

Report to:	Planning Committee
Date of Meeting:	26 June 2018
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/18/0511
Planning proposal:	Erection of 30 dwellinghouses, associated roads, infrastructure, amenity areas, landscaping and formation of SUDS ponds (approval of matters specified in conditions on planning permission CL/17/0199)

1 Summary application information

Application type:	Approval of matters specified in conditions.
Applicant:	Kypeside Developments Ltd
Location:	Nether Kypeside Farm C14 From Deadwaters B7086 To Coalburn Lesmahagow Lanark ML11 0JL

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 attached

2.2 Other actions/notes

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

3 Other information

- ♦ Applicant's Agent: Keppie Planning
- ♦ Council Area/Ward: 04 Clydesdale South
- ♦ Policy Reference(s): South Lanarkshire Local Development Plan: Policy 2 Climate change
South Lanarkshire Local Development Plan: Policy 3 Green belt and rural area
South Lanarkshire Local Development Plan: Policy 4 Development management and placemaking
Supplementary Guidance 3: Development Management, Placemaking and Design Policy DM1 Design
Supplementary Guidance 1: Sustainable development and climate change Policy SDCC4
Water supply

◆ **Representation(s):**

▶	0	Objection Letters
▶	0	Support Letters
▶	0	Comment Letters

◆ **Consultation(s):**

Scot Water Urgent Applications

Roads Flood Risk Management

SEPA West Region Flooding

Community Services

Roads Development Management Team

Environmental Services

Countryside and Greenspace

Planning Application Report

1 Application Site

- 1.1 The application site (19.80 ha) is situated in open countryside between Strathaven and Kirkmuirhill to the north of the B7086. It relates to the existing steading of Kypeside Farm and adjacent land which had previously been used as a quad bike facility along with associated car parking. Other areas were used for clay pigeon shooting and a remote control car track. At the steading there is a traditional farmhouse and various commercial buildings and sheds linked to the former leisure business. Beyond the steading and hard standing areas are extensive woodland plantations, grassland and mature trees marking the site boundaries.

2 Proposal(s)

- 2.1 The applicant seeks approval of matters specified in conditions 1(A) - 1(G), 3, 4, 5, 8 and 10 attached to the approved section 42 consent CL/17/0199 . This application relates specifically to the eco-village phase of the originally approved development (Planning Permission in Principle CL/12/0391) which also included commercial facilities and tourism/leisure uses to be subject of future applications.
- Condition 1(A) – 1(G) relates to details of layout, roads, parking open space, house designs, cross sections, boundary treatment, landscaping proposals, drainage and sewerage disposal. These matters have been fully covered by a comprehensive submission of detailed plans, reports and Design Statement.
- Condition 3 relates to the submission of surface water drainage details. This has been addressed by a SUDS layout, overland flow route drawings, an access road layout and a drainage and SUDS Strategy Report.
- Condition 4 requires the submission of a Design Statement setting out design solutions in the context of the surroundings and demonstrating how the eco-village adheres to the principles of sustainability. In response, a Design Statement and an Energy Strategy Report has been submitted.
- Condition 5 covers woodland management and this has been addressed by a Landscape Layout and Planting Plan and a Woodland Management and Landscape Maintenance Report.
- Condition 8 'Mitigation measures for otters and badgers detailed in the Protected Species Survey (Wild Survey Ltd, October 2012) shall be fully implemented and complied with during the construction phase of the development'. The original survey has been updated to take account of the eco-village phase of the development.
- Condition 10 'Details of haul route for construction vehicles'. A newly approved access onto the B7086 has addressed safety concerns by avoiding the minor Brackenridge Road which runs past Deadwaters.
- 2.2 The eco-village is located in the southern section of the site and has been carefully designed to enable visual integration with its surroundings. Access will be taken via a recently approved access road from the B7086 (approved separately by Planning Permission CL/17/0209). From there the road which is lined by a green corridor forms a spiral, reflecting a natural organic shape, around which are laid out the dwellings with large plots (0.25 acres per plot). There are three house types (two of which are two storey and one type is one and a half storeys in height) with a mixture of attached and detached garages. They have a rectangular footprint and the design has been influenced by traditional barn construction with a modern interpretation. Features include timber cladding, zinc roof and upper terrace covered decking. There are side habitable windows which are normally discouraged however in this instance the distance between intervening dwellings exceeds 20 metres therefore privacy would

not be compromised. To reflect the eco concept air source heat pumps and solar hot water panels shall be incorporated into each house. The communal focus of the village will be a village green amphitheatre comprising circular grass area with stone edged steps. Radiating out from the village green are footpath links to a play area and amenity spaces. Hedgerows marking plot boundaries also converge on the village green. The landscaping strategy includes informal groupings of trees, amenity grassland with bulbs, wildflower meadows, woodlands and the retention of existing semi-mature trees. There is an area of native woodland which includes edge species and fruit trees. In the northern section of the site there is potential to layout communal allotments, polytunnels and orchards albeit that proposal has still to be developed. Surface water will be treated by a Sustainable Urban Drainage System (SUDS) which includes two SUDS ponds located in proposed meadowland to the west of the dwellings. A foul treatment plant will be installed between the SUDS ponds to deal with sewerage.

- 2.3 The buildings forming the farm steading will be subject of a separate approval of matters specified by condition application for commercial facilities.

3 Background

3.1 Local Plan Status

- 3.1.1 The site falls within the Rural Area where Policy 3 Rural Area and Green Belt applies. In addition, Policies 2: Climate Change and 4: Development Management and Place Making are relevant. Finally Supplementary Guidance on Development Management, Place Making & Design; Sustainable Development & Climate Change; Green Belt and Rural Area apply while the Council's Residential Development 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 in Principle for chalets, commercial facility, tourist/leisure use, eco village and associated landscaping was granted in November 2013 (ref no CL/12/0391). Planning Permission CL/16/0398 was granted in November 2016 for a section 42 application to vary conditions the purpose being to enable further applications for various elements of the development to be submitted independently of each other rather than dealing with all phases together in one combined submission. Planning Permission CL/17/0199 was granted in September 2017 to vary conditions enabling the increase of dwellings at the Eco village from 13 to 30 and to relocate the position of the village further to the north. As the original proposed access onto the minor public road connecting Deadwaters with Lesmahagow cannot adequately accommodate the increase in numbers, a separate Planning Permission CL/17/0209 for a new vehicular link onto the B7086 was granted thereby removing the need to take access from a narrow minor road.

- 3.3.2** On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance Policies 2 'Climate Change', 4 'Green Belt and Rural Area', 5 'Development Management and Placemaking', GBRA1 'Rural design and Development', DM1 'New Development Design' and DM15 'Water Supply' are relevant.

4 Consultation(s)

- 4.1 Environmental Services** – raised no objections subject to conditions
Response: Noted. Conditions and informatives will be attached to any consent issued.
- 4.2 Roads and Transportation Services (Flood Risk Management Section)** – raised no objections subject to the provision of a Flood Risk Assessment and SUDS scheme.
Response: These matters would be covered by condition should consent be granted.
- 4.3 SEPA** – No objection to the proposed development on flood risk grounds.
Response: Noted.
- 4.4 Countryside and Greenspace** – Whilst the various planting specifications are generally acceptable, modifications to the planting matrix for the native woodland mix are recommended. The use of horse chestnut should be substituted with bird cherry and the proportion of beech and birch should be reduced and suitable species added including Holly, Oak, Field maple, Lime and Scots Pine.
Response: Noted. The planting mix has been amended to take account of these comments.
- 4.5 Scottish Water** – There is currently sufficient capacity in the Camps Water Treatment Works. However, further investigations may be required to be carried out once a formal application to connect into the public water supply has been submitted. Scottish Water is unable to confirm capacity at the Deadwaters Waste Water Treatment Works and, therefore, a full appraisal will have to be undertaken.
Response: Noted. A condition will be attached requiring confirmation from Scottish Water that connection to the public water network will be approved. The development will be served by a private sewerage treatment works.
- 4.6 Community Services** – advised that SLC would not adopt any open space or play areas for future maintenance and as such consideration of a factoring arrangement or similar would be required. Given its location, 2 reasonable sized pieces of equipment and 3 smaller pieces are recommended for the play area.
Response: The on site public amenity spaces and facilities far exceeds any comparable developments of similar size, and a maintenance schedule has been submitted the compliance with which will be subject of condition along with the approval of details for the play area.
- 4.7 Roads Development Management Team** – raised no objections subject to conditions
Response: Noted and conditions will be attached to any consent issued.

5 Representation(s)

- 5.1 In response to the advertisement of the application in the local press for non-notification of neighbours together with the carrying out of statutory neighbour notification, no letters of representation were received.

6 Assessment and Conclusions

- 6.1 The applicant seeks approval of matters specified in conditions (attached to section 42 approval CL/17/0199) for an eco village comprising 30 detached dwellings along with associated roads, infrastructure, amenity spaces, landscaping and SUDS ponds. The determining issues that require to be addressed in respect of this application are compliance with the adopted local development plan, government guidance, the planning history of the site and infrastructure and road safety implications.
- 6.2 The site falls within the designated Rural Area where Policy 3 - Green Belt and Rural Area applies. This states that development which does not require to locate in the countryside will be expected to be accommodated within settlements. The original planning permission in principle CL/12/0391 and subsequent section 42 approvals (CL/16/0398 and CL/17/0199) has established the principle of development and it is therefore not necessary to revisit this matter when assessing the current proposal. As such, the principle of residential development has been established on the site and this application seeks consent for the detailed proposals.
- 6.3 Policy 2 Climate Change seeks to minimise and mitigate against the effects of climate change. This is a relatively small housing development situated close to local services in Strathaven and Kirkmuirhill and part of the development utilises vacant brownfield land. The principle of sustainability has been incorporated in the house design through the use of timber as a construction material and external finish and air heat source pumps and solar panels for heating and hot water. The site is not at risk of flooding and as a flooding and pollution control measure surface water run-off will be filtered and slowed by a Sustainable Urban Drainage System. Extensive tree planting and woodland management also takes cognisance of global warming issues. In consideration the proposals would not undermine the objectives of the policy.
- 6.4 Policy 4 - Development Management and Place Making along with supplementary guidance on Development Management, Placemaking & Design requires the Council to seek well designed proposals which integrate successfully with their surroundings, take account of the local context and built form and to be compatible with adjacent buildings and surrounding streetscape in terms of scale, massing, design, external materials and impact on amenity. In addition development should be well related to existing development, public transport, local services and facilities. The intention is to create an eco village with houses arranged around a spiral road layout reflecting natural shapes and forms. Amenity grassland enhanced by bulbs and tree clusters will be established either side of the access road creating a green corridor. Community and social activity will be focused on a centrally located village green. Each house will be allotted a generous garden (0.25 acres per plot) with boundaries defined by hedgerows and in the future there is potential to develop community allotments and orchards on vacant ground within the application site boundary to the north of the Nether Kypeside steading. The eco houses make reference to traditional architecture and will be finished in timber and use renewable energy technology including solar panels, air heat source pumps and a wood burning stove. Built on a rectangular form with simple proportions the design has been influenced by barn construction with a modern interpretation. The landscape strategy proposes wildflower meadows accessed from rear garden gates and footpaths with outer peripheral woodland to provide screening, enclosure and amenity value. Photomontages and cross sections have been submitted demonstrating how the development can be successfully

integrated into its setting of mature and maturing landscape. 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. There would not be an adverse impact on the amenity of existing nearby residents at the small settlement of Deadwaters in terms of overlooking or overshadowing given the distance between existing properties and the site. Roads and Transportation Services have not raised any road safety concerns. In view of this, the proposal is considered to be in compliance with Policy 4 and associated Supplementary Guidance.

- 6.5 In compliance with SDCC 4 – Water supply the proposed dwelling should be able to connect to the public water network.
- 6.6 None of the consultees have offered any objections and no letters of objection have been received.
- 6.7 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan 1. It is considered that the proposals accords with Policies Policies 2, 4, 5, GBRA 1, DM1, and DM15 in the Proposed plan.
- 6.8 In summary, the design and concept for the proposed eco village has been carefully considered taking account of the topography and surroundings. The applicant is to be commended for the quality, detail and standard of the reports, plans and illustrations which have been submitted in support of this application. Through consideration of supporting documents and site visits I am satisfied that the proposal can be successfully integrated without adverse impact upon the character and amenity of the area. The unique layout with village green and extensive woodland and wildflower meadows along with innovative house designs will result in an attractive addition to the natural and built environment. Previous consents have established the principle of a 30 house development on site. The proposal has been assessed favourably against detailed policy guidance of the adopted local development plan. The proposals represent an appropriate form of residential development for the site and it is therefore recommended that approval of matters of specified by conditions (attached to section 42 approvals CL/17/0199) be granted subject to the conditions listed.

7 Reasons for Decision

- 7.1 The proposal would not have an adverse impact on residential or visual amenity and road safety nor raise any environmental or infrastructure issues. As such it also complies with Policies 2, 3, 4, DM1 and SDCC4, and Supplementary Guidance on Development Management, Placemaking & Design, Sustainable Development and Climate Change and Green Belt and Rural Area.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

15 June 2018

Previous references

- ◆ Planning Permission in Principle CL/12/0391
- ◆ Section 42 Consent CL/16/0398
- ◆ Section 42 Consent CL/17/0199
- ◆ Planning Permission CL/17/0209

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Neighbour notification letter dated 17 April 2018

- ▶ Consultations
 - Scottish Water 22.05.2018
 - Roads Flood Risk Management 24.04.2018
 - SEPA West Region Flooding 30.04.2018
 - Community Services 29.05.2018
 - Roads Development Management Team
 - Environmental Services 18.04.2018
 - Countryside and Greenspace 01.05.2018

Contact for further information

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

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Ext: 5174 Tel (01698 455174)

Email: ian.hamilton@southlanarkshire.gov.uk

Detailed planning application

Paper apart – Application number: P/18/0511

Conditions and reasons

01. 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.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

02. 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.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

03. 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 2, shall be erected and thereafter maintained to the satisfaction of the Council.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

04. That prior to the completion of the development hereby permitted, the Woodland Management & Landscape Maintenance (TGP, 06/04/2018) shall be in operation.

Reason: To ensure the protection and maintenance of the existing woodland within the area.

05. 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.

Reason: In the interests of amenity and to ensure the protection and maintenance of the existing trees within the site.

06. That all trees to be retained within the site shall be fully protected during the period of construction and prior to any work commencing on the site, in accordance with the Tree Protection Plan detailed in section 8 of the Tree Survey and Arboricultural Constraints Report Alan Motion Tree Consulting Ltd, 01 August 2017).

Reason: To ensure that adequate steps are taken to protect existing trees on the site throughout the period of the proposed building operations.

07. That the landscaping scheme detailed on the approved plans LO1 Rev F, LO3 Rev C & LO2 Rev C, 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 in accordance with the approved Landscape Works (Soft Landscape -Timing, Phasing and Maintenance, TGP, March 2018) and the Woodland and Landscape Maintenance Plan (TGP, April 2018) .

Reason: In the interests of the visual amenity of the area.

08. That the recommendations and mitigation measures detailed in the Extended Phase 1 Habitat Survey (Wild Surveys Ltd, July 2017) complied with .

Reasons: In the interests of wildlife.

09. That before any work commences on the site, a scheme for the provision of an equipped play area within the application site shall be submitted to the Council as Planning Authority for written approval and this shall include:
- (a) details of the type and location of play equipment, seating and litter bins to be situated within the play area(s);
 - (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 area(s); and
 - (d) details of the phasing of these works.

Reason: To ensure the provision of adequate play facilities within the site.

10. That prior to the completion or occupation of the last dwellinghouses within the development, all of the works required for the provision of equipped play area included in the scheme approved under the terms of Condition 9, shall be completed, and thereafter, that area shall not be used for any purpose other than as an equipped play area.

Reason: To ensure the provision of adequate play facilities within the site.

11. That before any works start on site details of the treatment of foul drainage from the site shall be submitted for the consideration and approval of the Council as Planning Authority in consultation with SEPA.

Reason: To ensure appropriate treatment and disposal of sewage effluent .

12. That no dwellinghouse shall be occupied until the site is served by to the sewerage scheme approved under condition 11 to the the satisfaction of the Council as Planning Authority.

Reason: To ensure the provision of a satisfactory sewerage system.

13. 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.

Reason: To ensure that the development is served by an appropriate water supply.

14. 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.

Reason: In order to retain effective planning control.

15. 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 the following signed appendices : 1 'Sustainable drainage design compliance certificate' , 2 'Sustainable drainage design - independent check certificate' 3 'Flood risk assessment compliance certificate', 4 'Flood risk assessment - independent check certificate' and 5 'Confirmation of future maintenance of sustainable drainage apparatus' . 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.

Reason: 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. That before the development hereby approved is completed or brought into use, a 2 metre wide contiguous footway/service strip/swale shall be constructed on both sides of the carriageway to the specification of the Council as Roads and Planning Authority.

Reason: In the interests of public safety.

17. Development shall not commence until details of all surface finishes to the access road has been submitted for the consideration and written approval of the Council as Planning Authority. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the Council as Planning Authority.

Reason: To retain effective planning control and safeguard the amenity of the area.

18. That before the development hereby approved is completed or brought into use, the first 2 metres of driveways 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.

Reason: To prevent deleterious material being carried onto the road.

19. That prior to the commencement of development on site details of traffic calming in accordance with the National Roads Development Guide, shall be submitted to and approved by the Council as Planning and Roads Authority and shall thereafter be implemented to the satisfaction of the Roads Authority before the completion of the development.

Reason: In the interests of public safety.

20. That before the development hereby approved is completed or brought into use, a visibility splay of 2 metres by 20 metres measured from the road channel shall be provided on both sides of each driveway 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.

Reason: In the interests of traffic and public safety.

21. That before the development hereby approved is completed or brought into use, a pedestrian visibility splay of 2.4 metres by 2.4 metres measured from the heel of the footway shall be provided on both sides of driveways 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 0.6 metres in height shall be planted, placed or erected within these sight lines.

Reason: In the interests of public safety.

22. An area for staff parking during the construction phase shall be created and at no time shall vehicles associated with the site park on the B7086 or surrounding public roads.

Reason: In the interests of traffic safety.

23. Prior to the commencement of construction works details of the delivery route shall be submitted to and approved by the Council as Planning and Roads Authority.

Reason: In the interests of traffic safety.

24. The prior to the commencement of development a dilapidation survey of the delivery route, shall be undertaken and submitted to the Council as Planning and Roads Authority and any defect identified during the construction period which had not been identified at the time of the dilapidation survey shall be the responsibility of the developer to repair.

Reason: In the interests of traffic safety.

25. That before the dwellinghouses hereby approved are occupied, a drainage system capable of preventing any flow of water from the site onto the public road or into the site from surrounding land shall be provided and maintained to the satisfaction of the Council as Roads and Planning Authority.

Reason: To ensure the provision of a satisfactory drainage system.

26. Development shall not commence until an assessment of the potential for operational wind turbines, in the vicinity of the application site, to cause noise nuisance to the residents of the dwellings hereby approved, is submitted to the Council as Planning Authority. Where potential noise disturbance is identified, proposals for the attenuation of that noise shall be submitted to and approved in writing by the Council as Planning Authority. The approved scheme shall be implemented prior to the occupation of the dwellings 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.

Reason: To minimise noise disturbance to occupants of noise sensitive properties.

P/18/0511

Nether Kypeside Farm, Lesmahagow



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Scale:
1:25,000
Date:
04/08/2018



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development