

	<h1>Report</h1>	Agenda Item <h2>6</h2>
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Report to:	Planning Committee
Date of Meeting:	6 July 2010
Report by:	Executive Director (Enterprise Resources)

Application No	HM/10/0240
Planning Proposal:	Erection Of 40 Dwellinghouses

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Taylor Wimpey
- Location : Land adjacent to Carlisle Road
Ferniegair

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 the delegated powers to determine this application.

3 Other Information

- ◆ Applicant's Agent: None
- ◆ Council Area/Ward: 17 Hamilton North and East
- ◆ Policy Reference(s): **South Lanarkshire Local Plan**
Policy RES 2 – Proposed Housing Sites
Policy DM 1 – Development Management
Policy ENV 31 – New Housing Development

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

- ◆ Consultation(s):

Environmental Services

Hamilton Centre/Ferniegair Community Council

Roads and Transportation Services (Hamilton Area)

Scottish Water

Scottish Power

S.E.P.A

Planning Application Report

1 Application Site

- 1.1 The application relates to an area of land located on the northern side of Carlisle Road in Ferniegair. The site is fairly irregular in shape, it extends to approximately 1.46 hectares. The site is part of phase 5 of the overall Masterplan area for Ferniegair which is bounded to the north by the Larkhall to Glasgow railway line, to the south by residential properties and the adjacent Carlisle Road, to the east mainly by open space and scrub and to the west by a belt of mature trees, open space and the remains of a former railway line. Access to the site is via Carlisle Road.

2 Proposal(s)

- 2.1 This is a detailed planning application for the erection of 40 dwellinghouses which subsequently amends part of planning consent HM/07/0685 which was submitted as part of the reserved matters required under the planning consent for the Masterplan area. The proposed dwellinghouses comprise a mixture of detached, semi-detached and terraced two storey buildings incorporating ten different house types. The house types consist of 13 two bedroom, 10 three bedroom and 17 four bedroom houses with associated parking and/or driveways. The dwellinghouses would be constructed in a mixture of render and brick walls, concrete roof tiles and white UPVC windows.
- 2.2 The submitted layout shows the provision of three areas of public open space and one play area within the site boundary. Vehicular access to the site would be taken via the newly formed main spine road from Carlisle Road.

3 Background

3.1 Local Plan Status

- 3.1.1 The application site is identified partly as land within the Ferniegair Village Envelope and partly as land designated as a proposed housing site in the South Lanarkshire Local Plan. The relevant policies covering the site in this instance are Policy RES 2 – Proposed Housing Sites, Policy ENV 31 – New Housing Development and Policy DM 1 – Development Management Policy. The content of the above policies and how they relate to the proposal is assessed in detail in Section 6 of this report.

3.2 Relevant Government Advice/Policy

- 3.2.1 Relevant Government guidance is set out within the consolidated Scottish Planning Policy 2010 which requires new housing developments to be integrated with public transport and active travel networks, such as footpaths and cycle routes, rather than encouraging dependence on the car. As part of a long term settlement strategy, the efficient use of existing buildings, land and infrastructure will have a key role in co-ordination with both infrastructure investments and protection and enhancement of the natural and built environment.

3.3 Planning Background

- 3.3.1 In January, 2000 an application was lodged with the Council seeking outline planning consent for the residential development of this site together with additional land around the site (HM/00/0104). However, this application was withdrawn and an

amended outline application was submitted in October 2003 (HM/03/0676). This outline planning application was approved at Planning Committee on 1 March 2005 subject to a Section 75 Agreement being secured for the provision of a proposed park and ride facility. The conditions attached to the outline consent required the submission of a reserved matters application which would take the form of a Masterplan in respect of the whole area that was subject to the outline planning consent.

- 3.3.2 Detailed planning permission was granted for the erection of 38 dwellinghouses, 30 flatted dwellings and the formation of a park and ride facility for the new Chatelherault train station on Phases 1 and 2 of the Masterplan site in December 2006 (HM/05/0312).
- 3.3.3 Detailed planning consent was also granted for the formation of the main spine road to access Phases 3 and 5 of the Masterplan site in December 2006 (HM/06/0578).
- 3.3.4 Planning consent was granted under the Council's delegated powers for residential development and a park and ride facility which related to the approval of reserved matters relative to planning application HM/03/0676 (HM/07/0058).
- 3.3.5 Planning consent was granted for the erection of 87 dwellinghouses and 33 flatted dwellings and associated engineering operations for this site together with additional land to the south, east and west of the site (HM/07/0685). It should be noted that this application involved a landscape bond and financial contribution in lieu of the provision of recreational facilities on site.

4 Consultation(s)

- 4.1 **Environmental Services** – commented that they have no objection subject to standard conditions relating to refuse storage design/uplift, a contaminated land site investigation and standard informatives relating to noise.
Response:- Noted. A contaminated land site investigation report was carried out in relation to planning consent HM/07/0685. In addition the proposal does not include flats therefore it is considered that both proposed conditions are not relevant or necessary. The appropriate informatives will be added to any consent.
- 4.2 **Roads and Transportation Services (Hamilton Area)** – have no objections to the proposal subject to the applicant submitting a revised site plan to address the parking shortfall for the four bedroom houses which require three car parking spaces as oppose to the two shown on the plans.
Response:- Amended drawings have been submitted to address the parking issue. As a result of this, no plots have been moved closer to the rear boundaries, so therefore it is considered that re-notification of neighbours is not required.
- 4.3 **Scottish Water** – have no objection to the proposal.
Response:- Noted.
- 4.4 **S.E.P.A** – have no objection to the proposal on flood risk grounds. It is also recommended that an appropriate planning drawing is provided indicating the various culverts, watercourses and SUDS level relative to the proposed final floor levels. In addition the presence of the recommended overland flow pathway should be clearly denoted in the planning drawing.
Response:- Noted. This issue has been previously considered in the assessment of

the previous planning application (HM/07/0685) where the overland flow pathway was clearly annotated. The imposition of the previously used planning condition will ensure that no buildings or structures shall be erected on the area of land highlighted yellow on the approved plans and the overland flow pathway shall be constructed as designed and maintained in perpetuity to the satisfaction of the Council as Planning Authority in consultation with SEPA.

4.5 **Scottish Power** – no response to date.

Response:- Noted

4.6 **Hamilton Centre/Ferniegair Community Council** – no response to date.

Response:- Noted

5 Representation(s)

5.1 Statutory neighbour notification procedures were undertaken and no letters of representation were submitted in relation to this application.

6 Assessment and Conclusions

6.1 The determining issues in consideration of this application are its compliance with national and local plan policy and its impact on the amenity of adjacent properties.

6.2 The proposal relates to a detailed planning application for the erection of 40 dwellings. In terms of national planning policy, Scottish Planning Policy (SPP) states that new housing developments should be integrated with public transport and active travel networks, such as footpaths and cycle routes, rather than encouraging dependence on the car. As part of a long term settlement strategy, the efficient use of existing buildings, land and infrastructure will have a key role in co-ordination with both infrastructure investments and protection and enhancement of the natural and built environment. In this instance, the application site has been identified for residential development in the South Lanarkshire Local Plan and the site would be easily accessible by public transport and well integrated into existing walking and cycling networks, particularly in relation to its close proximity to the park and ride facility associated with Chatelherault train station. I am, therefore, satisfied that the proposal conforms to national planning policy.

6.3 In terms of local plan policy the application site is identified as a proposed housing site under Policy RES2 of the South Lanarkshire Local Plan. Within this area the Council will seek to support development for housing. Residential development will be acceptable in principle provided that proposals do not have adverse traffic, parking or service implications and the design of any development is satisfactory. The application relates to part of Phase 5 of the overall Masterplan area for Ferniegair which benefits from having been granted detailed planning consent as detailed above in paragraph 3.3. As the proposal relates to residential development and it raises no traffic, parking or service implications, I am satisfied that the proposal meets the terms of the above policy.

6.4 In terms of the detail of the proposal Policies DM1 – Development Control – General and Policy ENV 31 – New Residential Development are relevant to the assessment of the application. Both of these policies require all development to take into account the local context and built form of the area and provide guidance as to the criteria to be adhered to including matters relating to the scale, position and materials of

adjacent buildings, car parking, open space, safe footpath networks, recreation areas and so on.

- 6.5 The proposals also need to meet the standards set out in the Council's Residential Development Guide, particularly in relation to house to plot ratios, rear garden depths and open space. Amended drawings have been submitted to ensure that each proposed dwellinghouse has sufficient car parking to comply with Roads and Transportation Services requirements. I am satisfied that the proposed development is of a high quality design incorporating a suitably high standard of materials and that it will be in keeping with the existing residential development in the surrounding area. Furthermore, it is considered that the proposed dwellings will be positioned a sufficient distance away from existing properties to ensure that there will be no adverse impact to those properties in terms of overshadowing or loss of privacy. A sufficient area of amenity space and play equipment is proposed within the site. There is no requirement for a financial contribution because this has previously been paid for planning consent HM/07/0685. I am, therefore, satisfied that the proposal meets the terms of Policies DM1 and ENV31 and the Council's Residential Development Guide.
- 6.6 It should be noted that an amended site plan was submitted moving the boundary fence at plot 21 approximately 1 metre away from the footpath adjacent to the proposed turning circle. The imposition of a general planning condition, should planning consent be granted, will also ensure that the boundary treatment for plots 19-21 will consist of a wall with a fence on top no higher than 1.8 metres in height instead of a 1.8 metre fence. It is considered that this will improve the visual amenity of the area.
- 6.7 In summary, it is considered that the proposal complies with both national and local plan policy. I would, therefore, raise no objection to the proposal and recommend that planning permission be granted.

7 Reasons for Decision

- 7.1 The proposal has no adverse impact on residential or visual amenity nor raises any environmental or infrastructure issues and complies with Policies RES 2, DM 1 and ENV 31 of the South Lanarkshire Local Plan. The proposals also accord with the terms of the Council's Residential Development Guide.

Colin McDowall
Executive Director (Enterprise Resources)

23 June 2010

Previous References

HM/00/0104
HM/03/0676
HM/05/0312
HM/06/0578
HM/07/0058
HM/07/0685

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Plan
- ▶ Neighbour notification letter

▶ Consultations

Environmental Services	02/06/2010
Roads and Transportation Services (Hamilton Area)	18/06/2010
Scottish Water	26/05/2010
S.E.P.A	18/06/2010

- ▶ Representations
None

Contact for Further Information

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

Murray Reid, Planning Officer, Brandon Gate, Hamilton
Ext 3521 (Tel :01698 453521)
E-mail: Enterprise.hamilton@southlanarkshire.gov.uk

CONDITIONS

- 1 This decision relates to drawing numbers:
AL(0) 12
AL(0) 02
CHA/00.00
FBN/00.00
FYF/00.00
GDS/00.00
ADM/PLTS
BAL/PLTS
BRD/PLTS
MXL/00.00
AND/PLTS
STW/PL1
0857-530
- 2 The development hereby permitted shall be started within three years of the date of this permission.
- 3 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.
- 4 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.
- 5 That no dwellinghouse shall be occupied until the access roads and footpaths leading thereto from the existing public road have been constructed in accordance with the specification of the Council as Roads and Planning Authority.
- 6 That before the development hereby approved is completed or brought into use, the entire access road and footpath network serving the development shall be laid out and constructed in accordance with the specification of the Council as Roads and Planning Authority.
- 7 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.
- 8 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 7 above, shall be erected and thereafter maintained to the satisfaction of the Council.
- 9 That notwithstanding the provisions of the Town and Country Planning (General

Permitted Development) (Scotland) Order 1992 (or any such order revoking or re-enacting that order), no gates, fences, walls or other means of enclosure shall be erected between the front of the dwellinghouse and the adjoining road.

- 10 That before development starts, details of all boundary treatment(s) shall be submitted to and approved by the Council as Planning Authority and thereafter all approved works shall be completed to the satisfaction of the Council prior to the development hereby approved being occupied or brought into use.
- 11 That the recommendations included in the Badger, Bat and Orchid report produced by JDC Ecology (2006 and updated in 2007) shall be adhered to prior to and during construction works.
- 12 That the use of the garages hereby permitted shall be restricted to private use incidental to the enjoyment of the dwellinghouse on the site and no commercial activity shall be carried out in or from the garage.
- 13 That notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, a change of use of any garage (whether integral or detached) to living accommodation associated with the dwellinghouse on the plot shall be subject to a further planning application to the Council as Planning Authority.
- 14 That no development shall commence on site until the applicant provides written confirmation from Scottish Water to the Council as Planning Authority that the site can be satisfactorily served by a sewerage scheme designed in accordance with Scottish Water's standards.
- 15 That no dwellinghouse shall be occupied until the site is served by a sewerage scheme constructed in accordance with Scottish Water standards and as approved by the Council as Planning Authority in consultation with Scottish Water as Sewerage Authority and the development shall be aligned with the upgrading of the Ferniegair Waste Water Treatment Works.
- 16 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 and with the Council's Sustainable Drainage Design Criteria and requirements.
- 17 That before the development hereby approved is completed or brought into use, all of the parking spaces shown on the approved plans shall be laid out, constructed and thereafter maintained to the specification of the Council as Roads and Planning Authority.
- 18 That no further changes in ground levels within the site shall take place without the prior written consent of the Council as Planning Authority.
- 19 That before development starts, full details of measures to be incorporated on site to ensure that dust arising from the site does not give rise to nuisance conditions shall be submitted to and approved by the Council as Planning Authority.
- 20 That before any work commences on site or within 3 months of the date of this

permission, a scheme of landscaping 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 proposed 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.

- 21 That the approved landscaping scheme shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of the building(s) or completion of the development hereby approved, whichever is the sooner, and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.
- 22 That no buildings or structures shall be erected on the area of land highlighted yellow on the approved plans and the overland flow pathway shall be constructed as designed and maintained in perpetuity to the satisfaction of the Council as Planning Authority in consultation with SEPA.
- 23 That a clearly visible exclusion zone shall be created on the development site around any badger sett.
- 24 That any temporary open pipe system shall be capped in such a way that prevents badgers gaining access when contractors are off site. Any trenches shall be covered, fenced off or include an escape ramp for any animal that may fall in and any security lighting shall be directed away from the sett.
- 25 That before any work commences on the site, a scheme for the provision of the play areas within the site hatched BLUE on the approved plans shall be submitted to the Council as Planning Authority for written approval and shall include: (a) details of the type and location of play equipment, seating and litter bins to be situated within the play areas; (b) details of the surface treatment of the play area, including the location and type of safety surface to be installed; (c) details of the fences to be erected around the play areas; details of the erection of a traffic calming/safety feature at the entrance to the play facilities; and (e) details of the phasing of these works.
- 26 That prior to the completion or occupation of the 10th dwellinghouse within the development, all of the works required for the provision of an equipped play area included in the scheme approved under the terms of Condition 25 above shall be completed, and thereafter, maintained to the satisfaction of the Council as Planning Authority and that area shall not be used for any purpose other than as a play area.

REASONS

- 1 For the avoidance of doubt and to specify the drawings upon which the decision was made.
- 2 To comply with section 58 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 3 In the interests of amenity and in order to retain effective planning control.
- 4 In the interests of amenity and in order to retain effective planning control.
- 5 To ensure satisfactory vehicular and pedestrian access facilities to the site.
- 6 To ensure satisfactory vehicular and pedestrian access facilities to the site.
- 7 These details have not been submitted or approved.
- 8 In order to retain effective planning control
- 9 In the interests of amenity and in order to retain effective planning control.
- 10 These details have not been submitted or approved.
- 11 To ensure the protection of existing habitats within the site.
- 12 To retain effective planning control and safeguard the amenity of the area.
- 13 In order to retain effective planning control
- 14 To ensure the provision of a satisfactory sewerage system
- 15 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.
- 16 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.
- 17 In the interests of amenity and in order to retain effective planning control.
- 18 In the interests of amenity and in order to retain effective planning control.
- 19 To safeguard the amenity of the area.
- 20 To safeguard the amenity of the area.
- 21 In the interests of amenity.
- 22 In the interests of amenity and in order to retain effective planning control.
- 23 To comply with the badgers Act
- 24 To ensure the provision of adequate play facilities within the site and in order to retain effective planning control.
- 25 To ensure the provision of adequate play facilities within the site and in order to retain effective planning control.
- 26 In order to retain effective planning control

Land adjacent to Carlisle Road, Ferniegair

Scale: 1: 50 00



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