the village. The formation of the access on this land would not prejudice the overall aims of Policy STRAT5 and therefore a departure from the adopted local plan is considered acceptable.
- 6.5 The site is also located within the Regional Scenic Area where Policies ENV4: Protection of the Natural and Built Environment and Policy ENV28 Regional Scenic Area and Areas of Great Landscape Value apply. These policies seek to safeguard the particular qualities of the landscape. I do not consider that the relatively small incursion will have an adverse impact on the Scenic Area. The impact can also be controlled through the assessment of detailed proposals at a later date.
- 6.6 In view of the above, I have no objections to the proposal and a departure to the development plan can be justified for the following reasons:
- The proposed extension of the housing site into the Rural Investment Area would not create a visually obtrusive extension due to the limited extent of the incursion;
 - The area of ground is required to allow a suitable vehicular access to the allocated housing site;
 - The area of ground mostly consists of an embankment forming a natural and defensible boundary to Crawford and would not set an undesirable precedent given that the A702 runs alongside the area of ground, thereby preventing any further expansion.

7 Reasons for Decision

- 7.1 The proposal is an acceptable departure from the development plan for the reasons stated in para 6.6 above.

Colin McDowall
Executive Director (Enterprise Resources)

11 August 2009

Previous References

- ◆ None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations
 - Network Rail 20/06/2008
 - Environmental Services 18/06/2008 & 18/06/2009
 - S.E.P.A. (West Region) 14/07/2008 & 03/02/2009
 - Scottish Water 26/06/2008
 - Roads and Transportation Services (South Division) 21/07/2008
 - West of Scotland Archaeology Service 23/07/2008
 - Scottish Natural Heritage 16/06/2009
- ▶ Representations
 - Representation from : Caroline Clark, Haifa, 151 Carlisle Road, Crawford, ML12 6TP, DATED 16/06/2008
 - Representation from : Mrs S M Pattinson, Ellenshire, 149A Carlisle Road, Crawford ML12 6TP, DATED 06/06/2008

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
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CONDITIONS

- 1 This decision relates to drawing numbers:
1 - Location Plan Scale 1:1250
2 - Block Plan Scale 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 Statement which sets out the design principles, justifying the design solution and showing how the proposal responds to the wider context of the area as well as the characteristics of the site.
(g) an Energy Statement which demonstrates that on-site zero and low carbon energy technologies contribute at least an extra 10% reduction in CO2 emissions beyond 2007 building regulations carbon dioxide emissions standard.
- 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 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 application required under condition 2 above shall include a further noise impact assessment which fully details the mitigation to be used and the predicted reduction in noise levels which the mitigation will provide. The approved scheme shall be implemented prior to the development being brought into use and shall thereafter be retained in accordance with the approved scheme to the satisfaction of the Council as Planning Authority.
Such an assessment and the recommendation of any attenuation measures shall

be carried out by a suitably qualified person.

- 6 That the further application 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'.
- 7 That notwithstanding the terms of Condition 2 above, the design and siting of any dwellinghouse on the site shall take due cognisance of the rural location, with particular regard being paid to scale, massing, roof pitch, fenestration and materials; and shall be in accordance with the Council's approved policy on new dwellings in the Countryside.
- 8 That no building to be erected on the site shall exceed one and a half storeys in height.
- 9 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.
- 10 That the further application required under Condition 2 above shall include a scheme of tree and shrub planting for the periphery of the application site, including the strip of ground between the side garden boundary of 151 Carlisle Road and the proposed vehicular access to the site.
- 11 That all surface and foul water arising from the development hereby approved shall be collected and diverted away from Network Rail property.
- 12 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.
- 13 (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.

- 14 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 and 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.
- 15 Prior to development commencing on site, a scheme for the control and mitigation of dust shall be submitted to and approved in writing by the Council as Planning Authority. No changes to the approved scheme shall take place unless agreed in writing by the Council as Planning Authority. The scheme shall thereafter be implemented in accordance with a programme to be agreed in writing with the Council as Planning Authority.
- 16 That the further application required under Condition 2 above shall include a programme of archaeological works in accordance with a written scheme of investigation which shall be agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented prior to any work commencing on site, and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with West of Scotland Archaeology Service.
- 17 That the further application required under condition 2 above shall include a habitat survey of the site and shall make provision for measures as may be required to mitigate their disturbance.
- 18 That the foul drainage from the proposed development shall be connected to Scottish Water's public sewer and no dwellinghouse shall be occupied until the site is served by a sewerage scheme constructed to the specification and satisfaction of Scottish Water as Sewerage Authority.
- 19 That the further application required under Condition 2 above shall include provision of a suitable trespassproof fence (of at least 1.8m in height) adjacent to Network Rail's boundary and make provision for its future maintenance and renewal. Network Rail's existing boundary must not be removed or damaged.
- 20 A method statement relating to the works to be carried out adjacent to the railway boundary shall be submitted to the Council as Planning Authority in consultation with the Network Rail Outside Parties Engineer prior to works commencing on site.

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 To minimise noise disturbance to adjacent occupants.

- 6 In the interests of amenity and to ensure that the Council's key residential development standards are met.
- 7 In the interests of amenity and to ensure satisfactory integration of the new dwellinghouse with the designated Countryside
- 8 In the interests of amenity.
- 9 To ensure the protection and maintenance of the existing trees and other landscape features within the site.
- 10 In the interests of amenity.
- 11 In order to protect the integrity of the adjacent rail line.
- 12 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.
- 13 To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.
- 14 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.
- 15 To minimise the risk of nuisance from dust to nearby occupants.
- 16 In order to safeguard any archaeological items of interest or finds.
- 17 To ensure that provision is made to safeguard the ecological interest on the site.
- 18 To ensure that the development is served by an appropriate effluent disposal system.
- 19 In order to protect the integrity of the adjacent railway line.
- 20 In order to protect the integrity of the adjacent railway line.

For information only

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