

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>5 April 2011</b>
Report by:	<b>Executive Director (Enterprise Resources)</b>

Application No	CL/10/0457
Planning Proposal:	Residential Development (Planning Permission in Principle)

## 1 Summary Application Information

- Application Type : Permission In Principle
- Applicant : Messrs R & F Builders & Consultants
- Location : Land to north of Greenacres  
Kersewell Avenue  
Kaimend  
Carnwath

## 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 Planning Committee has delegated powers to determine this application.
- (2) A request for a hearing has been made. It does not comply with Council policy on hearings and therefore there is no requirement for a hearing.

## 3 Other Information

- ◆ Applicant's Agent: W E Walker
- ◆ Council Area/Ward: 03 Clydesdale East
- ◆ Policy Reference(s): **South Lanarkshire Local Plan (Adopted)**
  - Policy STRAT4: Accessible Rural Area
  - Policy CRE1: Housing in the Countryside

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

- ◆ Consultation(s):

Roads & Transportation Services H.Q. (Flooding)

Scottish Water

West of Scotland Archaeology Service

Roads and Transportation Services (Clydesdale Area)

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

## **Planning Application Report**

### **1 Application Site**

- 1.1 The application site consists of an open field 1.9 hectares in size, situated to the north of Kaimend within the Kersewell Estate. The site is accessed from Kaimend along a private road, known as Kersewell Avenue, which is over 1km in length. Within the Kersewell Estate there are a number of groups of dwellinghouses of various types and age. The site is generally flat and two mature trees are located on the northern edge of the site. A stob and wire fence bounds the site to the south-west and south-east.
- 1.2 A dwellinghouse known as Greenacres lies to the south-west of the site. Kersewell Avenue bounds the site to the south-east with open fields to the north-west and north-east. The field at the north-west of the application site has the benefit of planning consent for the formation of 9 house plots. A group of dwellinghouses at Finlayson Lane is located to the north-east of the application site, and two dwellings known as Heron Rise and Janefield are located to the north of the site. These two groups of dwellings are a distance of approximately 60 metres away from the application site.

### **2 Proposals**

- 2.1 The applicant seeks planning permission in principle for a residential development on the site. It is proposed to take vehicular access from Kersewell Avenue at a central point along the frontage of the application site. The applicant proposes to upgrade the privately owned Kersewell Avenue to an adoptable standard. In terms of drainage the applicant intends to install a biodisc system, a filter trench and attenuation tank in the south-eastern corner of the site. An outfall pipe would then extend to the watercourse (North Medwin), crossing adjoining fields in a south-easterly direction.

### **3.0 Background**

#### **3.1 Local Plan Status**

- 3.1.1 The application site is identified in the adopted South Lanarkshire Local Plan as being located within the Accessible Rural Area where Policy STRAT4: Accessible Rural Area and Policy CRE1: Housing in the Countryside apply.

#### **3.2 Relevant Government Advice/Policy**

- 3.2.1 One of the overarching aims of Scottish Planning Policy (SPP) is to support the diversification and growth of the rural economy. The planning system therefore has a significant role in supporting sustainable economic growth in rural areas. The SPP encourages Councils to take a positive approach to new development, and the aim should be to enable development in rural areas which supports prosperous and sustainable communities whilst protecting and enhancing environmental quality. The Policy states that development plans should support more opportunities for small scale housing development in all rural areas, including new clusters and groups and extensions to existing clusters and groups. New development should respond to the specific character of a location and fit into the landscape. Developments which provide economic or community benefits should be encouraged.

#### **3.3 Planning History**

- 3.3.1 An outline planning application for the erection of 4 dwellinghouses, which covers part of the current planning application site boundary was refused in January 2000 (CL/99/0553). The applicant's appeal to the Scottish Ministers was dismissed in October 2000.
- 3.3.2 Planning permission was granted in September 2007 for the erection of 9 detached dwellings on land to the north-west of the site (CL/07/0205). This was subsequently amended by an application to change the proposal to the creation of 9 house plots (CL/09/0071), which was granted consent in May 2009.
- 3.3.3 There is an extensive planning history of development over the past 13 years or so within the wider Kersewell Estate involving the erection of individual dwellinghouses, the creation of small housing developments and the conversion of Bertram House to flats.

#### **4 Consultation(s)**

- 4.1 **Roads and Transportation Services (Clydesdale)** – advise that given the scale of the development the developer must upgrade the existing access road to an adoptable standard incorporating an increase in carriageway width, footway provision and streetlighting. They also provide details of the required visibility splay for the entrance to the application site on Kersewell Avenue.  
**Response:** Noted. Should consent be granted, conditions can be attached to cover these matters.
- 4.2 **Roads and Transportation Services HQ (Flooding Unit)** – offer no objection subject to conditions requiring the applicant to submit a flood risk assessment with the further application for this site and to ensure that a Sustainable Urban Drainage System (SUDS) is incorporated in the design of the residential development.  
**Response:** Noted. Should consent be granted, conditions can be attached to cover these matters.
- 4.3 **SEPA** – originally objected on the grounds of lack of information regarding foul drainage treatment and disposal. They were concerned that information had not been provided demonstrating that the proposals could be authorised under their regulations. The applicant subsequently provided additional drainage information showing the installation of a biodisc system, a filter trench and attenuation tank in the south-eastern corner of the site with the outfall crossing adjoining fields to meet the North Medwin watercourse. SEPA have now removed their objection provided the drainage arrangements are to their satisfaction. They ask that planning conditions are attached to any consent granted requiring the submission of SUDS details and to ensure the proposed discharge of surface water to the water environment is in accordance with the terms of the Controlled Activities Regulations.  
**Response:** Noted. Should consent be granted, conditions can be attached to cover these matters.
- 4.4 **Scottish Water** – offer no objection. They advise that there are no public sewers in the vicinity of the proposed development. Coulter Water Treatment Works currently has capacity to service the proposed development.  
**Response:** Noted.
- 4.5 **West of Scotland Archaeology Service** – advise that there are no archaeological sites previously recorded for the development site but as a large number of remains have been recorded in the wider landscape surrounding the site they recommend that an archaeological evaluation is carried out.

**Response:** Noted. The applicant has been made aware of their comments and as the application is in principle at this stage I consider that it is acceptable to cover this matter by condition if Committee grant consent.

## **5 Representation(s)**

5.1 The application was advertised in the press as Development Contrary to the Development Plan, Non-notification of Neighbours and Non-notification of Owners. Following this publicity and the statutory neighbour notification process, 4 letters of objection have been received. The contents of the letters are summarised as follows:

**(a) The proposed development is within an 'Accessible Rural Area' and falls outwith a settlement boundary, as defined within the Local Plan. The application relates to new housing, which runs contrary to the parameters defined within the Local Plan.**

**Response:** The adopted South Lanarkshire Local Plan identifies the site as lying within the Accessible Rural Area. The existing group of houses within the Kersewell Estate is not defined as a settlement in the local plan. A full assessment of the proposal under the relevant local plan policies is contained in section 6.0 Assessment and Conclusions of this report.

**(b) The cumulative impact of this application alongside recently agreed proposals to convert nearby Bertram House and development of a nearby Greenfield site would result in a total number of residential dwellings of approaching 100, all served by a single track road. Access to current properties is already bordering on impossible, further strain on the inadequate road access cannot be accommodated and will increase the risk to pedestrians and horseriders.**

**Response:** The Council's Roads Service was consulted on this proposal and offer no objections subject to the upgrading of Kersewell Avenue to an adoptable standard. If consent is granted a condition will be attached requiring the upgrade of this road to an adoptable standard.

**(c) The entrance to Kersewell Avenue at the junction with Woodside Crescent is a blind spot, further traffic flow will exacerbate the existing likelihood of a serious collision.**

**Response:** The junction referred to involves two public roads. The Council's Roads Service was consulted on this proposal and consider the existing visibility splay at this junction is acceptable.

**(d) Kersewell Avenue has no lighting or pavements and has only limited passing places, many of which are subject to road erosion through traffic usage.**

**Response:** The Council's Roads Service was consulted on this proposal and offer no objections subject to improvements to the private road serving the site. If consent is granted a condition will be attached requiring the upgrade of the access road to an adoptable standard, which will involve increasing the width of the carriageway, the installation of a footway and streetlighting.

**(e) Such scale of development would run contrary to locational criteria for housing in the countryside and have an adverse effect on the rural character of the countryside and amenity it affords.**

**Response:** A full assessment of the proposal in respect of its rural location and impact on amenity is contained in section 6.0 Assessment and Conclusions of this report.

**(f) If approved, the proposal would set an undesirable precedent for further similar applications to the detriment of the appearance of amenity of the area (a matter specifically commented upon by the Scottish Ministers at the time, in their refusal to grant approval for housing on a nearby site in October 2000) and will lead to the complete development of this field.**

**Response:** I note the objector's comments regarding the comments of the Scottish Ministers in their decision letter for the above mentioned appeal. It should be noted that this application was determined under the previous local plan for the area. New government guidance has since been issued and the then local plan superseded by the South Lanarkshire Local Plan. In addition, applications for new housing development have been granted in the area, thus the situation within this area has altered significantly since 2000. In terms of precedent, any subsequent planning applications which may be submitted will be assessed independently on their own merits in accordance with the relevant policies.

**(g) The application site affords no provision for mains sewerage, and the siting of the proposed foul drainage plant is in close proximity to existing housing.**

**Response:** Scottish Water and SEPA were consulted on this proposal. There are no public sewers in the vicinity of the site, as such, foul drainage will be treated via a private effluent disposal system. The applicant has provided additional drainage information showing the installation of a biodisc system, a filter trench and attenuation tank in the south-eastern corner of the site with the outfall crossing adjoining fields to meet the North Medwin watercourse. If consent is granted conditions can be attached to ensure the drainage system is installed to the satisfaction of the Council and SEPA.

**(h) No notification to owners of neighbouring properties has been given.**

**Response:** I can confirm that statutory neighbour notification took place whereby properties within 20 metres of the application site were issued with a letter. The application was also advertised in the press to cover those individuals who own land within the 20 metre radius but on which there are no buildings. The application site includes Kersewell Avenue which is not solely owned by the applicant and he was unable to trace the owners of this land. As a result the application was also advertised under regulations relating to situations where the ownership of an application site is unknown. I am therefore satisfied that the appropriate notification and advertisement took place.

**(i) A formal hearing is requested.**

**Response:** This application does not comply with the Council's policy on hearings. Planning legislation states that a pre-determination hearing must be offered for national developments and major applications which are significantly contrary to the terms of the development plan. This application is neither a national or major application. In all other instances a request for a hearing will only be considered where an application has attracted a substantial body of objection and the officer's recommendation is to grant planning consent. I am of the opinion that 4 objections is not a significant number of objections therefore a hearing cannot be offered.

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 planning permission in principle for a residential development within the Kersewell Estate at Kaimend. The determining issues that require to be addressed in respect of this application are compliance with the adopted local plan, government guidance, planning history and infrastructure implications.
- 6.2 In terms of local plan policy, the application site is located in the Accessible Rural Area where Policy STRAT4: Accessible Rural Area of the adopted South Lanarkshire Local Plan applies. This policy states that the strategy will be to build on the economic potential of the area's high quality natural and built environment. It directs development to within settlements and states that development outwith settlement boundaries will only be permitted where this forms part of a larger proposal for the rehabilitation of redundant traditional buildings. In circumstances where this scenario does not apply, new build development will only be permitted on gap sites within existing building groups. It further advises that any housing development within the Accessible Rural Area should conform to Policy CRE1: Housing in the Countryside which provides specific criteria against which all new housing proposals in the countryside should be assessed. Policy CRE1 states that in the countryside, new houses will only be permitted in the circumstances outlined in amongst others, Policy STRAT4.
- 6.3 The proposal is not for a dwellinghouse required in association with agriculture or a rural business and it does not constitute rehabilitation of redundant traditional buildings. The local plan defines gap sites in the countryside as a site bounded on at least two sides by built development and fronted by a road which should generally be capable of accommodating one house but a maximum of two subject to design being appropriate to the scale and nature of the adjacent development. The application site cannot be classed as a gap site due to the scale of development proposed. As the proposal does not fall within any of the categories listed under Policy STRAT4 I consider the proposal is contrary to this policy and subsequently Policy CRE1.
- 6.4 The Kersewell Estate comprises a series of building groups built over a period of time. This includes several detached dwellings to the north and south of the site, a housing development completed in the last decade by Muir Homes and former local authority housing a small distance to the NE. In addition, new housing in association with the conversion of the listed Bertram House has been granted on land to the east of the site while consent also exists for the creation of 9 plots immediately to the west. As a result the site is bounded on three sides by existing development or that which already has planning consent. The proposed development would therefore consolidate the established development pattern in the locality. This is aided by the existing woodland backdrop to the site which further promotes visual integration and reduces the impact on the rural and landscape character of the surrounding area. In addition, views into the site from the wider area are limited.
- 6.5 The site is accessed by an existing private road approximately 1km in length along which is a mixture of clusters of houses of varying age. As a totality, these groups are reasonably well contained and do not relate visually to the application site or the existing wider development grouping at Kersewell. I am therefore satisfied that the site can accommodate an additional relatively small scale residential development without affecting these building groups.
- 6.6 Turning to Government Policy set out in the SPP, it is noted that the SPP encourages Councils to take a positive approach to new development, and the aim should be to

enable development in rural areas which supports prosperous and sustainable communities whilst protecting and enhancing environmental quality. The Policy states that development plans should support more opportunities for small scale housing development in all rural areas, including new clusters and groups and extensions to existing clusters and groups. New development should respond to the specific character of a location and fit into the landscape. It is considered, in this instance, given the characteristics of the Kersewell Estate, the relationship of the site to existing building groups/consented site and landscape fit of the development, that this proposal is broadly consistent with the SPP.

- 6.7 In terms of access, applicants for earlier proposals have been able to demonstrate that the volume of traffic generated by their proposal cumulatively with existing housing and other consented schemes would not exceed the levels associated with the former use of Bertram House as offices. As a result improvements to the road were not required at that time. However, the point has been reached with the current application where Roads and Transportation Services have advised that the road should be improved and upgraded to an adoptable standard. The applicant is aware of this requirement and conditions would be used to require details to be provided at the detailed stage and their implementation before any house within the site is occupied. This is a material consideration in the assessment of this application as it will clearly benefit the existing local community and the future occupiers of houses on other sites which already benefit from consent.
- 6.8 There have been no objections from other statutory consultees and issues raised by them can be covered by suspensive conditions. The layout of the site and the detailed design of houses will be fully considered at the detailed stage, however it will be expected that a high quality development will be provided. In addition, I consider it appropriate for a play area to be provided within the site that would serve the wider community at Kersewell.
- 6.9 In conclusion, the proposal is contrary to the development plan. However I consider that an exception can be made to planning policy in this case for the following reasons
- a) The proposal would consolidate the established pattern of residential development within the vicinity of the site.
  - b) Broadly consistent with SPP
  - c) The woodland backdrop will visually integrate the site with its surroundings.
  - d) The proposal would require the upgrading of the existing private access road to an adoptable standard that will benefit the local community in terms of improved road safety.
  - e) The area can accommodate a small scale development in terms of landscape capacity and impact on the amenity and character of the surrounding area.
  - f) There are no significant infrastructure implications.

I therefore recommend that planning permission be granted.

## **7 Reasons for Decision**

- 7.1 For the reasons set out in 6.9 above.



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

**22 March 2011**

### **Previous References**

- ◆ CL/99/0553
- ◆ CL/07/0205
- ◆ CL/09/0071

### **List of Background Papers**

- ▶ Application Form
- ▶ Application Plans
  
- ▶ Consultations
  - Roads & Transportation Services H.Q. (Flooding) 22/10/2010
  - Roads and Transportation Services (Clydesdale Area)
  - Scottish Water 29/10/2010
  - West of Scotland Archaeology Service 03/11/2010
  - S.E.P.A. (West Region) 29/10/2010  
25/02/2011
  
- ▶ Representations
  - Representation from : Mr Paul Kane, 3 Woodside Crescent, Kaimend, Carnwath, ML11 8LD, DATED 22/10/2010
  - Representation from : Mrs Henrietta B Coutts, Heron Rise, Kersewell Estate, Kaimend, Carnwath, ML11 8LF, DATED 04/11/2010
  - Representation from : Louise Ferguson, Heron Rise, Kersewell Estate, Kaimend, Carnwath, ML11 8LF, DATED 04/11/2010
  - Representation from : Mr and Mrs Dunbar, Heron Rise, Kersewell Estate, Kaimend, Carnwath, ML11 8LF, DATED 04/11/2010

### **Contact for Further Information**

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

Gail Rae, Planning Officer, Council Offices, South Vennel, Lanark, ML11 7JT  
Ext 3205 (Tel: 01555 673205)  
E-mail: Enterprise.lanark@southlanarkshire.gov.uk

## Permission in principle

PAPER APART – APPLICATION NUMBER : CL/10/0457

### CONDITIONS

- 1 This decision relates to drawing numbers: K2.01.2 Rev 2
- 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) Flood Risk Assessment
  - (j) An equipped play area
- 3 The application(s) for approval of these further matters must be made to the Council as Planning Authority before whichever is the latest of the following:
  - (a) expiry of 3 years from when permission in principle was granted
  - (b) expiry of 6 months from date when an earlier application for approval was refused, and
  - (c) expiry of 6 months from date on which an appeal against the refusal was dismissed.

Approval of the further specified matters can be made for -

  - (i) different matters, and
  - (ii) different parts of the development

at different times.

Only one application for approval of matters specified in conditions can be made after 3 years from the grant of planning permission in principle.
- 4 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.
- 5 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.
- 6 That the further application required under condition 2 above shall include details of facilities for the storage of refuse within the site, including design, location, external finishes and access for its uplift, shall be submitted to and approved in writing by the Council as Planning Authority. No dwelling unit shall be occupied until these facilities have been provided in

accordance with the approved scheme or such alternative as may be agreed in writing with the Council as Planning Authority.

- 7 That the further application(s) required under the terms of Condition 2 above, shall make reference to and incorporate the criteria specified within the approved South Lanarkshire Council 'Residential Development Guide' and the Scottish Governments 'Designing Streets Policy'.
- 8 That notwithstanding the terms of Condition 2 above, the design and siting of any dwellinghouse on the site shall take due cognisance of the rural location, with particular regard being paid to scale, massing, roof pitch, fenestration and materials; and shall be in accordance with the Council's approved policy on new dwellings in the Countryside.
- 9 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.
- 10 That the further application required under the terms of Condition 2 above shall include (a) plans showing the upgrade of the existing access road (Kersewell Avenue) to an adoptable standard including full carriageway construction, a footway and street lighting, (b) access road into the development site itself 5.5 metres wide, (c) visibility splays at the entrance to the development site of 2.5 metres by 90 metres in both directions, (d) the provision of a 2 metre wide footway along the full frontage of the site linking into the proposed footway network, all to the satisfaction of the Council as Planning Authority.
- 11 That 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 Council as 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 Council as Planning Authority in agreement with the West of Scotland Archeology Service.
- 12 That no development shall commence on site until the applicant provides written confirmation from SEPA to the Council as Planning Authority that the site can comply with the Water Environment (Controlled Activities)(Scotland) Regulations 2005.

## REASONS

- 1.1 For the avoidance of doubt and to specify the drawings upon which the decision was made.
- 2.1 To comply with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 3.1 To comply with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 4.1 To comply with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 5.1 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.
- 6.1 To ensure that adequate refuse arrangements are provided that do not prejudice the enjoyment of future occupiers of the development or neighbouring occupiers of their properties, to ensure that a satisfactory external appearance is achieved and to ensure that appropriate access is available to enable refuse collection.
- 7.1 In the interests of amenity and to ensure that the Council's key residential development standards are met.

- 8.1 In the interests of amenity and to ensure satisfactory integration of the new dwellinghouse with the designated Countryside
- 9.1 To ensure the protection and maintenance of the existing trees and other landscape features within the site.
- 10.1 In the interest of road safety
- 11.1 In order to safeguard any archaeological items of interest or finds.
- 12.1 To ensure appropriate treatment and disposal of sewage effluent and surface water.

For information only

For information only

