

Report

Report to:	Planning Committee
Date of Meeting:	13 March 2018
Report by:	Executive Director (Community and Enterprise Resources)

Application No	CL/17/0476
Planning Proposal:	Erection of Eight Detached Dwellings

1 Summary Application Information

- Application Type : Detailed planning application
- Applicant : WB Properties Scotland Ltd
- Location : Kersewell Avenue
Kersewell

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 the Conditions listed)

2.2 Other Actions/Notes

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

3 Other Information

- ◆ Applicant's Agent:
- ◆ Council Area/Ward: 03 Clydesdale East
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
Policy 2 - Climate Change
Policy 4 - Development management and placemaking
Policy 6 - General urban area/settlements
Policy 12 - Housing Land

Development management, placemaking and design supplementary guidance (2015)

Sustainable Development and Climate Change Supplementary Guidance

- ◆ Representation(s):

- ▶ 12 Objection Letters
- ▶ 0 Support Letters

◆ Consultation(s):

Roads & Transportation Services (Flood Risk Management Section)

Environmental Services [e-consult]

Roads Development Management Team

Planning Application Report

1 Application Site

- 1.1 The application site (extends to 1.9 hectare in size) comprises part of an agricultural field and falls within the settlement boundary of Kersewell as identified in the adopted Local Development Plan. It is approximately 2km to the east of Carnwath and is situated to the north of the small settlement of Kaimend within the Kersewell Estate. The site is accessed from Kaimend along a private road, known as Kersewell Avenue, which is over 1km in length from the end of the public road. It is surfaced in tar macadam and contains a series of speed humps and passing places with associated signage. A short section between its junction with Kersewell Terrace and the application site approximately 200m in length is not tarmacked.
- 1.2 Within the locality there are groups of houses of various types and age. The site is bounded to the west by woodland, the south and east by the remaining part of the agricultural field that forms the application site and to the north by an access road and beyond by woodland.

2 Proposal(s)

- 2.1 The applicant seeks planning permission for the erection of 8 two storey detached dwellings which incorporate 5 bedrooms, detached double garage and spacious gardens. The development comprises a mixture of bespoke designed dwellings with features including projecting bays, verandas, solar panels, full length bedroom windows and a Celtic Cross. A common theme throughout all the house types is render, quoins, windows with a vertical emphasis, steep roof pitches and stone base courses. The style and character of the proposed dwellings is similar to the modern housing along Finlayson Lane and Bertram Avenue 200 metres to the west of the application site.
- 2.2 Three of the dwellings will front and take direct access from Kersewell Avenue whilst the remaining 5 dwellings will be positioned around a new cul-de-sac. The proposals also include repair of the short section of Kersewell Avenue that is not currently tarmacked to the same standard as the rest of the road. Landscaping shall be established around the periphery, either side of the new access and in selected locations within the site. The development will be served by a bio-disk sewerage treatment system.
- 2.3 As supporting documents the applicant has submitted a Geotechnical Report, an Ecological Assessment and Badger Survey, Archaeological Report and a Traffic and Road Assessment.

3 Background

3.1 Local Plan Status

- 3.1.1 The adopted South Lanarkshire Local Development Plan identifies the site as forming part of the housing land supply where Policy 12 – Housing Land applies. It also falls within the settlement boundary of Kersewell subject of Policy 6 - General urban area/settlements. In addition, Policies 2 - Climate Change and 4 - Development Management and Place Making are relevant. Finally Supplementary Guidance on Development Management, Place Making & Design and Sustainable Development & Climate Change and the Residential Development Design Guide should also be taken into consideration.

3.2 **Relevant Government Advice/Policy**

- 3.2.1 SPP advises that the planning system should identify a generous supply of land to support the achievement of housing land requirements and maintaining at least a 5 year supply of land at all times. It should also enable the development of well designed, energy efficient, good quality housing in sustainable locations and focus on the delivery of allocated sites. In terms of development in the rural area, SPP states that most new development should be guided to locations within or adjacent to settlements. Planning should take every opportunity to create high quality places and direct development to the right places, in particular by encouraging the re-use of brownfield sites.

3.3 **Planning History**

- 3.3.1 Planning permission was granted in September 2007 for the erection of 9 detached dwellings on this site (CL/07/0205). That permission was amended in May 2009 by Planning Permission CL/09/0071 for the formation of 9 houseplots, associated vehicular access and landscaping. Following on from this, a Section 42 application CL/14/0187 was granted in June 2014 to vary conditions attached to CL/09/0455 to enable the extension of the period for the submission of further applications by an additional three years. These consents expired in June 2017 and the current application was validated on 27 October 2017.
- 3.3.2 There is an extensive planning history of development over the past 16 years or so within the wider Kersewell Estate involving the erection of individual dwellinghouses, the creation of small housing developments and the conversion of Bertram House to flats.

4 **Consultation(s)**

- 4.1 **Roads and Transportation Services** – following consideration of a transport statement by the applicants which reviewed traffic generation from the proposed development and the condition of the private road and existing passing place provision offer no objections. This is subject to conditions requiring a factoring arrangement to ensure all the owners of the dwellinghouses have an equal share in the upkeep of Kersewell Avenue to be put in place; the creation of an additional place and reinstatement of signage where necessary; and the meeting of guidelines on sightlines and parking.

Response: Relevant conditions covering the issues raised can be attached to any consent granted.

- 4.2 **Environmental Services** – No objection subject to informatives covering construction noise and details being sent to SEPA.

Response: Noted. Appropriate informative will be attached if permission is granted.

- 4.3 **Roads and Transportation Services HQ (Flooding Unit)** – offer no objection subject to conditions requiring a flood risk assessment with and a Sustainable Urban Drainage System (SUDS).

Response: Noted. Should consent be granted, conditions can be attached to cover these matters.

5 **Representation(s)**

- 5.1 The application was advertised in the press for Non-notification of Neighbours. Following this publicity and the carrying out of statutory neighbor and owner notification, 12 letters of objection have been received. The contents of the letters are summarised as follows:

(a) Kersewell Avenue is a single track road with occasional passing places. Access at present is difficult and further development will only exacerbate this unless the road is upgraded to an adoptable standard.

Response: The principle of this scale of development of this particular site has already been established by the previous consents new housing on the site. The level of traffic generated will therefore be as under the previous consents. The findings of the Road and Traffic Assessment submitted by the applicant is that Kersewell Avenue has a well maintained road surface, traffic calming speed bumps and passing places. The short section from Kersewell Terrace to the application site is not tarmaced however the applicant intends upgrading this section. The proposed development would generate a negligible amount of additional traffic which would have little impact on safe traffic flow. In their response the Roads Development Team offer no objections subject to conditions. These conditions have been attached and they reflect the conditions which were attached to previous consents for the site. This includes the requirement to submit details of a suitable factoring scheme for the future maintenance of Kersewell Avenue, as well as the submission of a road survey of the condition of the road prior to construction, and thereafter to establish the need for any necessary repairs.

(b) There is no provision for pavements or street lighting along the access road.

Response: The additional traffic that would be generated by this individual proposal would not be significant in overall terms and cumulatively represents a negligible increase in overall traffic volumes. Roads and Transportation Services do not require footpath provision or street lighting to be carried out.

(c) The proposed development currently has issues with drainage which causes flooding on Kersewell Avenue. Scottish Water and SEPA have previously expressed concerns about water flow and private drainage.

Response: The Flood Management Team has not objected subject to conditions requiring the design and implementation of a SUDS scheme and the submission of a flood risk assessment.

(d) Precedence

Response: Each application is judged on its individual merits.

(e) The development would be contrary to the locational criteria for houses in the countryside with an adverse effect on the rural character of the countryside and the amenity it affords.

Response: The site is located in the settlement boundary of Kersewell and is identified in the housing land supply list therefore residential development on the site is in principle acceptable.

(f) There are already frequent powercuts – can Scottish Power give an assurance that there is sufficient capacity to service these new properties.

Response: The infrastructure would have to be upgraded by the service provider as and when required.

(g) It is not apparent that an explicit and enforceable factoring arrangement will be in place for landowner/home owners to cover maintenance of common ground and use of the un-adopted access road.

Response: As with previous consents for development at Kersewell a condition will be attached to any consent issued requiring a factoring arrangement to be in place to address maintenance issues.

(h) The nature of the proposal is not in alignment with policy statements to reduce reliance on the private car.

Response: Prior to housing development in the immediate locality Bertram House functioned as a horticultural college and then offices which resulted in significant traffic generation. The Kersewell Estate has been the subject of several consented applications for small scale housing development. As a result, the Council has identified a settlement boundary for this area in the adopted South Lanarkshire Local Development Plan. This current proposal represents a rounding off of development opportunities in a similar manner in terms of scale and density as previously approved layouts.

(i) The applicant erroneously claims that Muir Homes own the section of road from the cross roads of Kersewell Avenue with Bertram Avenue leading to the application site.

Response: The applicant has confirmed the section of road referred to is owned by Mr McKeand of Broomhill Farm. An ownership notice was served on that party.

(j) The proposed site includes and is bordered by mature trees which if removed could exacerbate flooding and detract from the environment. The area has an array of wildlife including deer, badgers, bats and birds of prey and the disturbance or removal of any woodland including cutting into the root protection area, could be detrimental to their well being.

Response: An Ecological Assessment and Badger Survey has concluded that there are no protected species or habitats directly affected by the development however mitigation measures are recommended which includes carrying out a bat survey before trimming back trees along the western boundary. The recommended mitigations are covered by a condition along with a condition specifically requiring prior consent for works which affect existing trees.

(g) The type of sewage disposal into the ground needs careful planning if it is to be a septic tank. Bedrock is noted as being highly permeable; ground water surfaces to the east in the field; and the elevation of the field at the access to the site suggests that contamination of the surface may be possible due to local groundwater flow.

Response: A biodisk treatment is proposed which would treat foul drainage prior to discharge to a soak away.

- 5.2 These letters have been copied and are available for inspection in the usual manner and on the Council's planning portal.

6 Assessment and Conclusions

- 6.1 The applicant seeks detailed planning permission for 8 detached dwellings within the settlement of Kersewell. The determining issues that require to be addressed in respect of this application are compliance with the adopted local plan, the planning history of the site and infrastructure and road safety implications.
- 6.2 The site is identified in the adopted South Lanarkshire Local Development Plan as being within the settlement of Kersewell. The land also forms part of the Housing Land Supply. Policy 12 – Housing Land states that the Council will support development of sites in the land supply. As such, residential development on the site is considered to be acceptable in principle.
- 6.3 As the site is within the settlement boundary of Kersewell Policy 6 - General urban area/settlements applies which states that residential developments may be acceptable provided they do not have a significant adverse impact on the amenity and

character of the area. The proposed development has also been considered against Policy 4 Development Management & Place Making and associated Supplementary Guidance which requires development proposals to take account of and be integrated with the local context and built form. Proposals should not have a significant adverse impact on the local area and address the six qualities of placemaking..

- 6.4 The proposed layout represents a low density housing development which respects development in the locality. The detailed house designs are of a good quality and are of an appropriate scale and mass that is similar to the existing dwellings in the locality. In addition the proposed development complies with the requirements of the Council's Residential Development Guide in terms of plot ratio, garden sizes, window to window distances and parking provision. The proposal complements existing housing groups nearby and the woodland backdrop helps with visual containment and integration. In view of this, the proposals are considered to be in compliance with Policies 4 and 6 and associated Supplementary Guidance.
- 6.5 Policy 2 - Climate Change seeks to minimise and mitigate against the effects of climate change. This is a relatively small housing development already identified as suitable for new development situated close to local services in Carnwath. The site is not at risk of flooding and there are no infrastructure constraints. In consideration the proposals would not undermine the objectives of the policy.
- 6.6 There will be no impact on natural and built heritage resources and conditions have been attached requiring compliance with mitigation measures, recommended by the Ecological Report, and the protection of trees. No objections have been received from the Roads Service and the Flood Management team subject to appropriate conditions. Objections have been received from local residents which are addressed in section 5 of the report. The main concern is the impact of additional houses on the condition of private road network and the safety of users of Kersewell Avenue. Kersewell Estate has been the subject of several applications for new housing which addressed these matters. The current proposal involves development of a similar scale as earlier proposals for the site and therefore no new issues are raised. As with previous approvals conditions would be attached to any consent issued to address matters relating to maintenance of the private road and the creation of additional passing places and signage.
- 6.7 In conclusion, previous consents for the site, the location of the application site in the settlement of Kersewell and its identification in the Housing Land Supply means the principle of residential development on site is established. The proposals represent an appropriate form of residential development for the site and would not detract from the amenity of character of the area. It is therefore recommended that detailed planning consent be granted subject to the conditions listed.

7 Reasons for Decision

- 7.1 The proposal has no adverse impact on visual or residential amenity and complies with Policies 2, 4, 6 and 12 of the adopted South Lanarkshire Local Development Plan together with the associated Supplementary Guidance.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

26 February 2018

Previous References

- ◆ CL/07/0205
- ◆ CL/09/0071
- ◆ CL/14/0187

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan (adopted 2015)
- ▶ Development management placemaking and design supplementary guidance (2015)
- ▶ Neighbour notification letter dated 08/11/2017

- ▶ Consultations
 - Roads Development Management Team 16/11/2017
and
26/02/2018

 - Environmental Services [e-consult] 23/11/2017

- ▶ Representations
 - Representation from : Nigel and Joanne Jones, 1 Finlayson Lane
Kaimend
, DATED 13/11/2017

 - Representation from : Mr & Mrs P Walker , 3 Warrack Close
Kaimend
Carnwath
Lanark
S Lanarkshire
, DATED 14/11/2017 09:39:42

 - Representation from : Karen Lindsay, Woodlea
Kersewell
ML11 8LF
, DATED 10/11/2017

 - Representation from : Brian Lindsay, Woodlea
Kerswell
ML11 8LF
, DATED 10/11/2017

 - Representation from : Christopher McDermott , Shiloah
Kersewell
Carnwath
ML11 8LF

, DATED 31/10/2017 18:26:44

 - Representation from : Diane white , 7 Finlayson lane
Kaimend
Carnwath
, DATED 12/11/2017 18:59:17

Representation from : Andy Hollingdale , 1 Warrack Close
 ML11 8TD
 , DATED 12/11/2017 11:03:50

Representation from : Joanne Jones , 1 Finlayson Lane
 Kaimend
 Carnwath
 South Lanarkshire
 ML11 8TA
 , DATED 12/11/2017 18:29:28

Representation from : Louise C Ferguson, , DATED 16/11/2017

Representation from : Elliot C Ferguson, , DATED 16/11/2017

Representation from : Lesley J Ferguson, , DATED 16/11/2017

Representation from : CLAIRE HARDIE , CRARAE
 KERSEWELL AVENUE
 KAIMEND
 CARNWATH
 ML11 8LE
 , DATED 03/11/2017 18:04:37

Contact for Further Information

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

Ian Hamilton, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton ML3 6LB
Ext 5174 (Tel: 01698 455174)
E-mail: ian.hamilton@southlanarkshire.gov.uk

CONDITIONS

- 1 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.
- 2 That the roofs of the proposed dwellinghouses shall be clad externally in natural slate or a slate substitute which closely resembles natural slate in terms of size, texture and colour.
- 3 That before the submission of any planning application for dwellinghouses on any of the plots hereby approved, a scheme of landscaping for the area shaded green on the approved plans 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.
- 4 That the landscaping scheme relating to the development hereby approved shall be carried out simultaneously with the development, or each phase thereof, and shall be completed and thereafter maintained and replaced where necessary to the satisfaction of the Council as Planning Authority.
- 5 That no trees within the application site and trees on neighbouring land with branches that overhang the 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.
- 6 That all trees to be retained within and bordering the site shall be fully protected during the period of construction and prior to any work commencing on the site, written details specifying the nature of such measures shall be submitted to and approved by the Council as Planning Authority.
- 7 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 shall include signed appendices as required. The development shall not be occupied until the surface drainage works have been completed in accordance with the details submitted to and approved by the Council as Planning Authority.
- 8 That before any of the dwellinghouses hereby approved are occupied, a drainage system capable of preventing any flow of water from the site onto any 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.

- 9 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.
- 10 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 9 above, shall be erected and thereafter maintained to the satisfaction of the Council.
- 11 That before any of the dwellinghouses hereby approved are completed or brought into use, a private vehicular access or driveway of at least 12 metres in length shall be provided within each plot and the first 2 metres of this access from the heel of the footway/service strip shall be hard surfaced across its full width to prevent deleterious material being carried onto the road.
- 12 That before any of the dwellinghouses hereby permitted are occupied, car parking spaces shall be provided within the curtilage of each plot and outwith the public road or footway (2 spaces for 2 or 3 bedroom dwellings and 3 spaces for 4 bedrooms or more) and shall thereafter be maintained to the specification of the Council as Planning Authority.
- 13 That prior to the commencement of work on site written details of a factoring scheme for the future maintenance of Kersewell Avenue shall be submitted and this scheme shall include a maintenance management schedule, all for the approval of the Council as Roads and Planning Authority. The burden of this factoring scheme shall be placed on the title of each of the dwellings hereby approved.
- 14 That before any work starts on site, details of the sewerage disposal system shall be submitted for the approval of the Council in consultation with SEPA and no house shall be occupied until the approved sewerage disposal system has been implemented to the satisfaction of the Council as Planning Authority.
- 15 That no dwellinghouse shall be occupied until the developer provides a written agreement from Scottish Water that the site can be served by a water scheme constructed to the specification and satisfaction of Scottish Water as the Water Authority.
- 16 That before development hereby approved is completed or brought into use, a visibility splay of 2.4 metres by 43 metres measured from the road channel shall be provided at the junction of the new road and the existing track and everything exceeding 0.9 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.
- 17 That before and during the construction phase the recommendations outlined in the Ecological Assessment and Badger Survey (JDC Ecology Ltd, June 2017) shall be fully adhered to.
- 18 Prior to the commencement of development and before work commences on each dwellinghouse hereby approved a road survey shall be undertaken by an

independant consultant to establish the condition of the private road and any structures that form Kersewell Avenue. A final road survey shall be undertaken within 1 month of the completion of each dwellinghouse hereby approved and shall include recommendations in respect of the requirements for any repairs to Kersewell Avenue. Any damage to Kersewell Avenue identified by the independant consultant as being attributable to the construction vehicles or traffic arising from the development hereby approved shall be repaired within three months of the completion of the final dwellinghouse. The initial and final road surveys shall be submitted for the consideration of the Council as Planning Authority.

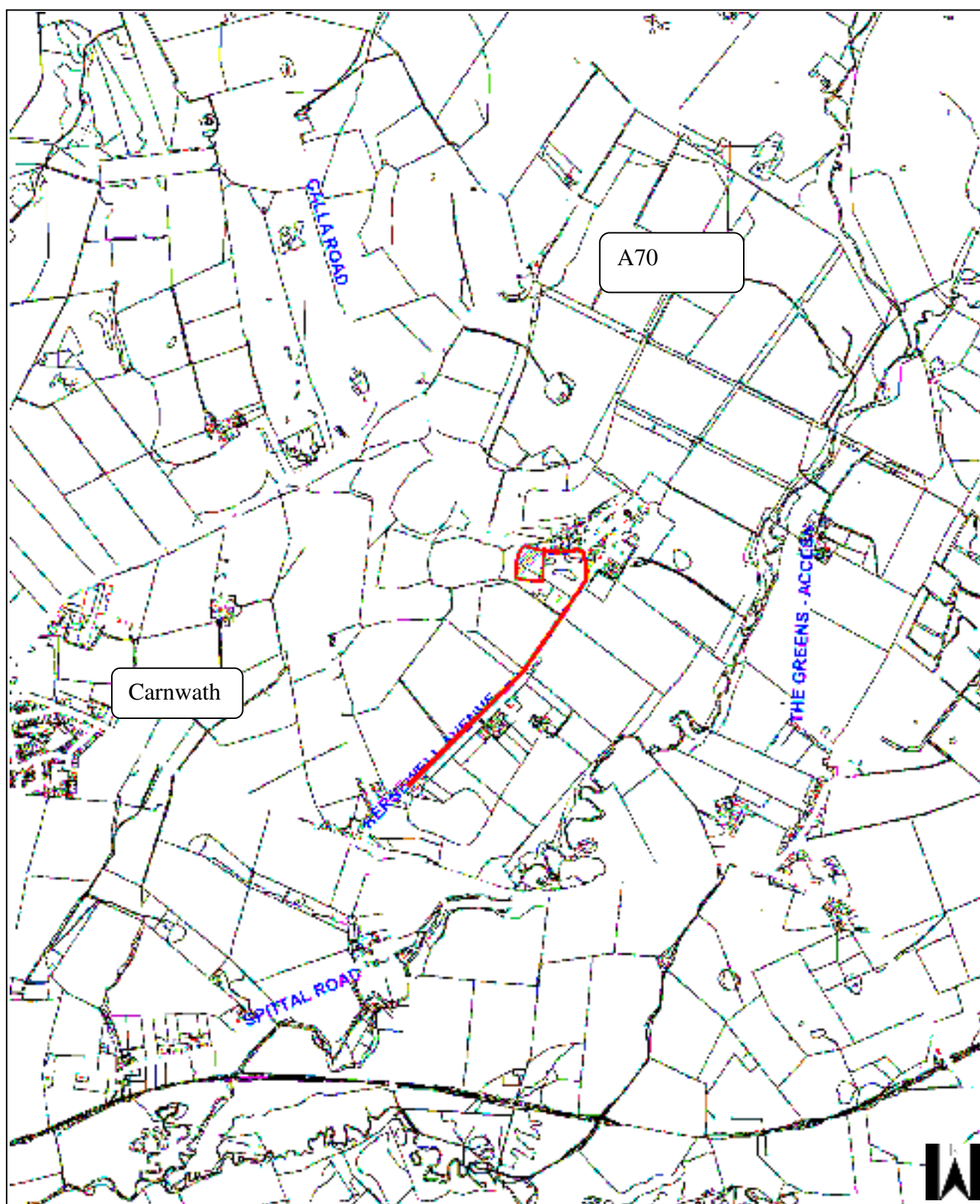
- 19 That the driveways serving Plots 1, 2 and 3 which face onto the existing track shall have a minimum width 6 metres dropped kerb vehicular crossing and the first 4 metres of each driveway as measured from the edge of the private road shall be hard surfaced across its full width to prevent deleterious material being carried onto the road.
- 20 The new road serving plots 3, 4, 5, 6 and 7 shall be a minimum of 5.5 metres in width.
- 21 That driveways shall be a minimum of 12 metres (this can be reduced to 6 metres if a garage is provided) in length and hardsurfaced for the first 2 metres.
- 22 That none of the driveways shall have a gradient in excess of 8%.
- 23 That before the completion of the development, the section of the access from Kersewell Terrace to the new road serving the development shall be upgraded to the same standard as the rest of the access road and that a passing space shall be included along that section of the access route in a position and to the specification of the Council as Planning Authority..
- 24 That the developer shall arrange for any alteration, deviation or reinstatement of statutory undertakers apparatus necessitated by this proposal all at his or her own expense.
- 25 Prior to the commencement of construction all passing places currently in place along the access route that have no signage shall be fitted with signing poles with passing place plates to the satisfaction of the Council as the Planning and Roads Authority.

REASONS

- 1.1 In the interests of amenity and in order to retain effective planning control.
- 2.1 In the interests of amenity and in order to retain effective planning control.
- 3.1 In the interests of the visual amenity of the area.
- 4.1 In the interests of amenity.
- 5.1 To ensure the protection and maintenance of the existing trees and other landscape features within the site and to prevent the disturbance of trees with potential for bat roosts before a bat survey has been carried out.

- 6.1 To ensure that adequate steps are taken to protect existing trees on and bordering the site throughout the period of the proposed building operations.
- 7.1 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.
- 8.1 To ensure the provision of a satisfactory drainage system.
- 9.1 These details have not been submitted or approved.
- 10.1 In order to retain effective planning control.
- 11.1 To prevent deleterious material being carried into the highway.
- 12.1 To ensure the provision of adequate parking facilities within the site.
- 13.1 To ensure that the additional dwellings contribute to the maintenance of Kersewell Avenue
- 14.1 To ensure that the development is served by an appropriate effluent disposal system.
- 15.1 To ensure that the development is served by an appropriate effluent disposal system and water supply.
- 16.1 In the interest of road safety.
- 17.1 To minimise risk to protected species and to ensure legal compliance with the requirements of the Protection of Badgers Act 1992.
- 18.1 In the interests of amenity and in order to retain effective planning control.
- 19.1 In the interest of public safety
- 20.1 In the interest of public safety.
- 21.1 In the interest of public safety.
- 22.1 In the interest of public safety.
- 23.1 In the interest of public safety.
- 24.1 In order to retain effective planning control.
- 25.1 In the interests of public safety.

For information only



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