

Report

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Report to:	Clydesdale Area Committee
Date of Meeting:	9 September 2008
Report by:	Executive Director (Enterprise Resources)

Application No	CL/07/0688
Planning Proposal:	Erection of 11 Flats at Land at Station Road, Biggar

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Westgate Land Limited
- Location : Land at Station Road
Biggar
ML12 6DQ

2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Grant Detailed Planning Permission – (Subject to Conditions – Based on Conditions Listed)

2.2 Other Actions/Notes

- (1) The Area Committee has delegated powers to determine this application.
- (2) A financial contribution of £5,500 will be required from the developer towards the improvement of existing sport/recreational facilities within the local area.

3 Other Information

- ◆ Applicant's Agent: DTA Chartered Architects
- ◆ Council Area/Ward: 03 Clydesdale East
- ◆ Policy Reference(s): **Upper Clydesdale Local Plan (Adopted)**
 - Proposal IND1: Station Road
 - Policy 70: Priority Land Uses – Industry
 - Policy 2: New Housing – Location Policy
 - Policy 3: Existing and New Housing, Location, Siting and Design Standards

Finalised South Lanarkshire Local Plan – As Modified

- Policy RES6: Residential Land Use
- Policy ENV11: Design Quality
- Policy ENV30: New Housing Development
- Policy DM1: Development Management

◆ Representation(s):

▶	1	Objection Letters
▶	0	Support Letters
▶	0	Comments Letters

◆ Consultation(s):

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

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

Environmental Services

Roads and Transportation Services (South Division)

Scottish Water

Roads & Transportation Services H.Q. (Flooding)

Planning Application Report

1 Application Site

- 1.1 The application site (0.24 ha) is situated to the south of Biggar Town Centre on the former Council Yard which was sold off having been declared surplus to requirements. The site is irregular in shape and relatively flat other than the access track. Access is taken from Station Road via a wide bellmouth which also gives separate access to an industrial area to the north.
- 1.2 The site is bounded to the west by 3 dwellinghouses and a plot which was the subject of Planning Permission Application (CL/07/0686) for a 1¾ storey house granted in November 2007. To the south are dwellinghouses and to the north and east is a larger industrial yard mainly used by a winch hire company. Close to the eastern boundary is the old station house and signal box now used by the winch company for storage and offices.

2 Proposal(s)

- 2.1 The proposal involves the erection of a 1¾ storey block with an L-shaped footprint containing 11 residential flats. The design reflects the vernacular architecture of the area through the incorporation of steep roof pitches, vertical fenestration and pitched dormers. Externally it will be finished in roughcast and concrete tiles. Associated car parking (22 unallocated spaces) shall be located to the front; the existing track to the site will be utilized as a vehicular access.
- 2.2 As the site falls within a 1:200 flood zone and to address concerns raised by SEPA the existing ground level will be raised by approximately 1.35metres and a flood route ditch (2metres wide by 1.2 metres deep filled with stones and bounded by retaining wall) will be formed around the northern and eastern boundaries as a means of diverting flood water from residential properties in the event of severe flooding. This scheme was designed by the applicant's Flood consultant after he had carried out a Flood Risk Assessment

3 Background

3.1 Local Plan Status

- 3.1.1 In the adopted Upper Clydesdale Local Plan, the site is covered by Policy 70: Priority Land Use – Industrial and Proposal IND1: Station Road/Industrial Action Area. Also of relevance is Policy 2: New Housing – Location; Policy 3: Existing and New Housing – Location, Siting and Design Standards. Policy 70 states that there will be a general presumption against developments incompatible with the established industrial use. The industrial areas are not expected to change within the local plan period. Proposal IND1 seeks to rationalize and enhance the use of the existing industrial area at Station Road, Biggar. Policy 2 indicates that new housing development shall be directed to sites identified within settlements and to suitable infill sites in the built up areas, subject to infrastructure and environmental criteria. Policy 3 states that new housing requires to adhere to Council guidance. The Council's Residential Development Guide recommends a minimum amenity space provision of 30 m² per flatted unit; that the minimum distance between windows of directly facing habitable rooms should be no less than 20 m, (this may be relaxed where windows are at an angle), and there should be a minimum distance of 2 m between the side gable of any dwelling and any side boundary. Also the recommended density is between 20-29 dwellings per hectare. The height and position of dwellings should not have an overpowering, significantly overshadowing or visually intrusive impact on neighbouring properties.

3.1.2 In the Finalised South Lanarkshire Local Plan – As Modified, the relevant policies are RES6: Residential Land Use; ENV11: Design Quality; ENV30: New Housing Development and DM1: Development Management. RES6: seeks to prevent adverse impacts upon residential amenity and to ensure adequate parking arrangements. ENV11 emphasises the need for a proposal to make a positive contribution to the character and appearance of the urban environment. ENV30 encourages well designed proposals which integrate successfully with their surroundings and which are well related to existing development. The road and parking arrangements should comply with the Council's standards. All development should avoid adverse impacts upon existing or proposed properties in terms of overlooking, loss of privacy and overshadowing. DM1 states all applications will require to take account of the local context and built form and should be compatible with adjacent buildings and surrounding streetscape in terms of scale, massing and impact on amenity. Proposals will have to incorporate suitable access, parking and have no adverse implications for public safety.

3.2 **Relevant Government Advice/Policy**

3.2.1 SPP3: Planning for Housing indicates that most housing should be located within or adjacent to existing settlements where advantage can be taken of existing services/infrastructure. Vacant industrial land may be suitable for housing developments if the site is unlikely to be redeveloped for the purpose originally intended and a satisfactory residential development can be created.

3.3 **Planning History**

3.3.1 Planning permission (CL/06/0256) was granted for 3 detached houses in July 2006. Subsequently Planning Permission (CL/06/0870) for 12 flats was refused in February 2007 due to the failure of the development to comply with standards relating to density, overshadowing and parking. Also it was considered that the development which comprised of three 2 storey blocks would be out of character with surrounding residential properties in the locality.

4 **Consultation(s)**

4.1 **Environmental Services** – conditions should be attached to ensure that dust mitigation measures and contaminated land investigations are carried out.

Response: Appropriate conditions can be applied.

4.2 **Scottish Water** – no objections. However, there are capacity constraints in the Coulter Water Treatment Works. In view of the possible network issues it will be necessary for the developer to ensure that the development will not have any detrimental impact on the water services. The developer will be required, as part of any network upgrading work, to provide a solution that would prevent or mitigate any further impact. The development could obstruct access to an existing public sewer main.

Response: A condition can be applied to ensure no work commences until the developer submits a letter from Scottish Water confirming connections to the water and sewerage networks. A further condition will require any necessary deviation of infrastructure at the applicant's expense.

4.3 **Roads and Transportation Services** – the development should comply with standards for visibility, parking and access. A drainage system should be installed to prevent water flowing into or out from the site.

Response: Noted. These matters can be covered by appropriate conditions.

- 4.4 **SEPA** – initially objected to the fact that the site falls within a 200 year flood risk area and as such a flood risk assessment should be carried out. This assessment has been submitted confirming no adverse condition and as a consequence their objection has been withdrawn subject to the flood relief channel being built as recommended by the Flood Risk Assessment and maintained in perpetuity and that the Flood Prevention Authority satisfies themselves that the level of freeboard is appropriate. They have also recommended a sustainable Urban Drainage System.
Response: Noted. This matter can be covered by an appropriate condition.

- 4.5 **Flood Prevention Unit** – As the proposed development is at risk of potential flooding as a result of a 1 in 200 year storm event, a Flood Risk Assessment is required.
Response: A Flood Risk Assessment has been carried out and a compliance certificate, completed by the Flood consultant, has been forwarded onto the Flood Unit.

5 Representation(s)

- 5.1 Following neighbour notification, one letter of objection was received. The contents are summarized below.
- a) **The design of the flats is inferior to that rejected earlier in that whereas the previous plan was for four blocks, the new plan is for a tenement style development not in keeping with other houses in the area.**
Response: The previous design involved 3 two storey blocks. The proposed development is more similar to a cottage style, sensitive to the vernacular tradition in the Biggar area. It does not have a tenement appearance and certainly lacks the dominance and bulk of traditional tenements. The design does represent an improvement on the suburban style of housing immediately adjoining the site and is more in keeping with a traditional market village.
- b) **Due to the height of the flats other properties will be overlooked.**
Response: Amended plans have been submitted showing the position of the flats located a sufficient distance back from the nearest dwellings so as to prevent privacy being undermined. Also the plans now show that the mass of the building and elevations are orientated predominately towards the industrial areas.
- c) **Previous problems with traffic access to Station Road and A702 trunk road still apply.**
Response: Roads and Transportation Services have not objected to this proposal. The imposition of conditions can ensure provision of adequate visibility and access arrangements.

6 Assessment and Conclusions

- 6.1 The main issue in the assessment of this application relates to the compliance of the proposed development with relevant policies contained in the adopted Upper Clydesdale and the Finalised South Lanarkshire Local Plan – As Modified. Other issues relate to the impact upon surrounding properties and the amenity of the proposed dwellings relative to their surroundings and whether or not there are infrastructure constraints.

- 6.2 It is accepted that a residential development contravenes the industrial designation in the adopted Upper Clydesdale Local Plan. However, a justified departure has already been established by the grant of planning permission (CL/06/0256) for 3 dwellings in July 2006.
- 6.3 In the adopted Upper Clydesdale Local Plan Policy 2: New Housing Location, aims to direct housing to suitable infill sites whilst Policy 3: Existing and New Housing – Location, Siting and Design Standards, recommends compliance with the Council's Residential Development Guide. The site is self contained and separated from the wider industrial area. It also utilizes a separate entrance from that of the remaining industrial area. The site is bounded to the south and west by existing dwellings. Residential properties also lie on the opposite site of Station Road from the access entrance. The site, being vacant and located within the settlement boundary between residential and industrial uses, can be deemed to be an infill site which generally complies with the terms of Policy 2. The proposal largely reflects guidance contained in the Residential Development Guide in respect of amenity provision and protection of privacy although it is accepted that the density is still high. The proposed flats will not cause significant overshadowing or visually impinge upon neighbouring properties.
- 6.4 In the Finalised Local Plan Policy RES6: Residential Land Use seeks to protect amenity and ensure appropriate parking provision. Policy ENV11: Design Quality emphasises positive improvements to the environment. Policy ENV30: New Housing Development directs that a development should be sympathetic to its surroundings, that parking provision should be compliant with current standards and adverse impacts upon existing and proposed properties in terms of overshadowing should be avoided. Policy DM1: Development Management states proposals should take account of their local surroundings. Although the proposed flatted block is 0.7 m higher than the height of the three blocks previously refused (CL/06/0870), the height difference principally relates to a steeper roof pitch. However, the height from ground level to wall head for the current proposal is 4.3 m whilst the corresponding height for the refused proposal was 5.3 m although above this the ground level would have to be raised by 1.35 metres to address flood issues resulting in an overall increase of 2 m in height to ridge. Notwithstanding this fact, amended plans show the flats largely orientated towards the industrial estate, an improvement on the original layout in respect of residential amenity. Neighbours were re-notified about the increase in ground level. However, no further letters of objection were received. In view of this, the current proposal in terms of mass would be less visually intrusive to the adjacent neighbours especially when consideration is taken of the fact that the increase in height relates to the roof which slopes as opposed to walls which have vertical massing and the bulk of the development is now orientated towards the industrial areas. The current proposal consolidates the flats into one building which is preferable to three separate blocks in terms of space efficiency and amenity impact. In respect of surroundings there is a mixture of industrial and residential uses. The proposal is positive in that it makes use of a brownfield site and the design is respectful of the vernacular tradition of the area. The parking provision complies with current standards and none of the consultees have objected.
- 6.5 In conclusion I consider the proposal is acceptable and recommend that permission be granted.

7 Reasons for Decision

- 7.1 The proposal complies with Policies 2 and 3 of the Upper Clydesdale Local Plan (Adopted) and Policies RES6, ENV11, ENV30 and DM1 of the Finalised South Lanarkshire Local Plan – As Modified.

Iain Urquhart
Executive Director (Enterprise Resources)

27 August 2008

Previous References

None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans

- ▶ Consultations
 - Scottish Water 22/10/2007
 - Environmental Services 10/10/2007
 - Roads and Transportation Services (South Division) 19/10/2007
 - Roads and Transportation Services (South Division) 21/11/2007
 - S.E.P.A. (West Region) 25/04/2008

- ▶ Representations
 - Representation from : William Adamson, 7 Rathmor Road, Biggar, ML12 6QG,
DATED 09/10/2007

Contact for Further Information

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

Ian Hamilton, Planning Officer, South Vennel, Lanark ML11 7JT
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E-mail: Enterprise.lanark@southlanarkshire.gov.uk

CONDITIONS

- 1 That the development hereby permitted shall be started within five years of the date of this permission.
- 2 That the development shall be carried out strictly in accordance with the plans hereby approved and no change to the design or external finishes shall take place without the prior written approval of the Council as Planning Authority.
- 3 That before any development commences on site or before any materials are ordered or brought to the site, details and samples of all materials to be used as external finishes on the development shall be submitted to and approved by the Council as Planning Authority.
- 4 That before any work commences on the site, a scheme of landscaping shall be submitted to the Council as Planning Authority for written approval and it shall include: (a) an indication of all existing trees and hedgerows plus details of those to be retained and measures for their protection in the course of development; (b) details and specification of all trees, shrubs, grass mix, etc.; (c) details of any top-soiling or other treatment to the ground; (d) sections and other necessary details of any mounding, earthworks and hard landscaping; (e) proposals for the initial and future maintenance of the landscaped areas; (f) details of the phasing of these works; and no work shall be undertaken on the site until approval has been given to these details.
- 5 That the approved landscaping scheme shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of the building(s) or completion of the development hereby approved, whichever is the sooner, and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.
- 6 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.
- 7 That before the development hereby permitted is occupied or brought into use, all the fences or walls for which the permission of the Council as Planning Authority has been obtained under the terms of Condition 6 above, shall be erected and thereafter maintained to the satisfaction of the Council.
- 8 That before the development hereby approved is completed or brought into use, a visibility splay of 2.5 metres by 35 metres measured from the road channel shall be provided on both sides of the vehicular access 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.
- 9 That before the development hereby approved is completed or brought into use, a vehicular access of at least 5.5 metres in width shall be provided, the first 10

metres of which shall be hard surfaced across its full width to prevent deleterious material being carried onto the road.

- 10 That before the development hereby approved is completed or brought into use, all of the parking spaces shown on the approved plans shall be laid out, constructed and thereafter maintained to the specification of the Council as Roads and Planning Authority.
- 11 That before the residential flats hereby approved are occupied, a drainage system capable of preventing any flow of water from the site onto the public road and adjacent properties or into the site from surrounding land shall be provided and maintained to the satisfaction of the Council as Roads and Planning Authority.
- 12 That the flood relief channel shall be built as recommended by the Flood Risk Assessment and maintained to the satisfaction of the Council as Planning Authority.
- 13 That prior to the commencement of development the level of freeboard shall be approved by the Council's Flood Prevention Unit.
- 14 That no development shall commence until details of surface water drainage arrangements have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design Criteria and requirements.
- 15 That no residential flat shall be occupied until the developer provides a written agreement from Scottish Water that the site can be served by a sewerage and water scheme constructed to the specification and satisfaction of Scottish Water as the Water and Sewerage Authority and that the additional flow arising from this development will not cause or contribute to the premature operation of consented storm overflows.
- 16 Prior to development commencing on site, a scheme for the control and mitigation of dust shall be submitted to and approved in writing by the Council as Planning Authority. No changes to the approved scheme shall take place unless agreed in writing by the Council as Planning Authority. The scheme shall thereafter be implemented in accordance with a programme to be agreed in writing with the Council as Planning Authority.
- 17 (a) Prior to commencement of any works on site, a comprehensive site investigation carried out to the appropriate Phase level, shall be submitted to and approved in writing by the Council as Planning Authority. The investigation shall be completed in accordance with the advice given in the following:
 - (i) Planning Advice Note 33 (2000) and Part IIA of the Environmental Protection Act 1990 (as inserted by section 57 of the Environment Act 1995);
 - (ii) Contaminated Land Report 11 - 'Model Procedures for the Management of Land Contamination (CLR 11) - issued by DEFRA and the Environment Agency;
 - (iii) BS 10175:2001 - British Standards institution 'The Investigation of Potentially Contaminated Sites - Code of Practice'.

(b) If the Phase 1 investigation indicates any potential pollution linkages, a Conceptual Site Model must be formulated and these linkages must be subjected to risk assessment. If a Phase 2 investigation is required, then a risk assessment of all relevant pollution linkages using site specific assessment criteria will require to be submitted.

(c) If the risk assessment identifies any unacceptable risks as defined under Part IIA of the Environmental Protection Act, a detailed remediation strategy will be submitted to and approved in writing by the Council as Planning Authority. No works other than investigative works shall be carried out on site prior to receipt of the Council's written approval of the remediation plan.

- 18 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 15% 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 15% 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.

- 19 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.

REASONS

- 1 To accord with the provisions of the Town and Country Planning (Scotland) Act 1997.
- 2 In the interests of amenity and in order to retain effective planning control.
- 3 In the interests of amenity and in order to retain effective planning control.
- 4 In the interests of the visual amenity of the area.
- 5 In the interests of amenity.
- 6 These details have not been submitted or approved.
- 7 In the interests of amenity and in order to retain effective planning control.
- 8 In the interest of road safety.
- 9 To prevent deleterious material being carried into the highway.
- 10 To ensure the provision of adequate parking facilities within the site.
- 11 To ensure the provision of a satisfactory drainage system.
- 12 To ensure that there will be no increased risk of flooding.
- 13 To ensure that there will be no increased risk of flooding.

- 14 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.
- 15 To ensure that the development is served by an appropriate effluent disposal system and water supply.
- 16 To minimise the risk of nuisance from dust to nearby occupants.
- 17 To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.
- 18 To secure a reduction in carbon dioxide emissions.
- 19 In order to retain effective planning control.

For information only

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