

Report

Report to:	Clydesdale Area Committee
Date of Meeting:	28 August 2007
Report by:	Executive Director (Enterprise Resources)

Application No	CL/07/0502
Planning Proposal:	Erection of 14 Houses and Associated Road Works

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Wilson Developments
- Location : Vacant Land
Brackenhill
Law

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 £7,500 is required from the developer towards upgrading recreational provision in the area to be lodged prior to the issue of consent.

3 Other Information

- ◆ Applicant's Agent: DTA Chartered Architects
- ◆ Council Area/Ward: 01 Clydesdale West
- ◆ Policy Reference(s): **Lower Clydesdale Local Plan (Adopted)**
- Proposal RES2: Proposed Housing Site

South Lanarkshire Local Plan Finalised Draft – As Modified

- Policy RES2; Proposed Housing Sites
- Policy DM1: Development Management
- Policy ENV11: Design Quality
- Policy ENV30: New Housing Development

◆ Representation(s):

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

◆ Consultation(s):

Scottish Natural Heritage

Roads and Transportation Services (South Division)

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

Scottish Water

Planning Application Report

1 Application Site

- 1.1 The application site extends to some 0.6 hectares and currently consists of a vacant piece of land which is located between the Persimmon Homes development currently under construction and existing residential properties on Station Road in Law. It is generally level and regular in shape and is bounded by residential properties on its southern, eastern and western boundaries and by an industrial yard to the north.

2 Proposal(s)

- 2.1 The applicant proposes to construct 14 two storey dwellinghouses on the site, accessed off the adjacent Persimmon Homes site which is currently under construction. There are 11 detached dwellings and 4 semi detached dwellings proposed on the site. All detached properties have integral garages and all dwellings have three bedrooms with the exception of three dwellings where there are four bedrooms.

3 Background

3.1 Local Plan Status

- 3.1.1 In the adopted Lower Clydesdale Local Plan, the site is allocated as a housing development site where Proposal RES2 applies.
- 3.1.2 Within the emerging South Lanarkshire Local Plan Finalised Draft – As Modified, the site is affected by Policy RES2: Proposed Housing Sites and must also comply with Policies DM1: Development Management, ENV11: Design Quality and ENV30: New Housing Development.

3.2 Relevant Government Policy/Advice

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

3.3 Planning History

- 3.3.1 There is no planning history relating to the site, however, the Council did realise the development potential of the site and ensured suitable access could be gained through the Persimmon Homes site when processing the Permission planning application for that development.

4 Consultation(s)

- 4.1 Environmental Services – no objections, subject to conditions. These include that a Phase 1 or Desk Study take place to determine the presence or otherwise of contaminants on the site and that a noise study takes place.

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

- 4.2 Roads and Transportation Services – no objections.

Response: Noted.

- 4.3 SEPA – no objections subject to appropriate measures being in place relating to surface water run-off.

Response: Noted. Relevant conditions can be attached being approved.

- 4.4 Scottish Water – no objection, however due to the size of the development, Scottish Water wish to assess the impact of the development on the existing infrastructure.

Response: Noted. Conditions can be attached to safeguard Scottish Water's concerns.

5 Representation(s)

5.1 Following neighbour notification, one letter of representation was received. A summary of the representation and my comments thereon may be summarised as follows:-

(a) Due to existing parking problems on Station Row, a wall should be constructed to prevent the 'new' house owners from utilizing this access road for their dwellings.

Response: Access to the dwellings is proposed from the new road through the Persimmon Development. There is sufficient parking within each plot to accommodate up to 3 cars per dwelling. A condition would be attached to any consent to require the submission of details of boundary treatment.

5.2 This letter has been copied and is available for inspection in the usual manner.

6 Assessment and Conclusions

6.1 The main determining issues in this case are the extent to which the proposal complies with the adopted Local Plan, the emerging South Lanarkshire Local Plan Finalised Draft – As Modified, Government Advice and the Council's Residential Development Guide.

6.2 In terms of the adopted Lower Clydesdale Local Plan, the site is allocated as a proposed housing site where Proposal RES2 applies. This policy states that the Council will promote the development of sites. The emerging South Lanarkshire Local Plan Finalised Draft – As Modified has a similar RES2 allocation. This policy reiterates the adopted local plan policy as described above. As the site lies within a RES2 area, the principle of residential development has already been established through the local plan process. It is clear that the site complies with this policy.

6.3 Within the emerging local plan, the site is also covered by a number of other policies, namely, DM1: Development Management, ENV11: Design Quality and ENV30: New Housing Development.

6.4 Policy DM1: Development Management states that proposals will require to take account of the local context and built form and should be compatible with adjacent buildings and surrounding streetscape in terms of scale, massing, design, external materials and impact on amenity. Proposals require to meet certain criteria in order to comply with this policy. I am satisfied that the proposed layout and design are appropriate and consider, therefore, that the proposal complies with this policy.

6.5 Policies ENV11: Design Quality and ENV30: new Housing Developments seek to promote quality and sustainability in a development's design and that any new development should enhance and make a positive contribution to the character and appearance of the environment in which it is located. It is considered that the proposal complies with these policies.

6.6 In terms of Government advice, SPP3: Planning for Housing, states that previously developed sites should be used in preference to greenfield locations and expresses a preference for sites accessible to public transport. The application site meets these criteria as it is located close to Law Village Centre and local amenities. I am of

the opinion, therefore, that the site is a suitable location for a development of this nature.

- 6.7 The development accords with the Council's Residential Development Guide in terms of the site layout and there are no adverse comments from consultees.
- 6.8 I conclude that the proposal complies with local plan policy and will result in a development that will integrate well with the existing Persimmon development site whilst re-using a vacant piece of land in an efficient manner and at a sustainable location. I therefore recommend that planning permission be granted.

7 Reasons for Decision

- 7.1 The proposal is consistent with Proposal RES2 in the adopted Lower Clydesdale Local Plan and Policies RES2, DM1, ENV11 and ENV30 of the emerging South Lanarkshire Local Plan Finalised Draft – As Modified. It is also compliant with the Council's Residential Development Guide.

Iain Urquhart
Executive Director (Enterprise Resources)

14 August 2007

Previous References

- ◆ None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations

Scottish Natural Heritage

Roads and Transportation Services (South Division)

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

Scottish Water

- ▶ Representations

Representation from : Mrs Charlotte McFetridge, 126 Station Road, Law, ML8 5LP,
DATED 16/07/2007

Contact for Further Information

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

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

CONDITIONS

- 1 That the development hereby permitted shall be started within five years of the date of this permission.
- 2 That the development shall be carried out strictly in accordance with the plans hereby approved and no change to the design or external finishes shall take place without the prior written approval of the Council as Planning Authority.
- 3 That before any development commences on site or before any materials are ordered or brought to the site, details and samples of all materials to be used as external finishes on the development shall be submitted to and approved by the Council as Planning Authority.
- 4 That 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.
- 5 That within 3 months of the date of this permission, 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.
- 6 That the landscaping scheme, approved under the terms of Condition 5 above, shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of the last dwellinghouse hereby approved and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.
- 7 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.
- 8 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 7 above, shall be erected and thereafter maintained to the satisfaction of the Council.
- 9 That before any of the dwellinghouses hereby approved are occupied, a drainage system capable of preventing any flow of water from the site onto the public road or neighbouring land, or into the site from surrounding land shall be provided and maintained to the satisfaction of the Council as Roads and Planning Authority.
- 10 That before development starts, details of a surface water drainage system,

incorporating Sustainable Urban Drainage System proposals, shall be submitted and approved by the Council as Planning Authority.

- 11 That the surface water drainage system, approved under the terms of Condition 10 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.
- 12 That no dwellinghouse shall be occupied until the access roads and footways leading thereto from the existing public road have been constructed to base course level.
- 13 That before the last dwellinghouse hereby permitted is occupied, all roads and footways within the development shall be completed to final wearing course level.
- 14 That no dwelling shall be occupied until the site is served by a sewerage scheme constructed to the specification and satisfaction of Scottish Water as Sewerage Authority.
- 15 That before development starts a Phase 1 or Desk Study, to review all currently available information about the historical uses of this site, shall be carried out to determine any types of contamination likely to be encountered and possible pathways to sensitive receptors shall be submitted to and approved by the Council as Planning Authority. If this investigation gives any indication of the potential for contaminants to be present, development shall not begin until a full intrusive survey has been carried out and its findings submitted to and, approved by the Council as Planning Authority. This survey shall clearly document the methodology, findings and results. The risks posed by the presence of pollutants in relation to sensitive receptors shall be assessed to current guidelines and, where appropriate recommendations for further investigations or remediation options to reduce these risks identified.
- 16 That before any of the dwellinghouses hereby approved are completed or brought into use, all remediation/control measures must be fully implemented to the satisfaction of the Council as Planning Authority.
- 17 That, prior to development starting on site, a Noise Impact Assessment shall be carried out, to the satisfaction of the Council as Planning Authority.
- 18 That any noise mitigation measures recommended as part of the Noise Report required under the terms of Condition 17 above, shall be fully implemented to the satisfaction of the Council as Planning Authority.
- 19 That for the avoidance of doubt, no access to any of the dwellinghouses hereby approved shall be permitted from Station Row.

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 To ensure the protection and maintenance of the existing mature trees within the site

- 5 In the interests of the visual amenity of the area.
- 6 In the interests of amenity.
- 7 These details have not been submitted or approved.
- 8 In order to retain effective planning control
- 9 To ensure the provision of a satisfactory drainage system.
- 10 To ensure the provision of a satisfactory surface water drainage system.
- 11 To ensure the provision of a satisfactory surface water drainage system.
- 12 To ensure satisfactory vehicular and pedestrian access facilities to the dwellings.
- 13 To ensure satisfactory vehicular and pedestrian access facilities to the dwellings.
- 14 To ensure that an appropriate sewerage system is provided.
- 15 To ensure the site is free of contamination and suitable for development.
- 16 To ensure the site is free of contamination and suitable for development.
- 17 To safeguard the amenity of the area.
- 18 In the interests of amenity.
- 19 In the interest of public safety

For information only

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