

	<h1>Report</h1>	Agenda Item <h1>8</h1>
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Report to:	Planning Committee
Date of Meeting:	10 March 2009
Report by:	Executive Director (Enterprise Resources)

Application No	CL/08/0038
Planning Proposal:	Sub Division of House to Form 2 Semi Detached Dwellings, Erection of 7 1½ Storey Dwellings and Formation of Associated Access

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Fraser Properties (Scotland) Ltd
- Location : The Hainings and Land at The Hainings
95A Carlisle Road
Abington
ML12 6SD

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 Attached)

2.2 Other Actions/Notes

- (1) The Planning Committee has delegated powers to determine this application.

3 Other Information

- ◆ Applicant's Agent: Colin Stewart
- ◆ Council Area/Ward: 03 Clydesdale East
- ◆ Policy Reference(s): **Lower Clydesdale Local Plan (Adopted)**
 - Policy 73: Remoter Rural Area
 - Policy 74: Settlement Boundaries – Infill Development
 - Policy 76: Scenic Areas

Finalised South Lanarkshire Local Plan - (As Modified)

- Policy STRAT5: Rural Investment Area
- Policy RES6: Residential Land Use
- Policy ENV 11: Design Quality
- Policy ENV 28: Regional Scenic Area and Areas of Great Landscape Value
- Policy ENV30: New Housing development
- Policy DM1: Development Management

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

Roads & Transportation Services H.Q. (Flooding)

Environmental Services

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 1.07 hectares of ground to the south and the east of the substantial detached property known as The Hainings at the south east edge of Abington. Half of the application site is currently utilised as garden ground for the house, with the remainder comprising overgrown ground with shrubs and a variety of trees of different size and condition. There is an existing access track from Station Road running south into the site, along the eastern boundary. The site's northern boundary is formed by Station Road (a public road that crosses the Clyde to the east), the garden ground of the police station (6 Station Road) and a new house recently constructed off Carlisle Road. A private road currently serving The Hainings adjoins the site to the west. The remaining boundaries to the site comprises of an undeveloped field and woodland
- 1.2 Ground levels within the site are reasonably consistent, with a fall of approximately 1.5 metres across the site, west to east. The existing access track forms a definite break in levels, as the ground falls sharply away to the field with the River Clyde beyond.

2 Proposal(s)

- 2.1 The proposal is for detailed consent for the erection of 7 detached houses and the sub-division of The Hainings into two properties. The seven new houses will be of the same design with some variations in the size of internal accommodation. The height of 1½ storeys, materials and traditionally styled windows and dormers will mirror the new dwelling erected off Carlisle Road. Plots 6 and 7 will have their principle public rooms orientated to the east to maximise the views to the River Clyde.
- 2.2 A single access from Station Road will serve the new houses, and will follow the route of the existing track. However to achieve visibility splays and gradient standards for a public road some regrading of the track will be required, and some banking removed at the junction with Station Road. A retaining structure will be necessary and re- landscaped to ensure that it blends with the surrounding area. A tree survey was carried out in January 2007 and this identified a number of trees which were diseased and require to be removed. Access to The Hainings will continue to be from the private road along the western boundary of the site.

3 Background

3.1 Local Plan Background

- 3.1.1 The adopted Upper Clydesdale Local Plan identifies The Hainings and its garden ground as being within the settlement boundary of Abington where Policy 74: Settlement Boundaries – Infill Development applies. This states that there shall be a presumption in favour of residential development within settlement boundaries. The remainder is within the Remoter Rural Area where Policy 73: Remoter Rural Area states that within the Remoter Rural Area the development of sites which would lead to an extension of the settlement boundary will normally be resisted and that development shall be encouraged on sites identified within settlement boundaries and suitable infill/gap sites. In terms of protecting the rural environment, Abington lies within the Scenic Area where Policy 76: Scenic Area advises that the Council shall exercise strict control over development to ensure that the special quality of the countryside, such as the River Clyde Valley is maintained.

- 3.1.2 During the preparation of the South Lanarkshire Local Plan, the settlement boundary of Abington was extended to include the whole of the application site. Accordingly within the Finalised South Lanarkshire Local Plan - (As Modified) the development proposal requires to be assessed against Policies RES6: Residential Land Use. The layout and design of residential development are covered by Policies ENV11: Design Quality and ENV30: New Housing Development. Policy ENV28: Regional Scenic Area and Areas of Great Landscape Value states that development will only be permitted in these areas if it satisfies the requirements of Policy STRAT5: Rural Investment Area which encourages development to be within settlement boundaries.

3.2 Government Advice/Policy

- 3.2.1 The Scottish Government looks to planning authorities to maintain the effectiveness of existing greenbelts, safeguard the character and amenity of the countryside and protect the setting of towns. SPP3: Planning for Housing advises that most housing requirements should be met within or adjacent to existing settlements, making efficient use of existing infrastructure and public services and helping to protect rural amenity.

3.3 Planning Background

- 3.3.1 A detailed application (CL/06/0886) for the demolition of the Hainings and the erection of eleven houses was withdrawn in March 2007.

4 Consultation(s)

- 4.1 **Environmental Services** – have no objection subject to a condition being attached to the planning consent requiring the submission of a site Investigation Report prior to the commencement of development.

Response: A suitably worded condition will be attached to any planning consent issued.

- 4.2 **Roads and Transportation Services (Divisional Engineer – South Division) & Flooding** – have no objections to the proposal subject to detailed requirements regarding visibility splays, access and parking arrangements being implemented. There are also no objections on flooding or drainage grounds subject to the provision of a SUDS scheme.

Response: Noted. Suitable conditions would be attached to any consent granted to ensure that the above will be achieved. The provision of the visibility splays of 2.5 metres x 90 metres will be achieved through the regrading and retention of ground on the western side of the new access. The applicant controls the land required to achieve these measures.

- 4.3 **S.E.P.A. (West Region)** – have no objection to the proposal on the understanding that the foul drainage must be discharged to the public sewerage system, and the applicant must consult with Scottish Water in this regard. Surface water must also be treated in accordance with the principles of SUDS principles.

Response: Noted. Suitable conditions will be attached to ensure that the drainage meets these requirements.

- 4.4 **Scottish Water** – whilst there are no objections to the development proposal, Scottish Water advise that there may be issues with the existing Water Network, and that at present there is insufficient capacity at the Abington Main Waste Water Treatment Works. A totally separate drainage system will be required with the surface water discharging to a suitable outlet.

Response: Noted. A condition will be attached to the grant of any planning consent requiring the developer to reach agreement with Scottish Water over the provision of a suitable sewage system before development starts on site.

5 Representation(s)

- 5.1 Following statutory neighbour notification and advertisement of the proposal as development potentially contrary to the development plan in the local press, no representations have been received.

6 Assessment and Conclusions

- 6.1 The applicant seeks detailed planning consent for the sub-division of the Hainings to form two semi detached dwellings, and the erection of seven detached dwellings. The main issues in determining this application is its compliance with local plan policy and, the impact on visual amenity and character of the surrounding rural area.
- 6.2 Within the Upper Clydesdale Local Plan, which was adopted in 1996, the application site lies partly within the settlement boundary of Abington where the principle of the proposed development is compatible with Policy 74. For the portion of the site outwith the settlement boundary, Policy 73 is applicable and this advises that the extension of a settlement, which by virtue of its scale or style would threaten to change the established character will be resisted. As a result the proposal is contrary to the adopted local plan in land use policy terms.
- 6.3 Within the Finalised South Lanarkshire Local Plan – (As Modified) the settlement boundary of Abington has been extended to include the entire application site, with the boundary being defined by the existing track which comes off Station Road. It is considered that the finalised local plan be accorded the significant weight due to the length of time since the Upper Clydesdale Local Plan was adopted. The principle of residential development within settlement boundaries is acceptable under Policy RES6 provided the development relates satisfactorily to the surrounding area in terms of scale, massing and materials, and that the amenity of the area is not impaired by traffic or visual intrusion. The application site is screened from the rest of Abington by virtue of existing buildings and trees, and to ensure that the rural appearance of the area from the River Clyde, and west coast main railway line is preserved, the trees immediately to the east of the access track will be retained. The layout and design of the proposed development has been the subject of lengthy negotiations with the applicant with a view to ensuring the proposal respects the area in which the site is located and the setting and character of the Abington. I am satisfied that the layout and design of the houses is appropriate for the sites topography and character and complies with the criteria of Policy ENV30: New Housing Development. In addition, it accords with the Council's guidelines on new residential development.
- 6.4 As noted above (paragraph 6.1) part of the application site lies outwith the Abington settlement boundary as defined in the adopted Upper Clydesdale Local Plan, however a departure from local plan policy is, in this case deemed acceptable due to the imminent adoption of the South Lanarkshire Local Plan, as well as the position of the site and the screening afforded by the existing features in the area. In summary the development of this site complies with the policies of the emerging South Lanarkshire Local Plan, and would not adversely affect the amenity of adjoining properties or the character of the Regional Scenic Area.
- 6.5 Given the above, I would recommend that the proposal be granted and that a

departure from adopted local plan policy is justified for the following reasons:

- (a) The site has been identified in the South Lanarkshire Local Plan as being within the settlement of Abington, and the age of the adopted Upper Clydesdale Local Plan means that the South Lanarkshire Local Plan should be accorded more weight.
- (b) The proposal would not have an adverse impact on the amenity and character of the surrounding rural area or the setting of Abington.
- (c) The proposed layout and design of the houses is in keeping with the character of the area.
- (d) There are no infrastructure implications and the access onto the public road can be achieved that meets Council guidelines.

7 Reasons for Decision

7.1 For the reasons outlined in paragraph 6.5 above.

Iain Urquhart

Executive Director (Enterprise Resources)

24 February 2009

Previous References

- ◆ CL/06/0886

List of Background Papers

- ▶ Application Form
- ▶ Application Plans

- ▶ Consultations
 - Environmental Services 18/02/2008
 - Roads and Transportation Services (South Division) 25/02/2008
 - Roads & Transportation Services H.Q. (Flooding) 13/03/2008
 - Scottish Water 26/02/2008
 - S.E.P.A. (West Region) 09/06/2008

- ▶ Representations
 - None

Contact for Further Information

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

Ailsa Graham, Planning Officer, South Vennel, Lanark ML11 7JT
Ext 810 3190 (Tel :01555 673190)
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 type and distribution of external finishes shall be as shown on the approved plan, but prior to the commencement of any work on site, samples of the materials to be used shall be submitted to and approved by the Council as Planning Authority.
- 3 That the roof of the dwellinghouses and garages shall be clad externally in natural slate or high quality slate substitute, and the external walls finished in a wet dash render.
- 4 That the face and cheeks of the dormer hereby approved shall be finished in slates to match the existing roof.
- 5 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.
- 6 The approved on-site zero and low carbon energy technologies shall be fully installed and operational prior to the occupation of any approved buildings and shall thereafter be maintained and shall remain fully operational in accordance with the approved maintenance programme, unless otherwise agreed in writing by the Council as Planning Authority.
- 7 That no trees on the site, or those trees immediately adjacent to the access road on the eastern boundary, 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.

- 8 That the existing trees to be retained, including those trees immediately adjoining the access road on the eastern boundary, must be protected in accordance with methods as set out in BS5837/1991 during and until completion of all site operations and building works.
- 9 All trees to be removed must be replaced by semi-mature trees of a similar species at the locus to the satisfaction of the Council as Planning Authority.
- 10 That within six 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 and gabions; (d) sections and other necessary details of any gabions, mounding, earthworks and hard landscaping; (e) proposals for the initial and future maintenance of all 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.
- 11 That the landscaping scheme relating to the development hereby approved shall be carried out simultaneously with the development, or each phase thereof, and shall be completed and thereafter maintained and replaced where necessary to the satisfaction of the Council as Planning Authority.
- 12 That before development starts, full details of the design and location of all fences and walls, including any retaining walls and gabion baskets, to be erected on the site shall be submitted to and approved by the Council as Planning Authority.
- 13 That the eastern garden boundaries of Plots 6 and 7, as highlighted in orange on the approved plans, shall be formed in post and wire fences up to 1 metre in height.
- 14 That before development starts, and notwithstanding Conditions 10 and 12 above, details of the stone wall and landscaping at the access with Station Road shall be submitted to and approved by the Council as Planning Authority and thereafter all approved works shall be completed to the satisfaction of the Council prior to the development hereby approved being occupied or brought into use.
- 15 That before the development starts, a certificate or report from a recognised firm of chartered engineers shall be submitted to the Council as Planning Authority confirming the structural stability of the retaining wall and gabion baskets as shown on the approved plans. Thereafter the developer shall incorporate the full recommendations and requirements of the certificate or report in the design and construction of the development approved under this consent.
- 16 (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.

- 17 That no development shall commence on site until the applicant provides written confirmation from Scottish Water to the Council as Planning Authority that the site can be satisfactorily served by a sewerage scheme designed in accordance with Scottish Water's standards.
- 18 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.
- 19 That the use of the garages hereby permitted shall be restricted to private use incidental to the enjoyment of the dwellinghouses on the site and no commercial activity shall be carried out in or from the garages.
- 20 That before the development hereby approved is completed or brought into use, a visibility splay of 2.5 metres by 90 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.
- 21 That no dwellinghouse shall be occupied until the access roads and footpaths leading thereto from the existing public road have been constructed in accordance with the specification of the Council as Roads and Planning Authority.
- 22 That before the development hereby approved is completed or brought into use, a turning space shall be provided within the site to enable vehicles to enter and leave the application site in forward gears at all times.
- 23 That none of the garage driveways shall have a gradient in excess of 1:10.
- 24 That all dwellinghouses with garages shall have driveways with a minimum length of 12 metres for single garages, or 6 metres where a double garage is provided, measured from the heel of the footway/service strip and the first 4 metres of each driveway as measured from the heel of the footpath shall be hard surfaced across its full width to prevent deleterious material being carried onto the road.

- 25 That prior to the commencement of development, details of the land drainage works shall be submitted to and approved by the Council as Planning Authority.
- 26 That the required drainage scheme shall be completed in accordance with the approved details prior to the occupation of any house hereby approved.
- 27 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.

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 To ensure satisfactory integration of the proposal with the existing buildings both in terms of design and materials.
- 4 To ensure satisfactory integration of the proposed dormer with the existing building both in terms of design and materials
- 5 To secure a reduction in carbon dioxide emissions.
- 6 To secure the timeous implementation of on-site zero and low carbon energy technologies.
- 7 To ensure the protection and maintenance of the existing mature trees within the site and to retain effective planning control.
- 8 To ensure that adequate steps are taken to protect existing trees on the site throughout the period of the proposed building operations.
- 9 In the interests of amenity.
- 10 In the interests of the visual amenity of the area.
- 11 In the interests of amenity.
- 12 These details have not been submitted or approved.
- 13 In the interests of amenity and in order to retain effective planning control.
- 14 In the interests of amenity and in order to retain effective planning control.
- 15 In the interests of amenity to protect adjoining residents from excessive and unnecessary noise.
- 16 To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.
- 17 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.
- 18 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.
- 19 To retain effective planning control and safeguard the amenity of the area.
- 20 In the interest of road safety
- 21 To ensure satisfactory vehicular and pedestrian access facilities to the dwellings
- 22 In the interest of public safety
- 23 In the interest of public safety
- 24 In the interest of public safety
- 25 To ensure the provision of a satisfactory land drainage system.
- 26 To ensure the provision of a satisfactory land drainage system.
- 27 To ensure the provision of a satisfactory drainage system.

For information only

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