

Report

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Report to:	Clydesdale Area Committee
Date of Meeting:	19 December 2006
Report by:	Executive Director (Enterprise Resources)

Application No	CL/06/0395
Planning Proposal:	Erection of 5 Houses (Outline)

1 Summary Application Information

- Application Type : Outline Planning Application
- Applicant : Mr and Mrs G Watkins
- Location : Land situated to the North of Albion Court Biggar

2 Recommendation(s)

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

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

2.2 Other Actions/Notes

The Area Committee has delegated powers to determine this application

3 Other Information

- ◆ Applicant's Agent: Derek Scott Planning
- ◆ Council Area/Ward: 06 Biggar/Symington and Black Mount
- ◆ Policy Reference(s): Upper Clydesdale Local Plan (Adopted)
 - Policy 1: Existing Housing – Retention of Character and Amenity
 - Policy 2: New Housing – Location Policy
 - Policy 8: Existing Housing – Ancillary Development

South Lanarkshire Local Plan (Finalised Draft)

- Policy STRAT4: Accessible Rural Area
- Policy RES6: Residential Land Use
- Policy ENV11: Design Quality

◆ Representation(s):

- ▶ 4 Objection Letters
- ▶ 1 Comments Letter

◆ Consultation(s):

Strathclyde Fire & Rescue

Mr Bill Rennie

Biggar & District Civic Society

Environmental Services

Roads and Transportation Services (South Division)

Scottish Water

Biggar Community Council

Roads & Transportation Services H.Q. (Flooding)

Leisure Services (Arboriculture)

Enterprise Resources - Estates

Planning Application Report

1 Application Site

- 1.1 The application site (extending to 0.22 hectares), is situated within a residential area to the north of Biggar Town Centre. It is accessed from Northcroft Road through a small car park serving Albion Court. A belt of conifer trees adjoins the western boundary. Within the site, to the north of the car park, is a grassland area which has been fenced off and functions as an informal kick-about pitch. Beyond the kick-about pitch is vacant, unmanaged garden ground previously attached to a dwelling to the north.
- 1.2 The site is bounded to the north, south and east by dwellings and to the west is The Crofts Cemetery. The boundary with the cemetery is marked by a stone wall.

2 Proposal(s)

- 2.1 The applicant seeks planning permission in outline for 5 dwellinghouses. An indicative layout has been submitted which shows 4 semi-detached and 1 detached house arranged around a cul-de-sac with turning head. The spaces in the existing car park have been rearranged to allow the formation of the access road.

3 Background

3.1 Local Plan Status

- 3.1.1 In the adopted Upper Clydesdale Local Plan, Policy 1: Existing Housing – Retention of Character and Amenity, Policy 2: New Housing – Location Policy and Policy 8: Existing Housing – Ancillary Development apply. Policy 1 states that, in exclusively residential areas, there will be a prohibition against development of a non-residential nature. Policy 2 aims to direct housing proposals within the settlement boundary subject to infrastructure and environmental criteria. Policy 8 indicates that developments compatible with the established residential character will be considered on their merits.
- 3.1.2 The South Lanarkshire Local Plan (Finalised Draft) identifies the site as being covered by Policy STRAT4: Accessible Rural Area and Policy 6: Residential Land Use. Also of relevance is Policy ENV11: Design Quality. Policy STRAT4 encourages development within established settlement boundaries. Policy RES6 states each application will be judged on its own merits with particular consideration given to the impact on residential amenity and/or proposed servicing and parking arrangements and an assessment of the contribution of the proposal to meeting an identified local need. Policy ENV11 indicates that new development should adhere to the principles of sustainability and make a positive contribution to the area in which it is located.

3.2 Relevant Government Advice/Policy

SPP3: Planning for Housing recommends the re-use of previously developed land in preference to greenfield land and that the contribution of infill sites towards meeting housing demand should be recognised. Housing proposals should normally be directed to sites within settlement boundaries where advantage can be taken of existing services/infrastructure and public transport facilities.

3.3 Planning History

There is no planning history on this site.

4 Consultation(s)

- 4.1 **Biggar Community Council** – has expressed concern regarding access to and from the site, sewerage/water, loss of swing park and football facilities (parents wish the retention of this facility for children as it is within a safe distance of their homes and neighbourhood), and loss of parking for existing residents in that area.
Response: The indicative layout demonstrates that adequate access can be provided. The loss of parking spaces to facilitate the access road will be compensated by the provision of additional spaces within the site. Scottish Water have not objected, however they indicated that upgrading works will be necessary. The kick-about pitch was laid out some years ago through informal agreement with the previous owner, however the agreement has now lapsed and the Council has no control over the land in question. Legally, and from a planning perspective, it is not possible to enforce the use of this land as amenity open space against the will of the owner, especially as he was not party to the previous agreement nor does this appear to be a burden in the title deeds. Notwithstanding, there are proposals to develop greenfield land to the east of Northcrofts Road which will include amenity/leisure facilities accessible to local residents. I anticipate this proposal being progressed in the near future.
- 4.2 **Environmental Services** – noise and working hours should comply with current standards. A Desk Study should be carried out to establish whether or not contaminants are present.
Response: Environmental Health has separate legislative powers to control noise and working hours. A condition can be applied to ensure a Desk Study is carried out.
- 4.3 **Scottish Water** – no objection, however they have advised that waste and water treatment plants have insufficient capacity although upgrading works are being planned. A Sustainable Urban Drainage System (SUDS) is recommended.
Response: Conditions can be incorporated to ensure the implementation of SUDS and that the houses cannot be occupied until Scottish Water have confirmed the completion of upgrading works.
- 4.4 **Roads & Transportation Services** – originally objected because the proposal was to take access through a car park proposed for adoption. However, Housing Services, owner of the car park, have decided not to pursue the request for adoption and, as a result, Roads have now withdrawn their objection.
Response: Noted.
- 4.5 **Roads & Transportation Services (Flood Prevention Unit)** – the applicant shall ensure that an adequate drainage system is installed within the development site without detriment to properties within or outwith the development site. The applicant shall take account of additional surface water run-off from adjacent higher ground.
Response: These matters can be covered by the use of appropriate conditions.
- 4.6 **Community Resources (Arboriculture)** – have recommended a tree survey and that the existing good quality trees should be considered in the context of any development proposal.
Response: The indicative layout implies the removal of trees to accommodate access and the dwellings. However, this is only indicative and if Committee agree to grant permission, I will attach conditions requiring a tree survey and that all trees are protected until further details have been submitted, demonstrating that the development can minimise the impact upon the trees.

4.7 **Economic Development** – no comment.

Response: Noted.

4.8 **Strathclyde Fire Brigade** – no response received to date.

Response: Noted.

4.9 **Biggar & District Civic Trust** – no response received to date.

Response: Noted.

5 Representation(s)

5.1 Following neighbour notification, 4 letters of objection and 1 comments letter were received. The issues raised are summarised as follows:

(a) **The access is inadequate and the increase of traffic along Northcroft Road could have a detrimental effect upon public safety.**

Response: Roads & Transportation Services have not objected and, as the proposed development is only for 5 dwellings, increase in traffic generation is not likely to be significant.

(b) **Loss of trees. These trees belong to the Burgh of Biggar.**

Response: At the outline stage, it is uncertain as to the extent of the tree loss. However, to accommodate the development, some tree removal may be necessary. The trees do not afford any screening or privacy protection and although reasonably attractive, their amenity value is limited. Notwithstanding, I believe every effort should be made to retain as many trees as possible and, in that respect, if planning permission is granted, conditions will be attached ensuring formal protection of all the trees until detailed designs are approved. The trees are located on private land outwith common good land.

(c) **There are problems associated with low water pressure and over-capacity in the sewerage system which will be exacerbated by this proposal.**

Response: If consent is granted, a condition will be attached ensuring that the houses are not occupied until Scottish Water have confirmed their approval of connections into the water and sewerage system.

(d) **In the interests of safety, the construction site should be secured to prevent access to children.**

Response: It is the responsibility of the developer to ensure that the management of the construction site adheres to Health & Safety regulations.

(e) **An earlier planning application for this site was rejected because of the proposed access through the existing car park.**

Response: I have no record of a previous planning application relative to the site.

(f) **Access for fire and other emergency vehicles could be impeded.**

Response: Strathclyde Fire Brigade was consulted but did not respond. Notwithstanding, the indicative layout does not show any impediment to access by emergency vehicles.

(g) **The site contains a fenced-off, informal kick-about/play area which is maintained by and leased to the Council. This facility would be lost unless a similar facility can be provided elsewhere. The nearest alternative facility is not suitable for the neighbourhood surrounding the**

application site as it is located some distance away and involves children having to cross a busy road.

Response: The applicant has no formal arrangement with the Council with regard to the maintenance of the kick-about pitch which was laid out in the 1990s with an informal agreement of the previous owner. However, this informal agreement was never transferred to or accepted by the current owner. On that basis, the Council does not have available powers to ensure the retention of the amenity space. Notwithstanding, proposals for a future residential development on fields to the east of Northcroft Road will involve the provision of leisure/ amenity facilities accessible to local residents.

(h) **Who will be responsible for reinstating any damage to Council-owned land?**

Response: Responsibility for any damage incurred as a result of this proposal will rest with the developer.

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

6 Assessment and Conclusions

- 6.1 The determining issues in consideration of this application are its compliance with local plan policies and its effect on the amenity of the area.
- 6.2 In the adopted Upper Clydesdale Local Plan, the site is covered by Policy 1: Existing Housing – Retention of Character and Amenity, Policy 2: New Housing – Location Policy and Policy 8: Existing Housing – Ancillary Development. These policies aim to encourage housing proposals within settlement boundaries and in areas of compatible character such as residential areas subject to normal development control criteria.
- 6.3 In the South Lanarkshire Local Plan (Finalised Draft), Policies STRAT4: Accessible Rural area, RES6: Residential Land Use and ENV11: Design Quality apply. Policy STRAT4 seeks to direct development to existing settlements whilst Policy RES6 aims to protect residential amenity and facilitate development which meets local demand. Policy ENV11 recommends that developments comply with the principles of sustainability and result in positive improvements to the area.
- 6.4 In considering the above, the proposal will be located on an infill site surrounded predominantly by residential areas within the settlement boundary of Biggar. The site is within easy walking distance of the town centre where there are a variety of shops/services and access to bus routes, thereby reducing dependence on car journeys which ties in with the aims of sustainability. The car park will be rearranged to prevent any overall loss of parking spaces. An indicative layout indicates that housing can be accommodated without adversely affecting surrounding amenity or privacy. The development will reuse vacant land and help expand choice and met demand for housing. The turning head of the cul-de-sac will help manoeuvrability for cars and service vehicles, resulting in reductions in congestion and safety improvements. It is possible that some of the conifers along the western boundary will have to be felled because of the position of dwellings, services and driveways, however my inclination would be to resist this unless it is proven to be inevitable. Certainly, from a visual amenity perspective, conditions can be applied to ensure protection and additional landscaping. At the outline stage, the purpose is to establish the acceptability of housing on the site whilst at the detailed stage, further consideration can be given to design, house types, layout and landscaping. In addition, Government guidance requires that all new housing proposals will have to be justified by a Design Statement.

- 6.5 The loss of the kick-about pitch is unfortunate, however the Council is unable to insist on its retention as there is no formal agreement with the landowner nor could it be insisted upon. The site is relatively small and could not accommodate both amenity space and housing, and the applicant does not have any alternative sites to offer the Council in compensation. Notwithstanding, the likelihood is that improved leisure facilities will be established close by on a proposed residential development site to the east of Northcroft Road.
- 6.6 Roads & Transportation Services, Environmental Health and the Flood Prevention Unit have not objected, subject to appropriate conditions. Although Scottish Water did not object, they did advise that upgrading works to infrastructure would be required before the approved connections to the water and sewerage system could be accepted.
- 6.7 Letters of objection and issues raised by the Community Council highlighted concerns about road safety, sewerage capacity and low water pressure, and the loss of trees, the kick-about pitch and parking. The issues relating to water/ sewerage can be covered by conditions and, in respect of traffic safety, Roads & Transportation Services have not objected and, in fact, the proposed turning heads could result in safety improvements. Through configuration, the existing number of car parking spaces can be retained. As previously mentioned above, retention of the kick-about pitch is not possible. At this stage, it is not clear whether trees will have to be removed, however a condition can be imposed on the consent, if granted, to ensure their retention until a detailed application is submitted.
- 6.8 In view of the above, I consider that the proposal complies with local plan policies and that the site can satisfactorily accommodate a small-scale residential development. I, therefore, recommend that planning permission be granted.

7 Reasons for Decision

- 7.1 The proposal complies with Policies 1, 2 and 8 of the adopted Upper Clydesdale Local Plan and Policies STRAT4, RES6 and ENV11 of the South Lanarkshire Local Plan (Finalised Draft). The proposal would not have a detrimental impact upon the visual and residential amenity of the area.

Iain Urquhart
Executive Director (Enterprise Resources)

30 November 2006

Previous References

- ◆ None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations
 - Economic Development (Estates & Asset) 02/08/2006
 - Roads & Transportation Services H.Q. (Flooding) 27/06/2006

Environmental Services	23/06/2006
Biggar Community Council	21/06/2006
Roads & Transportation Services H.Q. (Flooding)	27/06/2006
Scottish Water	18/07/2006
Roads and Transportation Services (South Division)	27/06/2006

► Representations

- Representation from : James Masterton, 1 Albion Court, Biggar, ML12 6ED,
DATED 20/06/2006
- Representation from : Fiona Ewing, Fell View, North Croft Road, Biggar, ML12 6EL
DATED 16/06/2006
- Representation from : William and Anne Neville, 10 Albion Court, Biggar
ML12 6ED, DATED 16/06/2006
- Representation from : George and Margaret Smith, 2 Albion Court, Biggar
ML12 6ED, DATED 19/06/2006
- Comment from : Estates Management, Housing and Technical Resources

Contact for Further Information

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

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CONDITIONS

- 1 That the development hereby permitted shall be started either within five years of the date of this permission or within two years of the date on which the last of the reserved matters are approved, whichever is the later;
- 2 That before the expiration of three years from the date of this outline permission and before any development starts, a written application and plans in respect of the following Reserved Matters shall be submitted to and approved by the Council as Planning Authority:
 - (a) siting, design and external appearance of all buildings and other structures;
 - (b) means of access to the site;
 - (c) a landscaping plan for the area indicated in green on the approved plans incorporating a beech/hawthorn hedge at a scale of 1:200 showing the location, species and ground spread of proposed trees, shrubs and hedges;
 - (d) layout of the site, including all roads, footpaths and parking areas;
 - (e) provision of drainage works and means of sewage disposal.
- 3 That the further application required under the terms of Condition 2 above, shall be accompanied by a Design Statement which shall set out the design principles, justify the design solution and show how the proposal responds to the wider context of the area as well as the characteristics of the site.
- 4 That no trees on the site shall be lopped, topped or felled without the prior written consent of the Council as Planning Authority and that two copies of a plan shall be submitted to the Council indicating the existing trees on the site, including a note of height, species, base level and extent of canopy or branch spread, those to be retained and any proposed planting of trees and that no work on the site shall be commenced until the permission of the Council has been granted for these proposals or such other proposals as may be acceptable.
- 5 That before the dwellinghouses hereby approved are occupied, a drainage system capable of preventing any flow of water from the site onto the public road or into the site from surrounding land shall be provided and maintained to the satisfaction of the Council as Roads and Planning Authority.
- 6 That the further application required under the terms of Condition 2 above, shall include a detailed scheme for surface water drainage. Surface water from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland and with the Council's Sustainable Drainage Design Criteria and requirements and shall be agreed in writing with the Council as Planning Authority in consultation with SEPA.
- 7 That no dwellinghouse 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.
- 8 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.

- 9 That no consent is granted for the indicative layout shown on the approved plans.
- 10 That the further application required under condition 2 above shall include provision for replacement car parking to compensate for the loss of any existing spaces within the application site.

REASONS

- 1 To accord with the provisions of the Town and Country Planning (Scotland) Act 1997.
- 2 Consent is granted in outline only.
- 3 In the interests of amenity.
- 4 To ensure the protection and maintenance of the existing mature trees within the site and to retain effective planning control.
- 5 To ensure the provision of a satisfactory drainage system.
- 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 To ensure that the development is served by an appropriate effluent disposal system and water supply.
- 8 To ensure the site is free of contamination and suitable for development.
- 9 Consent is granted in outline only.
- 10 To ensure the provision of adequate parking facilities to serve the development.
To ensure the provision of adequate car parking to serve the adjoining area.

For information only

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