

Report

3

Report to:	Clydesdale Area Committee
Date of Meeting:	20 September 2016
Report by:	Executive Director (Community and Enterprise Resources)

Application No	CL/16/0167
Planning Proposal:	Erection of 3 No Detached Houses, Detached Ancillary Private Leisure Facility and Formation of Associated Vehicular Access at Park Road, Biggar

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Mr Wayne Godfrey
- Location : Park Road
Biggar

2 Recommendation(s)

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

- (1) Grant Detailed Planning Consent - 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:
- ◆ Council Area/Ward: 03 Clydesdale East
- ◆ Policy Reference(s): **South Lanarkshire Local Plan (adopted 2009)**
Policy 4 - Development Management and Place Making
Policy 6 - General Urban Area /Settlements
Policy 12 – Housing Land

Development Management Place Making and Design Supplementary Guidance (2013)

◆ Representation(s):

- ▶ 8 Objection Letters
- ▶ 0 Support Letters
- ▶ 0 Comments Letters

◆ Consultation(s):

Roads and Transportation Services (Flood Risk Management Section)

West of Scotland Archaeology Service

Roads and Transportation Services (Clydesdale Area)

Environmental Services

Planning Application Report

1 Application Site

1.1 The application site extends to 1.3 hectares in area and is located along a private road (Park Road) to the south of Broughton Road, Biggar. The site is located on the south eastern boundary of the settlement of Biggar and adjoins an existing residential area (Langvout Gate) to the west. The site is currently an area of open grassed land, and is bounded to the south by open land and to the east by the private road beyond which is open land and a residential nursing home. To the north of the site is a small car park which is utilised by the Biggar Puppet Theatre. The application site is rectangular in shape and has a small frontage onto the private road. The ground level within the site slopes downwards from west to east and then gently down from north to south. The private access serves Biggar Public Park to the south.

2 Proposal(s)

2.1 The applicant seeks detailed planning consent for the erection of 3 detached dwellinghouses, one detached ancillary private leisure facility and the formation of associated vehicular access at land to the west of Park Road, Biggar. The dwellinghouses are two storeys in height, however, the dwelling on Plot 1 proposes to utilise the attic space for additional accommodation. The proposed access road is via Park Road, and car parking is provided for each dwellinghouse.

2.2 A detached leisure facility containing a pool, gym, jacuzzi and associated changing facilities is also proposed within the confines of the site. The applicant has confirmed that use of the leisure facility is strictly for the use of the occupants of the proposed dwellings and their occasional guests.

3 Background

3.1 Relevant Government Advice/Policy

3.1.1 Relevant Government guidance is set out within Scottish Planning Policy (SPP) 2014 which confirms the requirement for the Council to maintain a five year supply of effective housing land. Planning authorities are required to promote the efficient use of land by directing development towards sites within existing settlements where possible to make effective use of existing infrastructure and service capacity.

3.1.2 In terms of new housing developments, Scottish Planning Policy states that the planning system should enable the development of well designed, good quality housing in sustainable locations and allocate a generous supply of land to meet identified housing requirements across all tenures.

3.2 Local Plan Status

3.2.1 The application site is located within the settlement boundary of Biggar and is designated as a proposed housing site in the adopted South Lanarkshire Local Development Plan. The relevant policies in terms of the assessment of this application are policies RES 6 – Residential Land Use Policy, RES 2 – Proposed Housing Sites Policy and Policy 4 - Development Management and Place Making. The Development Management Place Making and Design Supplementary Guidance is also relevant. The content of the above policies and how they relate to the proposal is assessed in detail in Section 6 of this report.

3.3 **Planning History**

- 3.3.1 Planning consent (CL/09/0528) for 20 dwellinghouses with associated landscaping and road improvements was granted at Planning Committee on 5 October 2010. The approved dwellinghouses were detached and two storeys in height. Due to the number of dwellings proposed, road improvements were required to Park Road. The surface water run-off was to be collected on site then discharged to a nearby burn. An area of landscaping was proposed along the southern boundary. The consent was not implemented and it has now lapsed.

4 **Consultation(s)**

- 4.1 **Roads and Transportation Services (Flooding)** – the applicant has submitted an updated Flood Risk Assessment (FRA) which has addressed initial concerns relating to the potential impact on water levels within the small ditch to the western area of the site and avoids interference with the spring. Based on the information provided, there is no objection to the application subject to conditions requiring the provision of Appendices of the Council's current design criteria and details of a Sustainable Urban Drainage System. This information can be addressed by a condition of any consent granted.

Response: It is noted that sufficient information regarding flooding and surface water run-off has been submitted to demonstrate that the site is developable without a significant adverse impact on surrounding properties and the nearby watercourse. Any consent granted would incorporate appropriately worded conditions to address the matters raised.

- 4.2 **Roads and Transportation Services** – do not object to this application. The proposed road access is acceptable, and there is sufficient car parking provision.

Response: Noted.

- 4.3 **Environmental Services** – do not object to this application, and no noise impact assessment was considered necessary.

Response: Noted.

- 4.4 **WOSAS** – do not object to this proposal, however, it is recommended that, if consent is granted, a condition is attached to ensure that prior to any work commencing on site the developer has secured the implementation of a programme of archaeological works.

Response: Noted. A suitable condition will be attached to any consent granted to address the above concern.

5 **Representation(s)**

- 5.1 Following the carrying out of neighbour notification and the advertisement of the application in the local press due to the non-notification of neighbours, 8 letters of objection were received. The grounds of objection are summarised as follows:-

- a) **The adjoining housing to the west were restricted to a mixture of single and 1.5 storeys in height. The erection of 2 storey dwellings is not appropriate at this site and does not visually integrate well with the adjoining housing to the west of the site. The 2 storey height would alter the setting of Biggar.**

Response: The erection of two storey dwellings on this site has been established through previous planning consent CL/09/0528. It should be noted that the application site does not visually relate to, or form part of, the streetscape of Langvout Gate. In view of the above, it is considered that buildings of this height can be accommodated at this site without having an adverse visual impact on the adjoining residential area. In terms of the wider

setting of Biggar, it is considered that the scale of this development is not so significant that it would be adversely affected. In particular, it would have no impact on Biggar Conservation Area.

- b) **The two storey dwellinghouse on plot 1 would cause a loss of privacy to neighbouring properties. In any case, the house should be relocated a further distance from properties on Langvout Gate.**

Response: This issue has been addressed in section 6.3 of this report.

- c) **The leisure facility would cause noise disturbance within a residential area. The facility should be relocated away from neighbouring dwellings. It would cause overlooking and overshadowing to neighbouring properties, and would impinge on current views from neighbouring properties. The construction of the leisure facility on a detached site outwith the curtilage of its donor plot is an incompatible use within a residential area. The facility is contrary to adopted local plan policy.**

Response: This issue has been addressed in section 6.5 of this report.

- d) **There is a drainage issue within this area, and there is an open spring within the site. The applicant has not demonstrated this can be addressed. Policy 4 of the adopted local plan presumes against development which introduces significant adverse effects on water or soil quality. The applicant has not submitted geotechnical, hydrological or ecological investigations to address building on a natural spring. The proposal is therefore also contrary to the Council's Residential Development Guide.**

Response: The Council's Flood Management Unit has confirmed that they have no objections to the application. This issue has been addressed in section 4.1 of this report.

- e) **The water from the pool will need to be changed on a regular basis, where will this go in terms of drainage concerns?**

Response: The cleaning and maintenance of the pool is not a planning issue. If there is concern that swimming pool water is being discharged to a local water source this would be a matter for SEPA to investigate.

- f) **The proposed development will have an impact on the local wildlife including bats.**

Response: No trees are being removed from the site and therefore bats would not be affected. Further, there is no notable landscaping that would attract wildlife.

- g) **There are concerns regarding the increase of traffic at the junction of Broughton Road and Park Road resulting from the proposed development.**

Response: The Council's Roads and Transportation Services have no objections to the proposal, and have no road and traffic safety concerns.

- h) **The proposed plots are located to the south-western edge of the site. This suggests that the remaining land could be subject of a development proposal at a later date, further intensifying development in this area. The Council should not consider the present applicant in absence of knowing what intensity of development is proposed for the remainder of the site.**

Response: Each planning application must be considered on its own merits. The plot layout does not constitute incremental or sporadic development and is considered acceptable. It should be noted that 20 dwellinghouses were previously considered acceptable on this site. Should future development proposals be submitted, then these would be assessed on their own merits, with density, impact on road safety and traffic issues being considered at that time.

- i) **The scale and massing of the houses are disproportionate to their plot size. This would have an adverse impact on the local character of existing built development. The proposal is therefore contrary to policy 4 of the adopted local plan.**

Response: This issue has been addressed in section 6.4 of this report.

- j) **No details of the intended use of the leisure club have been provided. If it is intended for use by more than one of the properties, then it is not an ancillary proposal and should be refused.**

Response: The applicant has confirmed in writing that the use of the leisure facility is strictly for the use of the occupants of the proposed dwellings and their occasional guests. This issue is further discussed in section 6.5 of this report.

- 5.2 These letters have been copied and are available for inspection in the usual manner and on the Council's planning portal.

6 Assessment and Conclusions

- 6.1 The applicant seeks detailed planning consent for the erection of 3 detached dwellinghouses, a detached ancillary private leisure facility and the formation of an associated vehicular access on land to the west of Park Road, Biggar. The principle of residential development on this site is established through its inclusion as a proposed housing site covered by Policy 12 – Housing Land within the adopted South Lanarkshire Local Development Plan. Therefore, the main considerations in determining this application are its compliance with detailed local plan policies described in section 3 of the report, its impact on the visual and residential amenity of the surrounding area and road safety.

- 6.2 Policy 6 - General Urban Area/Settlement of the adopted local development plan aims to resist any developments which will be detrimental to the amenity of residential areas. Any new development must relate satisfactorily to adjacent and surrounding development in terms of scale, massing, materials and intensity of use. The character and amenity of the area must not be impaired by reason of traffic generation, parking or visual intrusion. Policy 4 – 'Development Management and Place Making' of the adopted local development plan requires new development to have due regard to the layout, form, design and local context of the area and to consider natural habitats and the water environment. Due to the sloping ground level of the site it is important to consider the effect this will have on the development and its impact on the surrounding area. The ground level is at its highest where it adjoins the private road to the north-east of the site where the only built development in

close proximity is the nursing home on the opposite side of the road. I do not consider that the proposal will have any negative impact on the nursing home. Where the application site adjoins existing housing to the west, the ground level is at its lowest point and is relatively level with adjoining gardens along Langvout Gate. The sloping ground levels therefore do not create any visual impact or amenity issues for neighbouring properties.

- 6.3 The issue of privacy and the physical impact of the 2 storey dwellings on the adjoining single storey and 1.5 storey dwellings to the west has been considered. The applicant has amended the proposal and moved the dwelling on Plot 1 a distance of 22m further to the east within the site than was initially proposed. The proposed dwelling on plot 1 is now a minimum of 30 metres back from the boundary with 7 Langvout Gate, and a minimum distance of 39 metres back from the boundary of 9 Langvout Gate. These distances are considered acceptable in preventing any adverse physical impact by way of overshadowing or overlooking. In terms of overlooking, it should be further noted that due to the design and orientation of the proposed dwelling, there are no first floor habitable room windows directly overlooking the properties at Langvout Gate.
- 6.4 The dwellings are substantial in scale and of modern design. Given that the application site does not form part of a streetscape with existing development, it is considered that plot ratios and scale of plots are considered of lesser importance in this case. Each plot has sufficient distance from side and rear boundaries together with sufficient garden space and car parking provision to provide a logical and spacious plot which is not over developed. The development meets the guidance within the Council's Residential Development Guide in this respect. The design and layout of the development is acceptable, however, if consent is granted it is important that the materials used within the site are carefully considered to ensure that the visible roof areas within the wider area are clad with traditional materials appropriate for an edge of settlement site. This can be addressed by condition if consent is granted.
- 6.5 The applicant has submitted an amended proposal for the leisure facility. The facility has been relocated further east which has increased the distance from 5 Langvout Gate from approximately 16m to 22m, and from approximately 17m to 22m from 9 Langvout Gate. The facility has been relocated from a distance of 7m to 11m to the south of 4 Dene Park. The design of the facility has been amended to remove the balcony and doors on the north-western elevation. These changes have resulted in a sufficient distance from neighbouring boundaries to prevent an adverse visual impact or overlooking to neighbouring properties, and has minimised the opportunity for disturbance to residential amenity. Although the leisure facility is for use by all three plots, and not restricted to one donor plot, this is not considered a significant issue as the scale and nature of use could not be likened to a commercial activity where the residential character of the site would be altered. The Council's Environmental Services has considered the potential for noise impact in the planning application consultation process and have no objections to the proposal. In view of the above, it is considered that the proposed development accords with the aims of Policies 4 and 6 and the associated Development Management Place Making and Design Supplementary Guidance.

- 6.6 The Council's Roads and Transportation Service has not objected to this application. Based on the drainage information submitted by the applicant they are satisfied that the proposal can be carried out without significant adverse impact on neighbouring properties or the nearby watercourse. Should consent be granted, suitable conditions will be attached to ensure the applicant submits further detailed information to ensure that a suitable Sustainable Urban Drainage System (SUDS) is put in place prior to the completion of the dwellinghouses. In addition, there are no concerns in relation to road safety. Eight letters of objection have been received, the grounds of which are summarised in section 5 of the report. These concerns have been addressed as discussed above, and do not merit the refusal of the application.
- 6.7 I am satisfied that the proposal constitutes an appropriate form of development for this site and complies with planning policy. The 2 storey houses and private leisure facility can be accommodated within the site without any significant adverse impact on the character or amenity of the surrounding area, and there are no road or traffic concerns. It is therefore recommended that planning permission be granted subject to the conditions listed.

7 Reasons for Decision

- 7.1 The principle of residential development at this site is considered acceptable and complies with policies 6 and 12 of the adopted local plan. The details of the proposal including the design, scale, siting and layout comply with the aims of policies 4 and 6 of the adopted South Lanarkshire Local Development Plan and the associated Development Management Place Making and Design Supplementary Guidance. Furthermore there will be no road or public safety issues created as a result of the development.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

5 September 2016

Previous References

- ◆ CL/09/0528

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan (2015)
- ▶ Neighbour notification letter dated 05.05.2016
- ▶ Press advert in Lanark Gazette 11.05.2016

▶ Consultations

Environmental Services	06/07/2016
Roads and Transportation Services (Clydesdale Area)	19/05/2016
West of Scotland Archaeology Service	16/05/2016
Roads and Transportation Services (Flood Risk Management Section)	15/06/2016

▶ Representations

- Representation from : Mrs A W Ross, Received via email, DATED 26/05/2016
- Representation from : Mrs Joan Keys, 7 Langvout Gate, Biggar, ML12 6JF, DATED 27/05/2016
- Representation from : Maureen Swinburne, 3 Langvout Gate, Biggar, ML12 6JF, DATED 27/05/2016
- Representation from : Kevin Galbraith, 10 Southcroft Road, Biggar, ML12 6AJ, DATED 27/05/2016
- Representation from : Mrs M M C Galbraith, Muirfield, 9 Langvout Gate, Biggar, ML12 6JF, DATED 27/05/2016
- Representation from : A R M Galbraith, Muirfield, 9 Langvout Gate, Biggar, ML12 6JF, DATED 27/05/2016
- Representation from : Gainford Limited, 8 Woodlands Drive, Lanark, ML11 9FS, DATED 27/05/2016
- Representation from : Andy Swinburne, Received via email, DATED 23/05/2016

Contact for Further Information

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

Pamela McMorran, Planning Officer, Montrose House

Ext: 5170 (Tel: 01698 455170)

E-mail: pamela.mcmorran@southlanarkshire.gov.uk

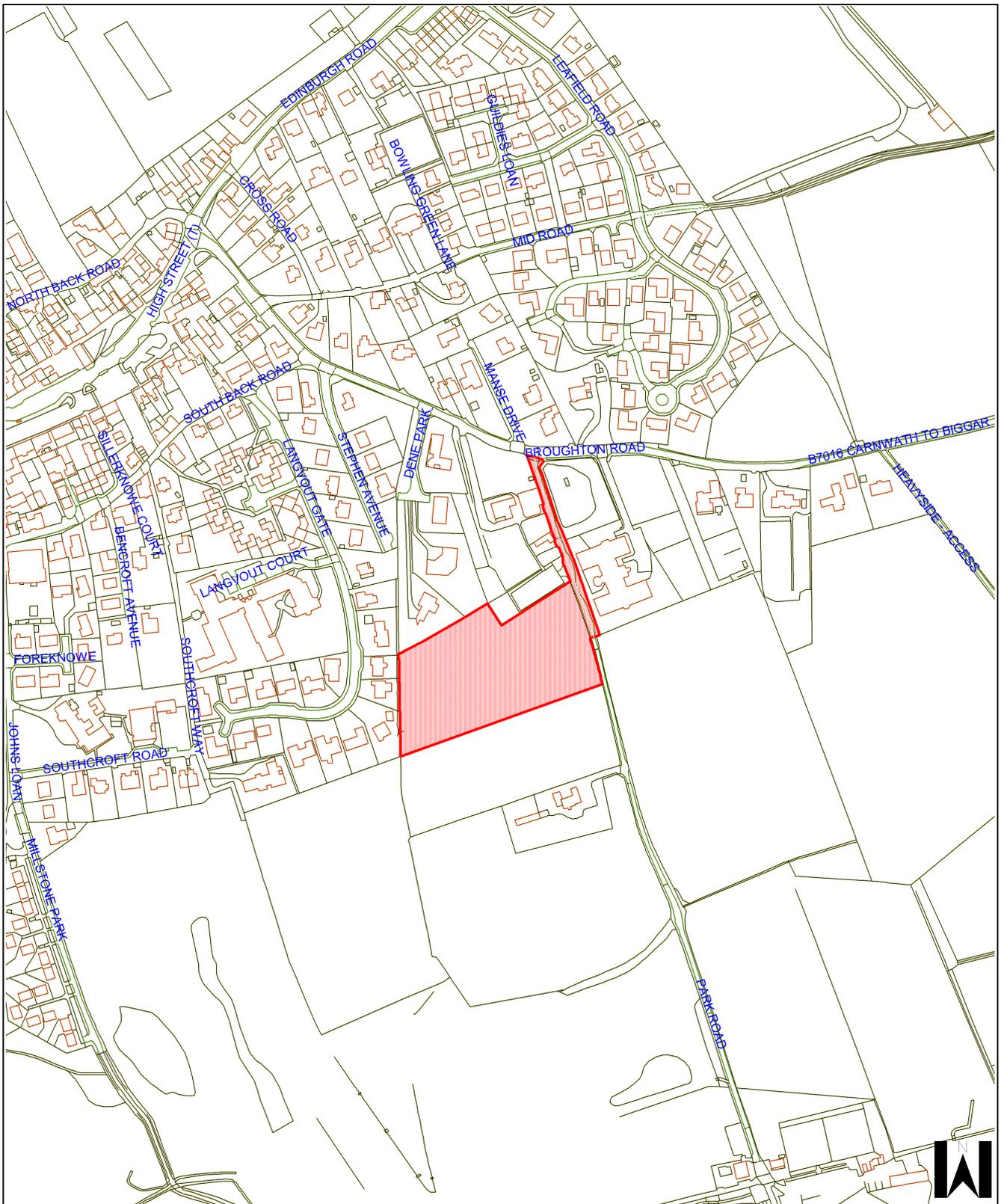
CONDITIONS

- 1 That the use of the detached leisure facility hereby approved 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 leisure facility.
- 2 No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.
- 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 notwithstanding the condition above, the roof of the dwellinghouses hereby approved shall be clad externally in natural slate or high quality slate substitute, and the external walls clad with smooth render, to the satisfaction of the Council as Planning Authority.
- 5 That before any of the dwellinghouses hereby approved are completed or occupied (whichever is the soonest) a 2.0m wide grass verge shall be provided along the full frontage of the eastern boundary of the site (excluding the access point), and shall thereafter be maintained to the satisfaction of the Council as Roads and Planning Authority.
- 6 That before any construction 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) details and specification of all proposed trees, shrubs, grass mix, etc. including, where appropriate, the planting of fruit/apple trees; (b) details of any top-soiling or other treatment to the ground; (c) proposals for the initial and future maintenance of the landscaped areas; (d) details of the phasing of these works; and no work shall be undertaken on the site until approval has been given to these details.
- 7 That the approved landscaping scheme shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following the occupation or completion (whichever is the soonest) of each dwellinghouse to which the landscaping relates, and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.

- 8 That notwithstanding the terms of the Town and Country Planning (General Permitted Development)(Scotland) Order 2011 (or any such order revoking or re-enacting that order), no fences, walls or other means of enclosure shall be erected within the site along the southern boundary of the plots other than post and wire fences up to 1 metre in height or those expressly authorised by this permission without the prior written permission of the Council as Planning Authority.
- 9 That before any of the dwellinghouses hereby approved are completed or brought into use, the new vehicular access connection from Park Road shall be constructed with visibility splays of 2.5m by 5.5m in both directions and a 5.5 metre wide access for the full length of 10 metres , the first 10m of which shall be surfaced from the edge of the private road adjoining Park Road, all in accordance with the specification and to the satisfaction of the Council as Roads and Planning Authority.
- 10 That the ensuite window on the first floor western elevation of the dwellinghouse on Plot 1 hereby approved shall be glazed in obscure glass and thereafter shall be maintained as such to the satisfaction of the Council as Planning Authority.

REASONS

- 1.1 To retain effective planning control and safeguard the amenity of the adjoining residential area.
- 2.1 In order to safeguard any archaeological items of interest or finds.
- 3.1 In the interests of amenity and in order to retain effective planning control.
- 4.1 In the interests of the visual amenity of the edge of settlement location.
- 5.1 In order to protect and allow access to underground services.
- 6.1 In the interests of the visual amenity of the area.
- 7.1 In the interests of amenity.
- 8.1 To ensure only fencing of a type and height appropriate to the countryside is erected.
- 9.1 In the interest of public safety
- 10.1 In the interests of amenity.



For information only

For information only