

Report

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

Application No	CL/05/0097
Planning Proposal:	Erection of 63 Flatted Dwellings, 5 Detached Dwellings, Associated Roadworks and Landscaping

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : David & Malcolm Gilmour
- Location : 'The Quarry'
Strathaven Road
Lesmahagow

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) A financial contribution of £23,800 is required from the developer towards upgrading recreational provision in the area, to be lodged prior to the issue of consent.
- (3) The application is contrary to the Development Plan and objections have been received. In accordance with Council procedures, a hearing may be required prior to determining the application.

3 Other Information

- ◆ Applicant's Agent: James Baird Associates
- ◆ Council Area/Ward: 03 Lesmahagow
- ◆ Policy Reference(s): Lower Clydesdale Local Plan (Adopted)
 - Policy IND1: Industrial Areas
 - Policy RES1: Residential Areas

South Lanarkshire Local Plan (Finalised Draft)

- Policy ECON1: Industrial Land Use Policy
- Policy RES6: Residential Land Use Policy
- Policy DM1: Development Management Policy

- Policy DM9: Demolition and Redevelopment for Residential Use
- Policy ENV11: Design Quality
- Policy ENV30: New Housing Development
- Policy STRAT10: Financial Contributions

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

Roads and Transportation Services (South Division)

Scottish Water

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

Land and Fleet Services (Horticulture and Landscape development)

Education Resources

Environmental Services

Roads & Transportation Services H.Q.(Transportation)

Planning Application Report

1 Application Site

- 1.1 The application site extends to some 1.3 hectares and currently consists of a haulage/service yard. The site is located within a hollow and sits some 5 metres lower than Strathaven Road on its western boundary and up to 2 metres lower than Carlisle Road to the east. The site is generally level albeit that the narrower, southern part of the site is some 2 metres higher than the rest of the site.
- 1.2 The site is bounded by Strathaven Road and 2-storey properties to the west, a fire station and Lesmahagow High School to the south, Carlisle Road (old A73) to the east and residential properties and garage lock-ups to the north.

2 Proposal(s)

- 2.1 The applicant seeks detailed planning consent for the erection of 63 2-bedroom flatted dwellings and 5 4-bedroom detached dwellings. There are 3 flatted blocks within the site, mostly 3-storey with an element of 2-storey. A new access road is proposed off Carlisle Road to serve the flatted development. 95 car parking spaces are to be provided within the development. The detached dwellings are all of 2-storey design and will be individually accessed off Strathaven Road.
- 2.2 The flats form a courtyard situation with most car parking spaces overlooked by the dwellings. There is amenity open space around the site and a large SUDS retention pond located at the southern part of the site between the flatted dwellings and the houses. A footpath links the site with Strathaven Road. A steep embankment forms the site's western boundary which requires protection during the construction stage due to its steepness and proximity to the flatted dwellings.
- 2.3 In the absence of play provision within the site, a financial contribution of £23,800 will be paid by the developer towards the improvement of recreational facilities in the area.

3 Background

3.1 Local Plan Status

- 3.1.1 In the adopted Lower Clydesdale Local Plan, the site is included within the settlement boundary of Lesmahagow and is allocated as an Industrial Area where Policy IND1 applies. A small part of the site also falls within the Residential Area where Policy RES1 applies.
- 3.1.2 Within the emerging South Lanarkshire Local Plan (Finalised Draft), the majority of the site is located within an Industrial Area where Policy ECON1 applies. A small part of the site also falls within the Residential Land Use allocation where Policy RES6 applies. Within the emerging plan, the site must also comply with Policies DM1: Development Management Policy, DM9: Demolition and Redevelopment for Residential Use, ENV11: Design Quality, ENV29: New Development Design, ENV30: New Housing Development, and STRAT10: Financial Contributions.

3.2 Relevant Government Advice/Policy

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

3.3 Planning History

There is no relevant planning history on the site.

4 Consultation(s)

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

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

- 4.2 **Roads & Transportation Services** – no objections, subject to conditions.

Response: Noted. Conditions can be attached to any approval.

- 4.3 **SEPA** – no objections, provided that Scottish Water is satisfied with the proposal and that a SUDS system is incorporated within the site.

Response: Noted. A SUDS scheme has been agreed with SLC's Flood Prevention Unit which involves a retention pond.

- 4.4 **Scottish Water** – no objections, provided that the developer bears the costs of any increase in capacity of Scottish Water's existing infrastructure.

Response: Noted. A condition can be attached to any consent to safeguard Scottish Water's concerns.

- 4.5 **Roads & Transportation Services (Flood Prevention Unit)** – no objections, as an adequate surface water drainage scheme utilising the principles of SUDS has been agreed.

Response: Noted. A condition can be attached to relating implementation of the SUDS scheme.

- 4.6 **Land & Fleet Services** – no objections provided that adequate funding is received towards upgrading facilities in the area.

Response: Noted. The sum of £23,800 is being paid to SLC for recreational provision.

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

Response: Noted.

5 Representation(s)

- 5.1 The application was advertised as Development Potentially Contrary to the Development Plan. Following this and neighbour notification, two letters of objection were received. A summary of the objections and my comments thereon are as follows:

- (a) **Access should be taken off Carlisle Road.**

Response: The majority of the site, ie. 63 flats is to be accessed off Carlisle Road with only the remaining 5 detached units being accessed off Strathaven Road.

- (b) **The traffic on Strathaven Road already causes problems. A further development will exacerbate this problem. Lesmahagow cannot sustain another housing development neither can the services.**

Response: Access to the 63 flatted dwellings is to be taken off Carlisle Road, therefore only 5 dwellings are to be accessed off Strathaven Road. SLC Roads & Transportation Services had no objections to the proposal nor did any of the service providers, including Scottish Water.

These letters have been copied and are available for inspection in the usual manner.

6 Assessment and Conclusions

- 6.1 The main determining issues in this case are the extent to which the proposal complies with the adopted Lower Clydesdale Local Plan, the South Lanarkshire Local Plan (Finalised Draft), Government advice and the Council's Residential Development Guide.
- 6.2 In terms of the adopted Lower Clydesdale Local Plan, the site is allocated within an Industrial Area where Policy IND1 applies. This policy states that these areas will continue primarily in industrial use and the Council will prevent their loss to other uses. The site does not form part of the supply of strategic industrial sites. In addition, it is considered that, due to the location of the site, ie. within a predominantly residential area, that the change in land use is wholly acceptable and a departure from the local plan is justified. A small part of the site is within the residential area where Policy RES1 applies. This policy states that proposals for new housing development will generally be acceptable when this would not adversely affect local character or amenity.
- 6.3 The emerging South Lanarkshire Local Plan (Finalised Draft) allocates the site as being within a predominantly Industrial Area where Policy ECON1 applies. This policy reflects the basic principles of Policy IND1 of the adopted plan as stated in paragraph 6.2. It is considered that the loss of industrial land at this location to residential use would be consistent with the overall settlement pattern and will, in fact, visually enhance the area as it will remove an unsightly workshop and yard and replace it with modern residential development, in keeping with the surrounding residential area.
- 6.4 Within the emerging plan, part of the site is also located within Policy RES6: Residential Land Use. This policy states that the Council will oppose the loss of houses to other uses and will refuse any development that will be detrimental to the amenity of these areas. Each application will be judged on its own merits with particular consideration given to the impact on residential amenity and/or proposed servicing and parking arrangements. It further states that all new development must comply with Council Design Policies as set out in Policies ENV11: Design Quality, DM1: Development Management, ENV29: New Development Design and ENV30: New Housing Development.
- 6.5 Policies ENV11: Design Quality, ENV29: New Development Design and ENV30: New Housing Developments seek to promote quality and sustainability in a development's design and that any new development should enhance and make a positive contribution to the character and appearance of the urban environment in which it is located. It is considered that the proposal complies with these policies.
- 6.6 Policy DM1: Development Management states that proposals will require to take account of the local context and built form and should be compatible with adjacent buildings and surrounding streetscape in terms of scale, massing, design, external materials and impact on amenity. Proposals require to meet certain criteria in order to comply with this policy. It should be noted that the development is taking due cognisance of the existing landform, in that it is to be located within the 'hollow' and is being constructed relative to the existing levels at the site and the surrounding

area. I am satisfied that the proposed layout and design are appropriate and consider, therefore, that the proposal complies with this policy.

- 6.7 Policy DM9: Demolition and Redevelopment for Residential Use states that, as well as complying with Policy ENV30: New Housing Development, any proposal must meet certain criteria including sympathetic design in keeping with the adjacent area, no overlooking issues, no overshadowing of adjacent properties and suitable access and parking provision. It is considered that the proposal meets the terms of this policy.
- 6.8 Policy STRAT10: Developers' Contributions Policy seeks contributions from developers towards the cost of works to be provided by others, including the Council. In this instance, £23,800 is being sought from the developer towards the upgrading of recreational provision in the area. The developer has agreed to this.
- 6.9 In terms of Government advice, SPP3: Planning for Housing, states that previously developed sites should be used in preference to greenfield locations and expresses a preference for sites accessible to public transport. The application site meets this criterion as it is currently used for industrial purposes and the site is located in close proximity to Lesmahagow village centre and local amenities. I am of the opinion, therefore, that the site is a suitable location for high density development.
- 6.10 The development accords with the Council's Residential Development Guide in terms of site layout and there are no adverse comments from the Council's Roads & Transportation Service or other consultees that cannot be covered by conditions.
- 6.11 I conclude that although the proposal does not comply with local plan policy, it will result in a development that will integrate well with the existing streetscape whilst re-using previously developed land in a sustainable location in an efficient and high quality manner. I therefore recommend that a departure from the adopted local plan can be justified for the following reasons:
- ◆ there are no infrastructure implications;
 - ◆ the development will integrate well with the surrounding environment; and
 - ◆ it will remove an industrial site from a predominantly residential area.

7 Reasons for Decision

- 7.1 For the reasons stated at Paragraph 6.11 above.

Iain Urquhart
Executive Director (Enterprise Resources)

9 January 2007

Previous References

- ◆ None

List of Background Papers

- ▶ Application Form

- ▶ Application Plans
- ▶ Consultations

Roads and Transportation Services (South Division)	03/03/2005
S.E.P.A. (West Region)	25/02/2005
Roads & Transportation Services H.Q.(Transportation)	09/03/2005
Environmental Services	21/03/2005
Scottish Water	31/03/2005
Roads and Transportation Services (South Division)	18/03/2005
Roads & Transportation Services H.Q.(Transportation)	28/12/2005
- ▶ Representations

Representation from :	A Wylie, 80 Strathaven Road Lesmahagow Lanark ML11 0DW, DATED 04/03/2005
Representation from :	Mrs M Welts, 9a Strathaven Road Lesmahagow ML11 0DN, DATED 07/03/2005

Contact for Further Information

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

Jim Lennon, Planning Officer, South Vennel, Lanark
 Ext. 810 3126 (Tel: 01555 673126)
 E-mail: Enterprise.lanark@southlanarkshire.gov.uk

CONDITIONS

- 1 That the development hereby permitted shall be started within five years of the date of this permission.
- 2 That the development shall be carried out strictly in accordance with the plans hereby approved and no change to the design or external finishes shall take place without the prior written approval of the Council as Planning Authority.
- 3 That before any development commences on site or before any materials are ordered or brought to the site, details and samples of all materials to be used as external finishes on the development shall be submitted to and approved by the Council as Planning Authority.
- 4 That before development starts, full details of the design and location of all fences and walls, including any retaining walls, to be erected on the site shall be submitted to and approved by the Council as Planning Authority.
- 5 That before any of the dwellinghouses situated on the site upon which a fence is to be erected is occupied, the fence or wall for which the permission of the Council as Planning Authority has been obtained under the terms of Condition 4 above, shall be erected and thereafter maintained to the satisfaction of the Council.
- 6 That prior to the first dwellinghouse hereby permitted being occupied, the existing access to the site from Strathaven Road shall be permanently closed to vehicular traffic, to the satisfaction of the Council as Planning Authority.
- 7 That before development starts, the new vehicular access so far as it lies within the boundaries of the road abutting the site, shall be constructed in accordance with the specification of the Council as Roads and Planning Authority.
- 8 That no dwellinghouse shall be occupied until the access roads and footways leading thereto from the existing public road have been constructed to base course level.
- 9 That before the last dwellinghouse hereby permitted is occupied, all roads and footways within the development shall be completed to final wearing course level.
- 10 That no trees within the application site shall be lopped, topped, pollarded or felled, or otherwise affected, without the prior written consent of the Council as Planning Authority.
- 11 That before any work commences on site, 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 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.

- 12 That the landscaping scheme, approved under the terms of Condition 11 above, shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of the last dwellinghouse hereby approved and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.
- 13 That before any of the dwellinghouses hereby approved are occupied, a drainage system capable of preventing any flow of water from the site onto the public road or neighbouring land, or into the site from surrounding land shall be provided and maintained to the satisfaction of the Council as Roads and Planning Authority.
- 14 That the Surface Water Drainage system, incorporating a SUDS scheme, shall be implemented simultaneously with the development hereby approved, to the satisfaction of the Council as Planning Authority and SEPA and shall be completed prior to the last dwellinghouse hereby permitted being occupied.
- 15 That before development starts a Phase 1 or Desk Study, to review all currently available information about the historical uses of this site, shall be carried out to determine any types of contamination likely to be encountered and possible pathways to sensitive receptors shall be submitted to and approved by the Council as Planning Authority. If this investigation gives any indication of the potential for contaminants to be present, development shall not begin until a full intrusive survey has been carried out and its findings submitted to and, approved by the Council as Planning Authority. This survey shall clearly document the methodology, findings and results. The risks posed by the presence of pollutants in relation to sensitive receptors shall be assessed to current guidelines and, where appropriate recommendations for further investigations or remediation options to reduce these risks identified.
- 16 That before the dwellinghouses hereby approved are completed or brought into use, all remediation/control measures recommended as part of Condition 15 above, must be fully implemented to the satisfaction of the Council as Planning Authority.
- 17 That prior to construction work commencing, the rockface shall be protected as per Drawing Number 205060-109 Rev P2. For the avoidance of doubt the rock netting shall be made of steel which is both galvanised and plastic coated.

REASONS

- 1 To accord with the provisions of the Town and Country Planning (Scotland) Act 1997.
- 2 In the interests of amenity and in order to retain effective planning control.
- 3 In the interests of amenity and in order to retain effective planning control.
- 4 These details have not been submitted or approved.

- 5 In order to retain effective planning control
- 6 In the interest of public safety
- 7 In the interest of public safety
- 8 To ensure satisfactory vehicular and pedestrian access facilities to the dwellings.
- 9 To ensure satisfactory vehicular and pedestrian access facilities to the dwellings.
- 10 To ensure the protection and maintenance of the existing mature trees within the site
- 11 In the interests of the visual amenity of the area.
- 12 In the interests of amenity.
- 13 To ensure the provision of a satisfactory drainage system.
- 14 To ensure the provision of a satisfactory surface water drainage system.
- 15 To ensure the site is free of contamination and suitable for development.
- 16 To ensure the site is free of contamination and suitable for development.
- 17 To ensure that there is adequate protection for the rockface.

For information only

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