

	<h1>Report</h1>	Agenda Item <h1>14</h1>
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Report to: **Planning Committee**
 Date of Meeting: **26 May 2009**
 Report by: **Executive Director (Enterprise Resources)**

Application No CL/09/0071
 Planning Proposal: Formation of 9 House Plots, Associated Vehicular Access and Landscaping (Amendment to CL/07/0205)

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Clansman Homes Ltd
- Location : Kersewell Avenue
Kaimend

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) A request for a hearing has been made. As the proposal does not contravene development plan policy, a hearing is not required.

3 Other Information

- ◆ Applicant's Agent: Drew Deans Design Ltd
- ◆ Council Area/Ward: 03 Clydesdale East
- ◆ Policy Reference(s): **South Lanarkshire Local Plan (Adopted)**
 - Policy STRAT4: Accessible Rural Area
 - Policy CRE1: Housing in the Countryside
 - Policy ENV34: Development in the Countryside
 - Policy ENV11: Design Quality
 - Policy DM1: Development Management

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

◆ Consultation(s):

Roads and Transportation Services (South Division)

Planning Application Report

1 Application Site

- 1.1 The application site consists of an agricultural field 1.1 hectare in size, situated to the north 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. Within the Kersewell Estate there are a number of groups of dwellinghouses of various types and age.
- 1.2 The site is bounded to the west by woodland, the south and east by the remaining part of the field and to the north by an access road and beyond by woodland.

2 Proposals

- 2.1 Planning permission was granted in September 2007 for the erection of 9 detached dwellinghouses on this site (CL/07/0205). The applicant seeks to amend this consent by changing the proposal to the provision of 9 house plots which could be developed on an individual basis. The submitted plan shows the plot layout re-arranged within the boundaries of the original application site, with a new vehicular access to serve the plots taken from the access road to the north. This is with the exception of Plot 1 which would take access from that road. The plot sizes range from 727 square metres to 1095 square metres in area.
- 2.2 A brief statement was submitted by the applicants explaining that with the current downturn in the house-building market, they seek to amend the site layout to meet more realistic housing demands by providing house plots. They indicate that they wish to control the design, siting and appearance of each of the proposed 'self-build' plots through a design brief which would be prepared to the satisfaction of the Council. A Drainage Assessment has also been submitted covering surface water drainage, flood risk assessment, foul drainage, SUDS and maintenance.

3.0 Background

3.1 Local Plan Status

- 3.1.1 The application site is located within the Accessible Rural Area where Policy STRAT4 applies. Policies CRE1: Housing in the Countryside, ENV34: Development in the Countryside, ENV11: Design Quality and Policy DM1: Development Management are also relevant.

3.2 Relevant Government Advice/Policy

- 3.2.1 Policy SPP3: Planning for Homes states that the preferred location for new housing is within or adjacent to existing settlements where advantage can be taken of service provision. Such locations help prevent sprawl and the protection of the rural environment. Policy SPP15: Planning for Rural Development emphasises the need to plan carefully for new development to ensure the quality of the countryside is not eroded and in that respect criteria should be set out in the Local Plan, outlining circumstances where new housing outwith the settlement boundary can be accommodated.

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)

4 Consultation(s)

- 4.1 **Roads and Transportation Services** – offer no objections subject to the imposition of a factoring arrangement to ensure all the owners of the dwellinghouses have an equal share in the upkeep of Kersewell Avenue. In addition they recommend conditions are attached to ensure adequate driveway and parking provision.
Response: Relevant conditions covering the issues raised can be attached to any consent granted.

5 Representation(s)

- 5.1 Following the statutory neighbour notification process and the advertising of the application in the local press under Article 12(5) Non-notification of neighbours, 6 letters of objection were received. One of the letters was submitted by the Medwyn Garden Residents Association which consists of the residents of the 17 units constructed by Muir Homes several years ago. The issues raised are summarised as follows:

(a) This application must be considered on its own merits, the Council cannot therefore state that “the principle of development on this site has already been established”.

Response: The application under assessment is an amendment to a previous application for the same number of units on the same site. This previous consent is still valid and in effect the developer could commence construction of that development at any time. Given that this previous consent exists, the principle of development of the site has already been established. Notwithstanding this the change in the scheme from the erection of nine dwellinghouses to a plotted development will be assessed in detail, and on its own merits.

(b) Planning consent in the locality has previously been refused by the Scottish Government and the observations of the reporter remain of material relevance.

Response: Disagree. As stated above the principle of development of this particular site has already been established and therefore previous observations of the reporter are not relevant in this instance.

(c) Traffic and public safety concerns regarding the access route given that it is a single track, unlit private road. Concerns about the increase in usage of the road by the occupants of the new units and construction traffic. Request is made that a traffic survey must be undertaken prior to consent being issued. In addition, the objectors are concerned that there is no current, clear factoring system in place for the maintenance of the private roads.

Response: As stated above the principle of this scale of development of this particular site has already been established. The level of traffic generated will therefore be as under the previous consent. Notwithstanding this, the Council's Roads & Transportation Service were consulted. In their response they offer no objections subject to conditions. These conditions have been attached and they reflect the conditions which were previously attached to the existing consent 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 after to establish the need for any necessary repairs.

(d) The proposed application does not fall within a settlement boundary and would dominate existing development. The scale of development is not in keeping with others in the area and the development will be intrusive on the woodland backdrop. The cumulative impact of this together with the expanded

Bertram House development will increase housing development in the Estate to an unacceptable level.

Response: As stated above the principle of development of this particular site has already been established. I do not consider that the change to house plots will have any more of a negative impact on the environment than the existing consented proposal. Conditions have been attached to ensure a suitable development brief is submitted prior to the submission of any applications for the individual dwellings to ensure the design and use of materials are consistent and appropriate to the rural setting.

(e) There is no requirement for new housing in the area.

Response: The principle of the development of nine units at this site has already been established. It has been recognised that whilst there is no short-fall in housing land supply in this area, applications such as this must be treated on their own merits.

(f) The site is within the immediate vicinity of Bertram House, a listed building. Historic Scotland has previously expressed a view that further domestic development would not enhance its setting.

Response: The principle of residential development on this site has already been established and the proposed development is located a sufficient distance from Bertram House.

(g) The application is contrary to the area's adopted Structure Plan and to the Local Plan.

Response: The principle of residential development on this site has already been established.

(h) The development encompasses woodland and would have an adverse impact on wildlife and landscape setting.

Response: Again, the principle of residential development on this site has already been established. A condition was attached to the previous consent requiring the submission of a badger survey prior to work commencing on site, this condition has similarly been attached to this proposal. The proposal will not encroach on or have an adverse impact on the woodland.

(i) This application will encroach, overlook and overshadow the building line of Heron Rise and will have an adverse impact on amenity in terms of noise and smell.

Response: This application is for no more units than the proposal which has consent. The layout of the dwellings on the site will require to comply with the Council's Residential Development Guide which will ensure there is no adverse impact on amenity. In addition I do not anticipate noise levels and smell will exceed current acceptable standards.

(j) This development should be regarded as significant by the Council, and a statement of intent regarding further development beyond that proposed should be incorporated as part of determination of this application.

Response: Disagree. The principle of development of this site has already been established by the previous consent. The development does not constitute a significant development given that it falls below 10 units. I do not consider it necessary for a statement of intent to be submitted.

(k) If approved it will set an undesirable precedent.

Response: The principle of development has already been established for this site. I do not consider that the approval of this application would set an undesirable precedent.

(l) The design and location of the proposed housing development is not in keeping with the character of Kersewell Estate

Response: This amended application is for the creation of house plots, as such no details of the design and layout of the proposed dwellinghouses have been submitted at this stage. Conditions have been attached which will ensure the design and use of materials for the proposed units are consistent and appropriate to the rural setting.

(m) The cumulative effect of development in the area will greatly affect water pressure and sewage treatment works, this in turn will lead to the creation of a new sewerage treatment plant which will have a detrimental effect on the surrounding environment. The siting of the proposed foul drainage plant is in close proximity to existing housing.

Response: As previously noted the principle of housing development on this site has already been established. During the processing of the application for the existing consent, Scottish Water were consulted. At that time they advised that they had no objection but that there was insufficient capacity to serve the proposed development. They added that Coulter Water Treatment Works was included in an investment programme and once the up-grade was complete, new connections would be granted. A condition has been attached to ensure that confirmation from Scottish Water is provided confirming that connection to the water network is feasible before any dwellings are occupied. The Drainage Assessment submitted by the applicant states that the foul drainage from the development is being drained by gravity to an adjacent Development at Bertram House with a privately maintained sewerage treatment facility. The applicant has confirmed that the relevant consent has been obtained to install this system with the landowners. The applicant has also been in discussions with SEPA who have received information from the applicant confirming that the foul drainage proposal is potentially consentable therefore they offer no objection. Conditions have been attached to require the implementation of a scheme to the satisfaction of the Council and SEPA prior to the occupation of any of the dwellinghouses.

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

6 Assessment and Conclusions

- 6.1 The principle of residential development of this site has been established by the previous planning approval which was granted in September 2007 for the erection of 9 detached dwellinghouses. The applicant seeks to amend this consent by changing the proposal to the provision of 9 house plots which could be developed on an individual basis.
- 6.2 The application site is located in the Accessible Rural Area where Policy STRAT4 applies. This policy states that the strategy will be to build on the economic potential of the area's high quality natural and built environment and that new build development will be directed to within settlements. In this instance however, this Policy is not relevant in the assessment of this application as the principle of housing development has already been established on this site by the existing planning consent. The determining issues therefore are the impact the creation of house plots as a means of developing this site would have on the amenity of the area and the compliance of the proposal against the remaining, relevant local plan policies.

- 6.3 Policies CRE1: Housing in the Countryside and ENV34: Development in the Countryside provide specific criteria against which all new housing proposals in the countryside shall be assessed. The criteria looks to ensure that the design and location of the proposed development will not have an adverse affect on the character and amenity of the surroundings, should avoid significant adverse impacts on natural and built heritage resources, access and parking standards can be readily provided as well as services such as water, drainage and sewerage, and the incorporation of on-site renewable energy equipment. Policies ENV11: Design Quality and DM1: Development Management are also relevant and they seek to promote quality and sustainability and seek developments that will enhance and make a positive contribution to the character and appearance of the environment.
- 6.4 I am satisfied that the amended layout and the change to a plotted development will not have an adverse impact on the character and amenity of the surroundings. A condition has been attached which will require the developer to submit a development brief for the plotted development, to set a context for the proposed dwellings ensuring they all comply with the Council's Residential Development Guide, and that there is a consistency in the use of materials, boundary treatment, design and positioning. In addition this will ensure that the design of the units are traditional and rural in appearance. There will be no impact on natural and built heritage resources and a condition has been attached requiring the submission of a badger survey prior to work commencing on site. No objections have been received from the Roads Service, while issues raised by Scottish Water and SEPA on the previous application can be addressed by appropriate conditions which can be attached which will ensure the provision of the necessary infrastructure.
- 6.5 In view of the above I consider that the proposal complies with policies CRE1: Housing in the Countryside, ENV34: Development in the Countryside, ENV11: Design Quality and Policy DM1: Development Management of the adopted South Lanarkshire Local Plan and therefore consider that planning permission should be granted.

7 Reason for Decision

- 7.1 The principle of residential development on the site has been established through the previous planning consent and complies with Policies CRE1: Housing in the Countryside, ENV34: Development in the Countryside, ENV11: Design Quality and Policy DM1: Development Management of the adopted South Lanarkshire Local Plan.

Iain Urquhart
Executive Director (Enterprise Resources)

12 May 2009

Previous References

- ◆ CL/07/0205

List of Background Papers

- ▶ Application Form
- ▶ Application Plans

► Consultations

Roads and Transportation Services (South Division)

09/03/2009

► Representations

Representation from : Nigel & Joanne Jones, 1 Finlayson Lane, Kaimend, ML11 8TA, DATED 03/03/2009

Representation from : L J Dunbar and D Dunbar, Heron Rise, Kersewell Estate, Kaimend, Lanark, ML11 8LF, DATED 10/03/2009

Representation from : Hennrietta B Coutts, Heron Rise, Kersewell Estate, Kaimend, Carnwath, DATED 10/03/2009

Representation from : Ms Nicola Brodie, Janefield, Kersewell, Kaimend, Carnwath, ML11 8LG, DATED 18/03/2009

Representation from : Ms Margaret Scott, Janefield, Kersewell Estate, Kaimend, Carnwath, ML11 8LG, DATED 18/03/2009

Representation from : Mrs J Jones, Medwyn Garden Residents Association, 1 Finlayson Lane , Kaimend, Carnwath, ML11 8TA, DATED 03/03/2009

Contact for Further Information

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

Gail Rae, Planning Officer, Council Offices, South Vennel, Lanark ML11 7JT
Ext 810 3205 (Tel: 01555 673205)
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 further applications shall be submitted to the Council as Planning Authority for the erection of individual dwellinghouses on the plots hereby approved, together with the requisite detailed plans and such plans shall include:-(a) Plans, sections and elevations of the proposed building together with the colour and type of materials to be used externally on walls and roof;(b) Sections through the site, existing and proposed ground levels and finished floor levels;(c) Detailed layout of the site as a whole including, where necessary, provision for car parking, details of access and details of all fences, walls, hedges or other boundary treatments; and,(d) Existing trees to be retained and planting to be carried out within the site; and no work on the site shall be commenced until the permission of the Council as Planning Authority has been granted for the proposals, or such other proposals as may be acceptable.
- 3 That before the submission of any planning application for dwellinghouses on any of the plots hereby approved, a Development Brief, shall be submitted to, and approved in writing by the Council as Planning Authority. This shall include restrictions on plot development, (to incorporate minimum 6 metre deep front gardens, minimum 10 metre deep rear gardens, 2 metre wide strips to both sides of the plot, dwellings to be restricted to no more than 2 storeys in height, dwellings on plots 1, 2 and 9 to have a frontage elevation facing onto Kersewell Avenue, use of materials, dwellings to be traditional in design, landscaping, boundary treatments, existing and proposed levels and sections, access, parking and turning arrangements),
- 4 That the further applications required under Condition 2 above shall comply with the terms of the development brief for the site, to be approved under Condition 3 to the satisfaction of the Council as Planning Authority.
- 5 That before the submission of any planning application for dwellinghouses on any of the plots hereby approved, details of surface water drainage arrangements shall be 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 and with the Council's Sustainable Drainage Design Criteria and requirements.
- 6 That the surface water drainage system, approved under the terms of Condition 5 above, 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.
- 7 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.

- 8 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.
- 9 That before the submission of any planning application for dwellinghouses on any of the plots hereby approved, sections through the site showing the existing and proposed ground levels shall be submitted to and approved in writing, and thereafter the approved ground works shall be implemented prior to the submission of any further planning applications all to the satisfaction of the Council as Planning Authority.
- 10 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.
- 11 That notwithstanding the terms of Condition 3 above, the design and siting of any dwellinghouse on the site shall take due cognisance of the rural location, with particular regard being paid to scale, massing, roof pitch, fenestration and materials; and shall be in accordance with the Council's approved policy on new dwellings in the Countryside.
- 12 That no trees within the application site shall be lopped, topped, pollarded or felled, and no shrubs or hedges shall be removed from the application site without the prior written consent of the Council as Planning Authority.
- 13 That the existing trees to be retained must be protected in accordance with methods as set out in BS5837/1991 during and until completion of all site operations and building works.
- 14 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.
- 15 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.
- 16 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.
- 17 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.

- 18 That prior to any planning application being submitted for dwellinghouses on any of the plots, 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.
- 19 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.
- 20 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.
- 21 Prior to commencement of work on site, a Drainage Impact Assessment shall be submitted to and approved in writing by the Council as Planning and Roads Authority.
- 22 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.
- 23 That no development shall take place within the development site as outline in red on the approved plans until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, this scheme to be submitted for approval by the Council as Planning Authority following consultation and agreement with West of Scotland Archaeology Service. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.
- 24 That all areas potentially affected by the proposed development shall be carefully surveyed by a suitably qualified person for badgers. If badgers are found to be in or around the development site, mitigation measures for their protection shall be put in place, in consultation with SNH prior to any work starting.
- 25 Prior to the commencement of development on site, an energy statement which demonstrates that on-site zero and low carbon energy technologies contribute at

least an extra 10% reduction in CO2 emissions beyond the 2007 building regulations carbon dioxide emissions standard, shall be submitted to and approved in writing by the Council as Planning Authority. The statement shall include:

- a) the total predicted energy requirements and CO2 emissions of the development, clearly illustrating the additional 10% reduction beyond the 2007 building regulations CO2 standard;
- b) a schedule of proposed on-site zero and low carbon energy technologies to be included in the development and their respective energy contributions and carbon savings;
- c) an indication of the location and design of the on-site energy technologies; and
- d) a maintenance programme for the on-site zero and low carbon energy technologies to be incorporated.

- 26 The approved on-site zero and low carbon energy technologies shall be fully installed and operational prior to the occupation of any approved buildings and shall thereafter be maintained and shall remain fully operational in accordance with the approved maintenance programme, unless otherwise agreed in writing by the Council as Planning Authority.
- 27 Prior to the commencement of development and before work commences on each dwellinghouse hereby approved a road survey shall be undertaken by an independent 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 independent 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 final dwellinghouse. The initial and final road surveys shall be submitted for the consideration of the Council as Planning Authority

REASONS

- 1 To accord with the provisions of the Town and Country Planning (Scotland) Act 1997.
- 2 These details have not been submitted or approved.
- 3 To ensure the appropriate future development of the site
- 4 To ensure the appropriate future development of the site
- 5 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.
- 6 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.
- 7 In the interests of the visual amenity of the area.
- 8 In the interests of amenity.
- 9 These details have not been submitted or approved.
- 10 To ensure the provision of a satisfactory drainage system.

- 11 In the interests of amenity and to ensure satisfactory integration of the new dwellinghouse with the designated Countryside
- 12 To ensure the protection and maintenance of the existing trees and other landscape features within the site.
- 13 To ensure that adequate steps are taken to protect existing trees on the site throughout the period of the proposed building operations.
- 14 These details have not been submitted or approved.
- 15 To prevent deleterious material being carried into the highway.
- 16 To ensure the provision of adequate parking facilities within the site.
- 17 In the interests of amenity and in order to retain effective planning control.
- 18 To ensure that the additional dwellings contribute to the maintenance of Kersewell Avenue
- 19 To ensure that the development is served by an appropriate effluent disposal system.
- 20 To ensure that the development is served by an appropriate effluent disposal system and water supply.
- 21 To demonstrate that a satisfactory means of waste and surface water drainage can be achieved.
- 22 To ensure the site is free from contamination.
- 23 In order to safeguard any archaeological items of interest or finds.
- 24 To minimise risk to protected species and to ensure legal compliance with the requirements of the Protection of Badgers Act 1992.
- 25 To secure a reduction in carbon dioxide emissions.
- 26 To secure the timeous implementation of on-site zero and low carbon energy technologies
- 27 In the interests of amenity and in order to retain effective planning control.

For information only

For information only

