

# Report

# 6

Report to:	<b>Clydesdale Area Committee</b>
Date of Meeting:	<b>7 September 2010</b>
Report by:	<b>Executive Director (Enterprise Resources)</b>

Application No	CL/10/0197
Planning Proposal:	Residential Development (Planning Permission In Principle)

## 1 Summary Application Information

- Application Type : Permission in principle
- Applicant : Mr and Mrs Gary Watkins
- Location : Land to the north of Albion Court  
Biggar  
ML12 6ED

## 2 Recommendation(s)

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

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

### 2.2 Other Actions/Notes

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

## 3 Other Information

- ◆ Applicant's Agent: Derek Scott Planning
- ◆ Council Area/Ward: 03 Clydesdale East
- ◆ Policy Reference(s): **South Lanarkshire Local Plan**  
Policy RES6: Residential Land Use  
Policy ENV11: Design Quality

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

◆ Consultation(s):

Roads and Transportation Services (Clydesdale Area)

Enterprise Resources – Estates

Housing and Technical Resources

Biggar Community Council

## 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. 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 which previously may have been associated with the property that lay to the north.
- 1.2 The site is bounded to the north, south and east by dwellings and to the west by the Crofts Cemetery. The boundary with the cemetery is marked by a stone wall with a belt of mature conifer trees running along its length.

### 2 Proposal(s)

- 2.1 The applicant seeks planning permission in principle for residential development. Access to the site will be formed through the Council owned car park which serves the properties of Albion Court. Replacement parking spaces will require to be provided within the application site to make up any shortfall. An indicative layout has been submitted which shows 4 semi-detached and 1 detached house arranged around a cul-de-sac with turning head.

### 3 Background

#### 3.1 Local Plan Background

- 3.1.1 The application site lies within a residential area of Biggar which is covered by Policy RES 6 of the adopted South Lanarkshire Local Plan. This advises that each application will be judged on its own merits with particular consideration being 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. Also of relevance is Policy ENV11: Design Quality which 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 Government Advice/Policy

- 3.2.1 Scottish Planning Policy recommends the re-use of previously developed land in preference to greenfield land and states 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 Background

- 3.3.1 The applicant has previously submitted an outline planning application (CL/06/0395) for residential development. Outline planning permission was granted consent in December 2006, expiring in December 2009.

### 4 Consultation(s)

- 4.1 Roads and Transportation Services (Clydesdale) – have no objection to the proposal subject to the provision of replacement parking spaces within the development site at a convenient location for use by existing properties. Details such as the design standard and width of the access will be dependant on the number of proposed houses.

**Response:** Noted. The application is for planning permission in principle only and the layout and number of houses on the submitted plans are for illustrative purposes only. Layout and design will form part of any subsequent detailed planning

application. However, I do propose to attach a condition on any consent granted requiring the provision of replacement parking spaces.

4.2 **Housing and Technical Resources** – have no objection to this application for planning permission in principle, but will wish to give detailed consideration to the full planning application once it is submitted.

**Response:** Noted. Further neighbour and owner notification will occur during the processing of any subsequent application.

4.3 **Enterprise Resources (Estates)** – have no objection to the proposal but advise that access to the application site is taken from land which is solely owned by South Lanarkshire Council.

**Response:** Noted. Ownership and access issues are legal matters to be dealt with by the relevant parties concerned. The applicant is aware of the Council's interest in the land through discussions which were held subsequent to the granting of permission in December 2006. The onus would be on any future developer to secure such rights of access following the grant of planning permission.

4.4 **Biggar Community Council** - object to the proposal due to the loss of the play area and parking for existing residents in the area.

**Response:** The loss of parking spaces to facilitate the access road will be compensated by the provision of replacement spaces within the development site, and a condition will be attached to any grant of planning consent requiring the layout of any future development to take account of this. The kick-about area was formed some years ago through informal agreement with the previous land owner, 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.

## **5 Representation(s)**

5.1 Following statutory neighbour notification and advertisement of the proposal as Development Potentially Contrary to the Development Plan, 7 representations have been received and are summarised as follows:

**a) The proposed layout will reduce the number of parking spaces available in an area which already experiences high demand. The proposals indicate the removal of 3 spaces and their relocation within the development site where they would not function well. This would also reduce the available road width in Albion Court. It is also assumed that there is sufficient space for a bin lorry or emergency vehicles to gain access or even manoeuvre within the site. The garages shown on the plans are very tight as is the proposed access to them.**

**Response:** The layout and number of houses on the submitted plans are for illustrative purposes only. The proposed access through Albion Court has been assessed by Roads and Transportation Services and they have not raised any objections. As the application is for planning permission in principle only, the specific details of road design and number of parking spaces will be dealt with at the detailed planning application stage. However, should planning permission in principle be granted, I consider it important that a condition be attached which requires the provision of compensatory parking within the development site.

**b) Additional traffic from this development will have an impact on traffic flow and road safety on Northcroft Road where parked cars restrict the road to one side of the road only.**

**Response:** Roads & Transportation Services have not objected as the increase in traffic generation is not likely to be significant.

**c) The entrance to the car park off Northcrofts Road is too narrow for the additional cars and too tight for large construction vehicles.**

**Response:** Roads and Transportation Services have not objected to the principle of this access arrangement and the detailed design of the access will be assessed under any subsequent detailed planning application.

**d) There are no details of site drainage and whether this could comply with the SUDS requirements nor are there details of foul drainage. There are ongoing problems with the sewerage for Albion court and a further 5 houses will aggravate this.**

**Response:** If consent is granted, conditions 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 and that a SUDS system is designed for the site. The numbers of houses on the submitted plans are for illustrative purposes only

**e) The development would result in the removal of several mature Scots Pine with resultant destruction of valuable wildlife habitat.**

**Response:** At the planning permission in principle stage, the extent of the tree loss is unknown. However, to accommodate the development, it is anticipated that some tree removal may be necessary. Whilst the trees do not afford any screening or privacy protection, I consider them important to the visual aesthetics of the local area, especially in their role as a backdrop for the cemetery. In this respect, every effort should be made during the consideration of any detailed application to retain as many trees as possible.

**f) The development would necessitate the removal of a valuable and well used grass play area which is of great benefit to the community. This grassy area provides a safe area for children as the nearest park is 5 minutes walk away and across a busy main road.**

**Response:** The informal kick about area was formed in the 1990s on privately owned land, and the current owner is not obligated to continue with any previous arrangements. The Council does not have available powers to ensure its retention.

**g) The noise, nuisance and disruption to the neighbourhood will be considerable, and disturbance during funerals at the cemetery will be unavoidable.**

**Response:** This application seeks only to establish the principle of developing the site. Hours of operation and issues of potential construction nuisance are more appropriately assessed as part of a detailed planning application.

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

## **6 Assessment and Conclusions**

6.1 This application relates to a vacant grassland area to the rear of Albion court. An identical application was granted in December 2006. The determining issues in consideration of this proposal are its compliance with local plan policies, the ability of the site to be served by a satisfactory access and its effect on the amenity of the area.

6.2 In the South Lanarkshire Local Plan, Policies RES6: Residential Land Use and ENV11: Design Quality apply. 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.

- 6.3 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. An indicative layout indicates that housing can be accommodated without adversely affecting surrounding amenity or privacy. It is possible that some of the conifers along the western boundary may have to be felled to accommodate the development. However, this aspect will be assessed at detailed application stage. The purpose of the current application 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.
- 6.4 Site access is proposed via a Council owned car park which serves the residents of Albion Court. Roads and Transportation Services raise no objections to this arrangement subject to the replacement of any lost parking spaces within the development site.
- 6.5 Letters of objection and issues raised by objectors, including Biggar Community Council, highlighted concerns about road safety, sewerage capacity, 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 to the proposed access arrangements. As this will affect the number of parking spaces that can be provided, a condition will be imposed requiring the provision of compensatory parking spaces within the development site for use by the residents. At this stage, it is not clear whether trees will have to be removed and this matter will be addressed as part of any detailed application.
- 6.6 The loss of the kick-about pitch is unfortunate, but the ground is privately owned and the Council are unable to insist on its retention as there is no formal agreement with the landowner. The site is relatively small and could not accommodate both amenity space and housing.
- 6.7 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 in principle be granted.

## **7 Reasons for Decision**

- 7.1 The proposal complies with Policies RES6 and ENV11 of the adopted South Lanarkshire Local Plan, can be satisfactorily accessed and would not have a detrimental impact upon the visual and residential amenity of the area.

**Colin McDowall**  
**Executive Director (Enterprise Resources)**

**30 August 2010**

## **Previous References**

- ◆ CL/06/0395

## List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations
  - Roads and Transportation Services (Clydesdale Area) 13/08/2010
  - Housing and Technical Resources 5/08/2010
  - Enterprise Resources (Estate) 14/05/2010
  - Biggar Community Council 21/05/2010
- ▶ Representations
  - Representation from : Iain Russell, Fell View, Northcrofts Road, Biggar, ML12 6EL, DATED 14 May 2010
  - Representation from : Mr William B Ireland, 5 Albion Court, Biggar, ML12 6ED, DATED 14/05/2010
  - Representation from : M Stewart & J Stewart, 3 Albion Court, Biggar, ML12 6ED, DATED 27/05/2010
  - Representation from : Miss Dorothy Ferguson, 13 North Crofts Road, Biggar, ML12 6EL, DATED 19/05/2010
  - Representation from : Mr Robert Goldie, 1 Albion Court, Biggar, ML12 6ED, DATED 13/05/2010
  - Representation from : Ms Karen Owens, 11 Northcrofts Road, Biggar, ML12 6EL, DATED 21/05/2010
  - Representation from : George and Margaret Scott, 2 Albion Court, Biggar, ML12 6ED, DATED 24/05/2010

### Contact for Further Information

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

Ailsa Graham, Planning Officer, Council Offices, South Vennel, Lanark, ML11 7JT  
Ext 3190 (Tel :01555 673190 )  
E-mail: [Enterprise.lanark@southlanarkshire.gov.uk](mailto:Enterprise.lanark@southlanarkshire.gov.uk)

Permission in principle

PAPER APART – APPLICATION NUMBER : CL/10/0197

## CONDITIONS

- 1 This decision relates to drawing numbers: Site plan (L(--))001)
- 2 Prior to the commencement of development on site, a further application(s) for the approval of the matters specified in this condition must be submitted to and approved by the Council as Planning Authority. These matters are as follows:
  - (a) the layout of the site, including all roads, footways, parking areas and open spaces;
  - (b) the siting, design and external appearance of all building(s) and any other structures, including plans and elevations showing their dimensions and type and colour of external materials;
  - (c) detailed cross-sections of existing and proposed ground levels, details of underbuilding and finished floor levels in relation to a fixed datum, preferably ordnance datum.
  - (d) the means of access to the site;
  - (e) the design and location of all boundary treatments including walls and fences;
  - (f) the landscaping proposals for the site, including details of existing trees and other planting to be retained together with proposals for new planting specifying number, size and species of all trees and shrubs;
  - (g) the means of drainage and sewage disposal.
  - (h) details of the phasing of development (covering all relevant aspects of development detailed in (a) above);
  - (i) submission of 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.
- 3 Unless development commences, planning permission in principle expires 2 years from approval of the specified matters being granted, or if different matters are approved on different dates, then 2 years from the date of the last approval.
- 4 That the further application required under condition 2 above shall include provision for replacement car parking, within the application site, to compensate for the loss of any existing parking spaces. These replacement spaces shall be available for residents of the existing dwellings in the vicinity.
- 5 That the application required under Condition 2 above shall comply with the terms of the Council's Residential Development Guide and take cognisance of the Scottish Government's "A Policy Statement for Scotland: Designing Streets."
- 6 That no consent is granted for the indicative layout or number of dwellings shown on the approved plans.
- 7 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.
- 8 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.

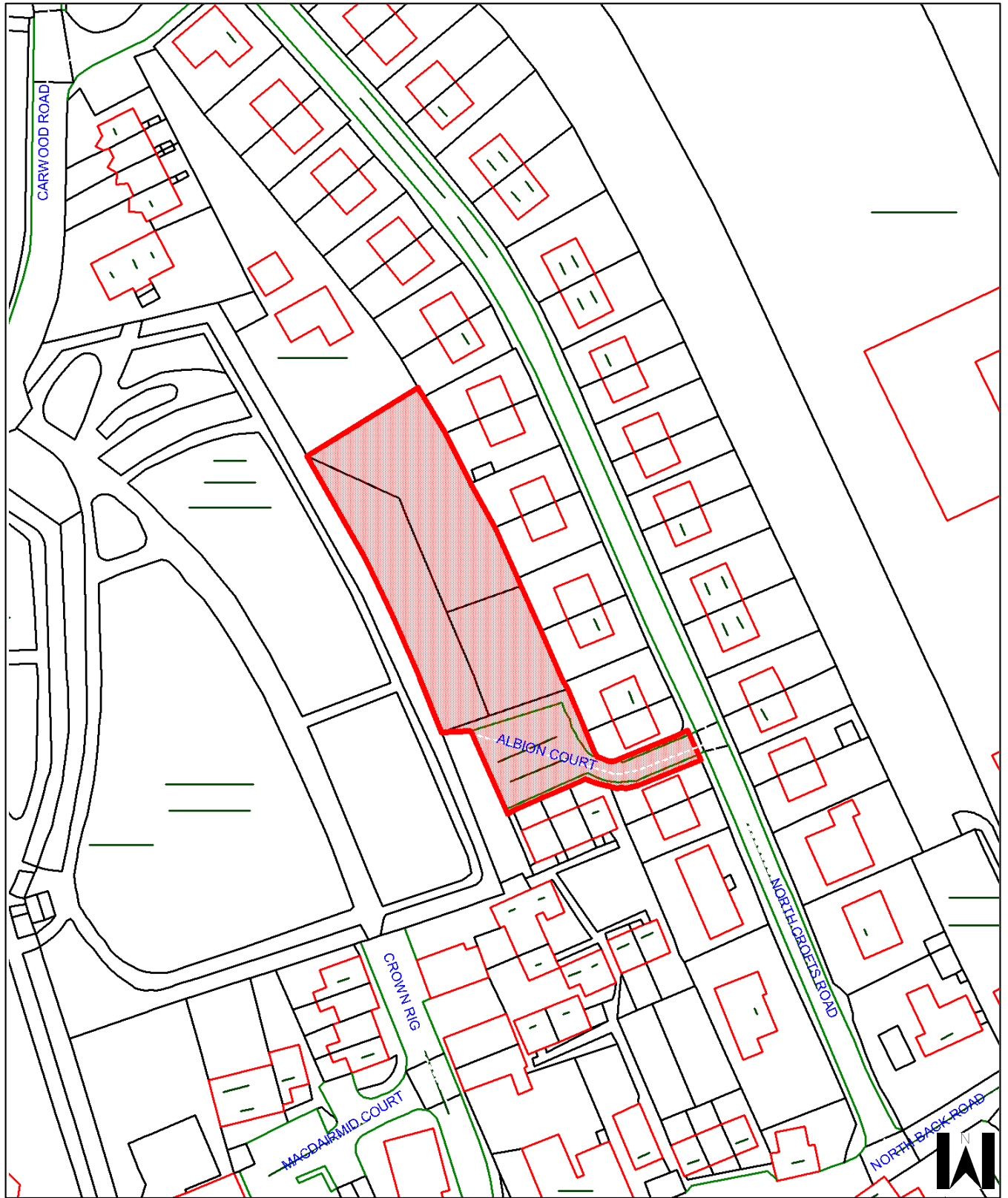
- 9 That before the dwellinghouses hereby approved are occupied, a drainage system capable of preventing any flow of water from the site onto the public road or into the site from surrounding land shall be provided and maintained to the satisfaction of the Council as Roads and Planning Authority.
- 10 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.
- 11 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.
- 12 That no trees within the application site shall be lopped, topped, pollarded or felled, and no shrubs or hedges shall be removed from the application site without the prior written consent of the Council as Planning Authority.

## **REASONS**

- 1 For the avoidance of doubt and to specify the drawings upon which the decision was made.
- 2 To comply with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 3 To comply with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 4 To ensure the continued provision of adequate parking facilities to serve the adjoining area.
- 5 To ensure the appropriate future development of the site.
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- 7 To provide an explanation of the design concept and to enable a greater understanding of the proposal.
- 8 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.
- 9 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.

- 10 To ensure that the development is served by an appropriate effluent disposal system and water supply.
- 11 To ensure the site is free of contamination and suitable for development.
- 12 To ensure the protection and maintenance of the existing trees and other landscape features within the site.

For information only



For information only

