

	<h1>Report</h1>	Agenda Item <h2>9</h2>
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Report to:	Planning Committee
Date of Meeting:	26 September 2006
Report by:	Executive Director (Enterprise Resources)

Application No	CL/06/0266
Planning Proposal:	Erection of 22 Two Storey Homes

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : BL Developments
- Location : Former Builders Yard
Rowhead Quarry
Biggar Mill Road
Biggar

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 Planning Committee has the delegated powers to determine this application.
- (2) A financial contribution of £13,200 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: Fouin & Bell Architects
- ◆ Council Area/Ward: 06 Biggar/Symington and Black Mount
- ◆ Policy Reference(s): Upper Clydesdale Local Plan
 - Policy 70: Priority Land Use 'Industry'
 - Policy 3: Existing and New Housing

South Lanarkshire Finalised Draft Local Plan

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

- ◆ Representation(s):

▶	6	Objection Letters
▶	2	Comments Letters

◆ Consultation(s):

Biggar Community Council

Biggar & District Civic Society

Education Resources

Environmental Services

Roads and Transportation Services (South Division)

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

Scottish Water

West of Scotland Archaeology Service

Roads & Transportation Services H.Q. (Flooding)

Planning Application Report

1 Application Site

- 1.1 The application site (0.929 ha) is a former builders yard, situated on the northern boundary of Biggar, overlooking the Biggar Burn Valley, in close proximity to Burn Brae public park; it also adjoins the Biggar Conservation Area to the South. Access is taken from Biggar Mill Road which leads uphill from the town centre. The site has now been cleared of structures and the only evidence of the former use relates to areas of hardstanding. The yard boundaries are marked by raised embankments.
- 1.2 The site is bounded to the north by an existing dwellinghouse and agricultural land, to the south by vacant land, a track and residential dwellings, to the west by farmland and to the east by Mill Road, and thereafter by rough grazing on the valley side.

2 Proposal(s)

- 2.1 The proposal includes the erection of 22 two storey dwellings around an L-shaped cul-de sac. The design incorporates traditional elements in a conventional style and externally will be finished in timber, render and tiles. The mix of housing types include 8 terraced units, 8 detached dwellings and 6 semi-detached dwellings. Notable features include covered walkways, low timber fencing running the length of the terrace and semi-detached units shutter features to the sides of 1st storey windows, traditional dormers and mews storage space above detached garages. Landscaping will be established around the boundary edges.

3 Background

3.1.1 Local Plan Status

In the adopted Upper Clydesdale Local Plan the site is identified as being covered by Policy 70: Priority Land Uses Industry which relates to areas where there is presently a substantial industrial use and which are not expected to change within the Local Plan period. Policy 3: Existing and New Housing is also relevant.

- 3.1.2 In the South Lanarkshire Finalised Draft Local Plan the relevant policies are RES 6 Residential Land Use Policy, ENV 30 – New Housing Development Policy and DM1 – Development Management Policy, RES 6 aims to protect residential amenity and ensure compliance with good design practice. ENV 30 states that the Council will seek well designed proposals which integrate successfully with their surroundings and which are well related to existing development, public transport, local services and facilities. It is important to ensure that there is no conflict with adjacent land uses and no adverse impact on existing or proposed properties in terms of loss of privacy and overshadowing. DM 1 states all planning 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, design, external materials and impact on amenity. Applications should also take account of any supplementary design prepared by the Council.

- 3.1.3 The Council's Residential Development Guide sets down standards for housing layouts. In general, the minimum rear garden depth should be 10 metres; terraced properties may have proportionally smaller gardens, but with a minimum depth of 10m, the minimum distance between the side elevation of a house and a side boundary should be 2 metres and the minimum distance between windows of directly facing habitable rooms (i.e. living rooms, dining rooms and bedrooms) should be no less than 20m.

3.2 **Relevant Government Advice/Policy**

SPP3: Planning for Housing, indicates that new housing development should preferably be accommodated within settlement boundaries where existing services can be easily accessed. This approach helps protect environmental resources and prevents unnecessary sprawl.

3.3 **Planning Background**

Outline planning permission (CL/03/0678) for a residential development was granted in March 2004.

4 **Consultation(s)**

4.1 **Environmental Health** – Noise and hours of working should comply with current standards. Due to previous activities in this locality, a full intrusive survey should be carried out

Response: Environmental Services have separate legislative powers to control noise and hours of working. A condition can be applied to any approval to ensure the submission of a full intrusive survey.

4.2 **West of Scotland Archaeology Service** – No archaeological issues

Response: Noted.

4.3 **Scottish Water** – This development was accepted by their technical team in August 2005 for an 18 house development. As the site is served by Coulter Water Treatment Works which is already at capacity they would object to the additional 4 units proceeding.

Response: Noted. If planning permission is granted a condition will be attached restricting the total number of units to 18 until such times as a letter is submitted from Scottish Water confirming that they have no objections to the completion of the last four houses.

4.4 **Education Resources** – No objection

Response: Noted.

4.5 **Biggar Community Council** Have raised issues about access difficulties, traffic and public safety and have concerns the road network cannot cope with the additional traffic generated by the proposal. The adequacy of the water and sewerage facilities is also a consideration.

Response: Roads & Transportation Services have not objected subject to appropriate conditions being applied. Scottish Water have no objection to the construction of 18 units, based on current capacity at Coulter Treatment Plant. The final four units will not be constructed until the developer has agreed a connection to the public sewer with Scottish Water.

4.6 **Flood Unit** Have recommended a sustainable Urban Drainage System which complies with current standards.

Response: The developer has submitted a drainage proposal to the satisfaction of SEPA and the Council's Flood Unit.

4.7 **SEPA** – have no objection subject to a condition requiring a sustainable Urban Drainage System. It is also suggested that the possibility of land contamination be investigated.

Response: These matters can be addressed by conditions if planning permission is granted.

- 4.8 **Roads & Transportation Services** – require that Biggar Mill Road be widened to 5.5m and 2.0m wide footpath with lighting and drainage be established along the full application site frontage. Minimum visibility splays of 2.5m by 35m should be maintained and consideration should be given to a SUDS drainage system for the site.

Response: Suitable conditions can be applied to ensure compliance with the above standards.

- 4.9 **Biggar & District Civic Society** – no representations have been made.

Response: Noted. If a consultation response is subsequently received it will be reported verbally to Committee.

5 Representation(s)

- 5.1 In response to Development contrary to the Development Plan and Development Affecting the Character of the Conservation Area adverts and neighbour notification, 6 letters of objection and 2 comments letters were received. The issues raised are summarised as follows: -

(a) **Concerns have been raised about road and pedestrian safety due to the increased generation of traffic along a narrow road with a steep incline devoid of pavements where and the traffic flow is further impeded by parked cars. At the bottom of the road, to the south, close to the High Street several junctions merge onto Biggar Mill Road which also represents a hazard.**

Response: Roads & Transportation Services have not objected subject to the inclusion of conditions ensuring the provision of road widening and a footpath along the length of the site frontage and maintenance of visibility splays. The addition of twenty two dwellings will not generate a significant level of traffic especially when account is taken of the traffic generation when the site was used as a builders yard and before that as a quarry. The proposed road widening and footpath will result in safety improvements.

(b) **Is there sufficient parking spaces within the site to ensure that there will be no overspill parking onto the road.**

Response: The parking layout complies with the Councils Residential Development Guidelines.

(c) **Construction traffic will have difficulty accessing this site.**

Response: There appears to have been no difficulty in construction traffic accessing to and from the site when it functioned as a builders yard while Roads have not raised any concerns on this issue.

(d) **Construction vehicle and workers parking cars on the road may cause difficulties for neighbours accessing their properties.**

Response: The likelihood is that the development will be progressed in phases and in such circumstances there should be sufficient parking space within the site for construction traffic. The blocking of a public highway is a police matter.

(e) **Traffic congestion at the site and along Rowhead Terrace could inhibit access to emergency service vehicles.**

Response: As stated above it is an offence to block a public highway.

(f) **There should be calming measures introduced along the section of road passing through Burnbrae Park if there is likely to be an increase in traffic.**

Response: Roads in their consultation response have not highlighted a need to introduce traffic calming.

(g) **Is there provision within the planned development for common space for children to play within the development site or are they likely to put at risk from playing on a twisting single track road or are they expected to make their way down to a public park with open running water passing through it and no pavement to get there?**

Response: There are no play areas located within the site however each dwelling will have rear garden space which will comply with the minimum standards as stipulated by the Council's Residential Development Guide. Burnbrae Park has for some time been used as a recreational area for the residents of Biggar, young and old alike. The development site is in close proximity to the park.

(h) **22 dwellings represents overdevelopment of the site.**

Response: In the Council's Residential Development Guide the recommended density is 20-29 dwellings per hectare. The proposed density at the application site does not exceed this recommendation and complies with guidelines on housing layouts.

(i) **The plan is not to scale.**

Response: The original plan has errors however a subsequent amendment has now addressed this matter.

(j) **Planning permission for a site along Mill Road has already been refused.**

Response: I am unaware of the planning permission referred to.

(k) **There is a proposal for a pavement on either side of the road. This is not possible because the land across from the site is steep and in private ownership.**

Response: There is only a proposal to establish a footpath alongside the application site frontage on land which falls within the applicants control.

(l) **Potential damage to the road system.**

Response: The applicant would be responsible for any damage to the roads incurred as a result of the development.

(m) **Impact of additional 22 houses on the infrastructure of the town and in particular the schools and health centre.**

Response: Education Resources have not objected and I am unaware of any constraints affecting health resources.

(n) **Neighbour Notification was not served on number 2 Rowhead Court.**

Response: This resident was not a notifiable neighbour and in addition he was made aware of the proposal by a site notice advert. As a result made a representation highlighting his concerns.

(o) **The proposed dwellinghouses would not be affordable.**

Response: The proposal involves the construction of a mixture of housing types including terraced which will enhance housing choice in the Biggar area.

(p) **There are no existing water and sewerage services.**

Response: Scottish Water have indicated that they have capacity in their infrastructure to service 18 dwellings in site. After up-grading to the Coulter Water Treatment Plant it is envisaged that there will be additional capacity to allow the last 4 dwellings to be built.

(q) **The development will be exceptionally imposing, unsympathetic and not in keeping with neighbouring single storey dwellings. The proposal would be at odds with the character of a rural area, neighbouring a Conservation Area. The ridgeline of the proposed dwellings will be higher than those in neighbouring properties.**

Response: The site is a former quarry, sits lower than the existing dwellings to the south and the boundaries are embanked. In effect the site is self contained and does not relate to or integrate with the existing townscape character to the south. There are no dwellings or buildings directly across the road to the east. The proposed dwellings although, two storey in height are situated a sufficient distance back from the other properties at Rowhead Court to ensure that there will be no adverse effect upon neighbouring amenity. The containment of the site can be further strengthened by the establishment of landscaping around the boundaries. Therefore I am satisfied that the proposal will not erode the character of the locality or the neighbouring Conservation Area.

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

6 Assessment and Conclusions

- 6.1 The main consideration in the determination of this application are the proposals compliance with local plan policies, other Council and Government guidance/policies, the impact on the amenity of the area and any relevant infrastructure constraints.
- 6.2 In the Upper Clydesdale Local Plan (adopted) the site is covered by Policy 70: Priority Land Use 'Industry', however this industrial use has been effectively superseded by the outline consent referred to above. Policy 3: New and Existing Housing requires new housing development to comply with Council guidelines.
- 6.3 The South Lanarkshire Finalised Draft Local Plan is a material consideration in the determination of this proposal. In that plan, the site is covered by Policy RES6: 'Residential Land Use Policy' which supports the principle of a residential development as long as amenity considerations are not compromised and good design principles are employed. Other relevant policies include ENV30: 'New Housing Development Management Policy' and DM1: 'Development Management Policy'. ENV30 emphasises the importance of well designed proposal which are sympathetic to their surroundings and which are well related to public transport, local services and facilities. Policy DM1 also highlights the need to take account of the local context and built form.
- 6.4 The applicant seeks detailed planning consent for the erection of 22 dwellings at the site of a former builders yard. The principle of a residential development at this site has already been established by the grant of outline planning permission (CL/03/0678) in March 2004. The finalised SLLP recognises this and now identifies the site for residential use. Accordingly, the redevelopment of the site for housing is acceptable in land use planning terms.

- 6.5 Although the designs of the proposed dwellings are modern in concept they nevertheless incorporate traditional elements which to an extent reflect the rural character of the area. The proposed dwellings are different in form and appearance from the older properties along Rowhead Terrace to the South, however the site is at a lower level, and some distance back from these properties and being bounded by embankments and set back from the street frontage it is relatively self contained. Due to the fact the site was formerly used as a builders yard and for the above reasons I consider that the site does not obviously relate to the neighbouring built up area and as a result a more contemporary form of development can be successfully accommodated on site without intruding upon the streetscene to the detriment of nearby dwellings and the neighbouring Conservation Area. In consideration I am satisfied that residential and visual amenity will not be adversely affected.
- 6.6 The layout, position and design of the proposed dwellings are compliant with the Councils Residential Development Guide in respect of garden provision and protection of privacy.
- 6.7 The site is located on a brownfield site within the settlement boundary which in accordance with Government policies, is the preferred location for residential developments as advantage can be taken of existing services and overall car journeys can be reduced which is an integral aim of sustainability. This, consequently, should result in less pressure for houses in the countryside, where amenity and environmental issues prevail. Further, the development will facilitate choice, help meet demand and find an appropriate use for a vacant site. Finally, the redevelopment of the site will result in the removal of a significant area of dereliction.
- 6.8 In terms of infrastructure the surface water drainage proposal have been accepted by SEPA and the Council's Flooding Unit. Scottish Water have not objected to connections into their network for 18 dwellings; any more will be dependent upon future up-grading works and in that respect a condition can be applied requiring Scottish Water approval prior to the completion of the development. Several letters of objection have been received mainly concerned about the impact of the development on the link roads which are narrow and congested. However Roads and Transportation Services have not offered any objections subject to appropriate conditions being applied which includes road widening and the provision of a footpath. In considering the previous use of the site as a builder's yard I do not believe that the proposed development will result in an significant increase in the amount of traffic along the local road network.
- 6.9 Although no open space has been allocated, the site is in close proximity to and easy walking distance to Burnbrae Park. In further mitigation, the applicant has agreed to make a financial contribution of £13,200 towards the upgrading of a nearby recreational facility.
- 6.10 In conclusion, I am satisfied that the proposal complies with local plan policies, will not impact upon amenity will find an appropriate use for a vacant site which adheres with the residential character of the immediate locality and will help meet demand for new housing in Biggar.

7 Reasons for Decision

- 7.1 The proposal complies with policies contained in both the Adopted and Finalised Draft Local Plans and will integrate into the surrounding development pattern without compromising amenity.

Iain Urquhart
Executive Director (Enterprise Resources)

11 September 2006

Previous References

♦ CL/03/0678

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations
 - Roads and Transportation Services (South Division) 02/06/2006
 - Scottish Water 21/04/2006
 - West of Scotland Archaeology Service 24/04/2006
 - Environmental Services 26/04/2006
 - Biggar Community Council 09/05/2006
 - Education Resources 08/05/2006
 - Roads & Transportation Services H.Q. (Flooding) 22/05/2006
 - S.E.P.A. (West Region) 25/05/2006
- ▶ Representations
 - Representation from : Philip Saunders, 2 Rowhead Court
Biggar
ML12 6US, DATED 02/05/2006
 - Representation from : Thomas Grassie, 4 Rowhead Court
Biggar
ML12 6US, DATED 10/05/2006
 - Representation from : Dr David Deane, 11 Rowhead Terrace
Biggar
ML12 6DU, DATED 10/05/2006
 - Representation from : Charles & Shona Thorpe, Crosshill
17 Rowhead Terrace
Biggar
ML12 6DU, DATED
 - Representation from : D J Houlston , Ardoch

25 Rowhead Terrace
Biggar
ML12 6DU, DATED 06/05/2006

Representation from : Joyce MacIntyre, Rowhead Cottage
Biggar
ML12 6LY, DATED 16/05/2006

Representation from : Dr Janet Moxley, Wallace Cottage
1 Gas Works Road
Biggar
ML12 6BZ, DATED 07/06/2006

Representation from : Rae McNally, Customer Services Manager
Housing and Technical Resources
Council Offices
South Vennel
Lanark, DATED 17/05/2006

Contact for Further Information

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

Ian Hamilton
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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 the roofs of the dwellinghouses hereby approved shall be clad externally in natural slate or in slate substitute which closely resembles slate.
- 5 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.
- 6 That before any of the dwellinghouses on the approved plans are occupied, a 1.8 metre high screen fence shall be erected along the boundary marked brown on the approved plans.
- 7 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 Conditions 4 and 5 above, shall be erected and thereafter maintained to the satisfaction of the Council.
- 8 That before any work commences on the site, 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.
- 9 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 buildings 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.
- 10 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 1.05 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 1.05 metres in height shall be planted, placed or erected within these sight lines.

- 11 That before the development hereby approved is completed or brought into use, a 2m metre wide footway with lighting and drainage shall be constructed along the frontage of the site to the specification and satisfaction of the Council as Roads and Planning Authority.
- 12 That before any development starts, the carriageway of Biggar Mill Road shall be upgraded and widened to 5.5 metres over the frontage of the site by and at the expense of the developer, all in accordance with the specification of and to the satisfaction of the Council as Roads and Planning Authority.
- 13 That the 30 year post development critical storm, attenuated within the site to the equivalent of a 1 in 2 year Green- Field release, shall be contained within the development site and the difference between the 30 year and 200 year post development critical storms, is to be managed adequately within the site without detriment to properties, within or without the development.
- 14 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.
- 15 That before any of the dwellinghouses hereby approved are occupied, remediation/control measures must be fully implemented to the satisfaction of the Council as Planning Authority.
- 16 That any alterations to the remediation plan may only take place with the written approval of the Council as Planning Authority.
- 17 That on completion of all remediation works, a completion report confirming that works have been carried out to the agreed plan, shall be submitted to and approved by the Council as Planning Authority.
- 18 That no more than 18 dwellinghouses shall be occupied until the developer provides a written agreement from Scottish Water that 22 dwellinghouses can be served by a sewerage and water scheme constructed to the specification and satisfaction of Scottish Water as the Water and Sewerage Authority.
- 19 That the use of the garages hereby permitted shall be restricted to private use incidental to the enjoyment of the dwellinghouse on the site and no commercial activity shall be carried out in or from the garages.

- 20 That prior to any work commencing on the site, a maintenance management schedule for the landscaping scheme approved under the terms of Condition 8 above shall be submitted to and approved by the Council as Planning Authority. Thereafter, the landscaping shall be maintained in accordance with the approved management schedule to the satisfaction of the Council.
- 21 That the no house within the development hereby approved shall be occupied until the approved surface water strategy has been implemented to the satisfaction of the Council as Planning Authority.

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 amenity and in order to retain effective planning control.
- 5 These details have not been submitted or approved.
- 6 In the interests of amenity and in order to retain effective planning control.
- 7 In order to retain effective planning control
- 8 In the interests of the visual amenity of the area.
- 9 In the interests of amenity.
- 10 In the interest of road safety
- 11 In the interest of public safety
- 12 In the interest of road safety
- 13 To prevent flooding within and outwith the development.
- 14 To ensure the site is free of contamination and suitable for development.
- 15 To ensure the site is free of contamination and suitable for development.
- 16 In order to retain effective planning control.
- 17 In order to retain effective planning control.
- 18 To ensure that the development is served by an appropriate effluent disposal system and water supply.
- 19 To retain effective planning control and safeguard the amenity of the area.
- 20 In the interests of amenity.
- 21 To ensure the provision of a satisfactory land drainage system.

For information only

For information only

