

Report

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Report to:	Planning Committee
Date of Meeting:	26 June 2018
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	CL/18/0041
Planning proposal:	Erection of 12 semi-detached two storey dwellings and 2 single storey bungalows

1 Summary application information

Application type:	Detailed planning application
Applicant:	Castlebank Homes Ltd
Location:	Heathland Terrace Forth

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.
- (2) The applicant has submitted a financial contribution of £21,000 towards the improvement of leisure and recreational facilities within the locality of the application site.

3 Other information

- ◆ Applicant's Agent: Assist Design Ltd
- ◆ Council Area/Ward: 02 Clydesdale North
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan:**

Policy 2 Climate change
Policy 4 Development management and placemaking
Policy 5 Community infrastructure assessment
Policy 6 General urban area/settlements
Policy DM13 Development within general urban area/settlement

Supplementary Guidance 3: Development Management, Placemaking and Design

Development management, placemaking and design supplementary guidance (2015)

Sustainable Development and Climate Change supplementary guidance

Community Infrastructure Assessment supplementary guidance

◆ **Representation(s):**

▶	3	Objection Letters
▶	0	Support Letters
▶	0	Comment Letters

◆ **Consultation(s):**

Roads Development Management Team

Environmental Services

Roads and Transportation Flood Risk Management Section

The Coal Authority Planning

Planning Application Report

1 Application Site

- 1.1 The application site, extending to approximately 0.52 hectares, is located within the settlement boundary of Forth. The site relates to vacant ground to the east of Main Street. The site was previously cleared of former housing and lock up garages. The topography is relatively level, and there is no notable landscaping within the site.
- 1.2 The surrounding area is residential in nature and comprises modern two storey semi-detached and four in a block properties, with a number of single storey houses along Reid Street on the southern boundary of the site. The site is bounded by vacant land on Skylaw Terrace to the east. A range of local shops and services are located in close proximity to the west of the site along Main Street as well Forth Primary School and sports and community centre. Adjoining the north-west corner of the site is an existing vehicle sales business and external yard. Heathland Terrace is an existing public road which provides vehicular access in to the site, and adjoins Reid Street to the south.

2 Proposal(s)

- 2.1 The proposal involves the erection of 14 dwellinghouses with associated road works. The proposal involves 12No. 2 storey semi-detached dwellings and 2No. bungalows. The site will be accessed via an existing access point off of Heathland Terrace which adjoins Reid Street to the south.
- 2.2 The design and layout of the houses reflect a modern suburban form with side driveways and front and back gardens. Each house will accommodate 3 bedrooms and living space. The houses are of modern design, and will use a mixture of brick and render materials on the front elevations, with concrete roof tiles.
- 2.3 There is no communal open space within the site, however, the applicant has agreed to provide a financial contribution towards the improvement of existing leisure and recreational facilities within the locality in lieu of on-site provision.

3 Background

3.1 Local Plan Status

- 3.1.1 The adopted South Lanarkshire Local Development Plan (SLLDP) identifies the site as being located within the settlement boundary of Forth where Policy 6 - General urban area/settlements applies. Other relevant policies in the assessment of this application are: Policy 2 - Climate Change and Policy 4 - Development Management and Placemaking, together with Supplementary Guidance on Sustainable Development and Climate Change and Development Management, Placemaking and Design. The content of the above policies and how they relate to the proposal is addressed in detail in Section 6 of this report.
- 3.1.2 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications the proposed South Lanarkshire Local

Development Plan 2 is now a material consideration. In this instance Policies 2, 3, 5 and 7 of Volume 1 and Policies SDCC1, DM1 of Volume 2 are relevant.

3.1.3 The development meets the criteria where a financial contribution towards leisure and recreational facilities is required.

3.1.4 The Council's Residential Design Guide recommends that rear gardens for each individual dwelling should have a depth of 10m and a useable area of 70m², and a 2m gap between the side gable and side boundary should be maintained. Also to protect privacy, the minimum distance between windows of directly facing habitable rooms should be no less than 20m. In addition adequate parking provision for each dwelling should be provided in accordance with Roads and Transportation standards.

3.2 **Relevant Government Advice/Policy**

3.2.1 SPP advises that the planning system should enable the development of well designed, energy efficient, good quality housing in sustainable locations and focus on the delivery of allocated sites. Planning should take every opportunity to create high quality places and direct development to the right places.

3.3 **Planning History**

3.3.1 Planning application CL/07/0233 for the erection of 22 dwellinghouses and associated road works on land which included the application site, and land fronting on to Skylaw Terrace, was approved at Planning Committee on 19 June 2007. The decision notice was withheld until the payment of a financial contribution towards leisure and recreation facilities was received. Subsequently, no payment was received and the application was later withdrawn and no consent was issued.

4 **Consultation(s)**

4.1 **Roads and Transportation Services** – do not object to this proposal subject to detailed requirements regarding parking provision, footpath provision and Roads Construction Consent (RCC) being obtained by the applicant.

Response: Noted. If consent is granted, conditions would be attached to safeguard these matters. In addition, an informative would be attached to make the applicant aware of the need to obtain construction consent before any work on site commences.

4.2 **Environmental Services** – do not object to this proposal. They recommend that internal noise conditions are attached to protect the interests of the house owners and the existing businesses neighbouring the site.

Response: Noted. If consent is granted, conditions would be attached to safeguard these matters.

4.3 **Roads and Transportation Services (Flood Risk Management Section)**– do not object to this application subject to any consent granted being conditioned to address the following: a Sustainable Drainage System (SUD's) provided to serve the site; a drainage assessment to be carried out, and the relevant Appendices of the Council's Design Criteria Guidance being completed.

Response: Noted. Should consent be granted then conditions will be attached to address the above requirements.

4.4 **The Coal Authority** – is satisfied with the Coal Mining Risk Assessment submitted by the applicant. The Coal Authority does not object to this application subject to any

consent granted being conditioned to ensure that the site investigations and any necessary remedial measures are carried out.

Response: Noted. Should consent be granted then conditions will be attached to address the above requirements.

5 Representation(s)

5.1 In response to statutory neighbour notification being carried out and the advertisement of the application in the local press for non-notification of neighbours, 3 letters of representation have been received. The grounds of objection are summarised as follows:

a) **The construction phase will create noise, disruption, safety, security and dust issues to existing neighbouring properties.**

Response: It is the responsibility of the developer to ensure that the site is safe and secure – this is not a material consideration in the assessment of this application. It is acknowledged that there will be an element of disturbance during the temporary construction phase, however, informatives will be added to any consent issued advising the applicant of the hours for audible construction activities as set out in Environmental Services' legislation.

b) **The services and facilities in Forth are declining and the Council should invest in amenities and not just private housing.**

Response: It should be noted that the Council does not own the site and is not involved in the development proposal. The applicant has submitted a financial contribution towards the upgrading of leisure and recreational facilities within the locality of Forth. The development of the site will visually improve the local area by removing a vacant site of low quality amenity. The proposal is considered a positive benefit to the settlement of Forth.

c) **The proposed housing will create overlooking and light pollution to neighbouring properties.**

Response: The residential use is compatible with the neighbouring houses, and by its very nature is not considered a form of development that would create light pollution to the extent of being a nuisance. It is not considered that the proposed houses will create overlooking issues, and all of the two storey houses meet the desired window to window distance of 20m between directly facing windows. The two bungalows proposed have a window to window distance of between 12-15m between existing bungalows on Reid Street. It is not considered that this is an issue as the 1.8m boundary fence proposed will provide sufficient screening.

d) **It is not clear if the houses will be for private sale or buy to let.**

Response: This is not a material consideration in the assessment of this application.

e) **It is not clear if there will be a public meeting about the layout and plans for construction.**

Response: There is no requirement for a public meeting to be carried out. Statutory neighbour notification has been carried out and this provides members of the public the opportunity to view the proposed plans and make representation as necessary.

f) **There is an existing flooding issue created by a damaged pipe within the application site. This should be fixed as part of the development construction.**

Response: It should be noted that any existing issue arising from flooding due to damaged infrastructure is a private legal matter between the relevant parties. However, should consent be granted, a condition will be attached to ensure the

developer submits a drainage assessment and details of a SUDS system to be implemented within the site. This would ensure that the development does not create flooding to existing or proposed properties.

- g) **The area of ground off of Skylaw Terrace is not being developed – this is disappointing due to the fly tipping that occurs in this area of land. Maybe the developers could secure this area by erecting fencing around it.**

Response: This area of land does not form part of the application site and there is no requirement to fence it off. Instances of fly tipping can be reported via the Council's website for action to be taken.

5.1.3 There are supporting comments from two representees welcoming the land being developed for housing.

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

6 Assessment and Conclusions

6.1 The applicant seeks detailed planning consent for the erection of 12 semi-detached two storey dwellings and 2 single storey bungalows on land off of Heathland Terrace, Forth. The main issues in determining this application are its compliance with local plan policy, road safety, and its impact on the residential and visual amenity on the surrounding area.

6.2 The application site is located within the settlement boundary of Forth as identified in the adopted SLLDP. Policies 6 - General Urban/Settlements and Policy 4 - Development Management and Place Making, together with the Development Management and Placemaking Supplementary Guidance of the adopted local development plan supports residential developments where they do not have a significant adverse effect on the amenity of the area. In addition, 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, overshadowing, overlooking or visual intrusion.

6.3 The proposal relates to a new housing development on a Brownfield site within the settlement boundary, where the principle of residential development is acceptable in land use terms. In addition, it would make efficient use of a vacant site of low amenity value, and would contribute positively towards improving the visual amenity of the area. The development would provide good quality housing in terms of materials, design, scale and siting.

6.4 The housing layout complies with the Council's Design Guide in terms of achieving the required window to window distance of 20m on all proposed dwellings except for the two single storey bungalows. These bungalows would have a minimum of 12-15m window to window distance with neighbouring properties along Reid Street. Given the single storey nature of the properties, it is considered that the proposed 1.8m boundary fence will provide sufficient screening to prevent overlooking issues. The proposal also meets the required 4 metre minimum distance between the side gables of neighbouring dwellings and guidance on provision of useable garden ground. Each dwelling has sufficient car parking of 2 spaces per plot accommodated within side driveways.

- 6.5 Although no open amenity space is provided, it is considered that in this instance a condition would be attached to ensure that the development remained open plan to the front of the dwellings to ensure the development created a sense of space and openness. The applicant has submitted a financial contribution towards the improvement of existing leisure and recreational facilities within the locality in lieu of on-site provision.
- 6.6 Policy 2 Climate Change seeks to minimise and mitigate against the effects of climate change by considering criteria, including being sustainably located. The site is sustainably located within the settlement boundary of Forth and is closely located to bus routes and nearby shops and services. The proposal makes use of a vacant brownfield site. There are no infrastructure constraints. In consideration the proposals would not undermine the objectives of the policy.
- 6.7 On 29 May 2018 the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan 1. It is considered that the proposals accords with Policies 2, 3, 5 and 7 of Volume 1 and Policies SDCC1, DM1 of Volume 2 in the Proposed plan.
- 6.8 I am satisfied that the proposal is an appropriate development for the site and complies with local development plan policy and will significantly improve the amenity and appearance of the surrounding residential area. I would, therefore, recommend that planning consent be granted subject to the attached conditions.

7 Reasons for Decision

- 7.1 The proposal is an acceptable form of development for the site and would contribute positively to the visual amenity of the surrounding residential area. The proposal complies with Policies 2, 4, 5 and 6 of the adopted South Lanarkshire Local Development Plan together with the associated Supplementary Guidance.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

15 June 2018

Previous references

- ◆ CL/07/0233

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted) and supplementary guidance
- ▶ Neighbour notification letter dated 22 January 2018
Lanark Gazette advertisement 7 February 2018
- ▶ Consultations
Roads Development Management Team

08.03.2018

Environmental Services	25.04.2018
R & T Flood Risk Management Section	09.04.2018
The Coal Authority	

► Representations	Dated:
Maureen Healy, 92 Main Street, Forth, ML11 8AB	05.03.2018
Isobel Gray,	05.03.2018
Mr Colin Thomson,	05.03.2018

Contact for further information

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

Pamela McMorran, Planning Officer
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Email: pamela.mcmorran@southlanarkshire.gov.uk

Detailed planning application

Paper apart – Application number: CL/18/0041

Conditions and reasons

1. 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.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

2. That notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 (or any such order revoking or re-enacting that order), no gates, fences, walls or other means of enclosure shall be erected between the front of the dwellinghouse and the adjoining road, other than those approved by this consent.

Reason: To safeguard the residential amenity of the area.

3. That prior to development commencing on site, the specification of trees to be planted as shown on the approved block plan shall be submitted to the Council as Planning Authority.

Reason: In the interest of amenity

4. That the approved trees shall be planted to the satisfaction of the Council as Planning Authority during the first available planting season following completion of the development hereby approved, and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.

Reason: In the interests of the visual amenity of the area.

5. The internal noise levels of the dwellinghouses hereby approved shall comply with BS 8233:2014 Guidance on sound insulation and noise reduction for buildings as follows-

Part 1

- a) the internal levels with windows open (or under exceptional circumstances closed) do not exceed an LAeq,16hr of 40dB daytime (07:00 - 23:00)
- b) the internal levels with windows open (or under exceptional circumstances closed) do not exceed an LAeq,8hr of 30dB night-time (23:00 - 07:00).
- c) the internal levels with windows open (or under exceptional circumstances closed) do not exceed an LA,max of 45dB night-time (23:00 - 07:00).
- d) The external levels shall not exceed an LAeq,16hr of 50dB daytime in any garden areas, when measured free-field

Part 2

The Internal Noise Rating Values shall not exceed-

- NR25 between 23.00hrs and 08.00hrs
- NR35 between 08.00hrs and 23.00hrs

Reason: The dwellings are in close proximity to an existing business.

6. That prior to any work starting on site, a Drainage Assessment in accordance with the Council's SUDS Design Criteria Guidance Note shall be submitted to and approved in writing by the Council as Planning and Roads Authority.

Reason: To demonstrate that a satisfactory means of waste and surface water drainage can be achieved.

7. 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 shall include signed appendices 1, 2, 3, and 5 as required. These appendices shall be signed off by the relevant parties with these parties providing a copy of the professional indemnity insurance. The development shall not be occupied until the surface drainage works have been completed in accordance with the details submitted to and approved by the Council as Planning Authority.

Reason: 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.

8. That all of the driveways and car parking spaces for each dwellinghouse as shown on the approved plans shall be provided and thereafter maintained to the satisfaction of the Council as Roads and Planning Authority.

Reason: To provide sufficient car parking.

9. 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.

Reason: To ensure the provision of satisfactory vehicular and pedestrian access to the dwellings.

10. That before any of the dwellinghouses situated on the site upon which a fence is to be erected is occupied, the fence for which the permission of the Council as Planning Authority has been obtained under the plans hereby approved shall be erected and thereafter maintained to the satisfaction of the Council.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

11. The surface of each driveway shall be so trapped, and finished in hardstanding for the first 2m along its width, as to prevent any surface water or deleterious material from running onto or entering the road.

Reason: In the interests of traffic safety and to prevent deleterious material entering the road.

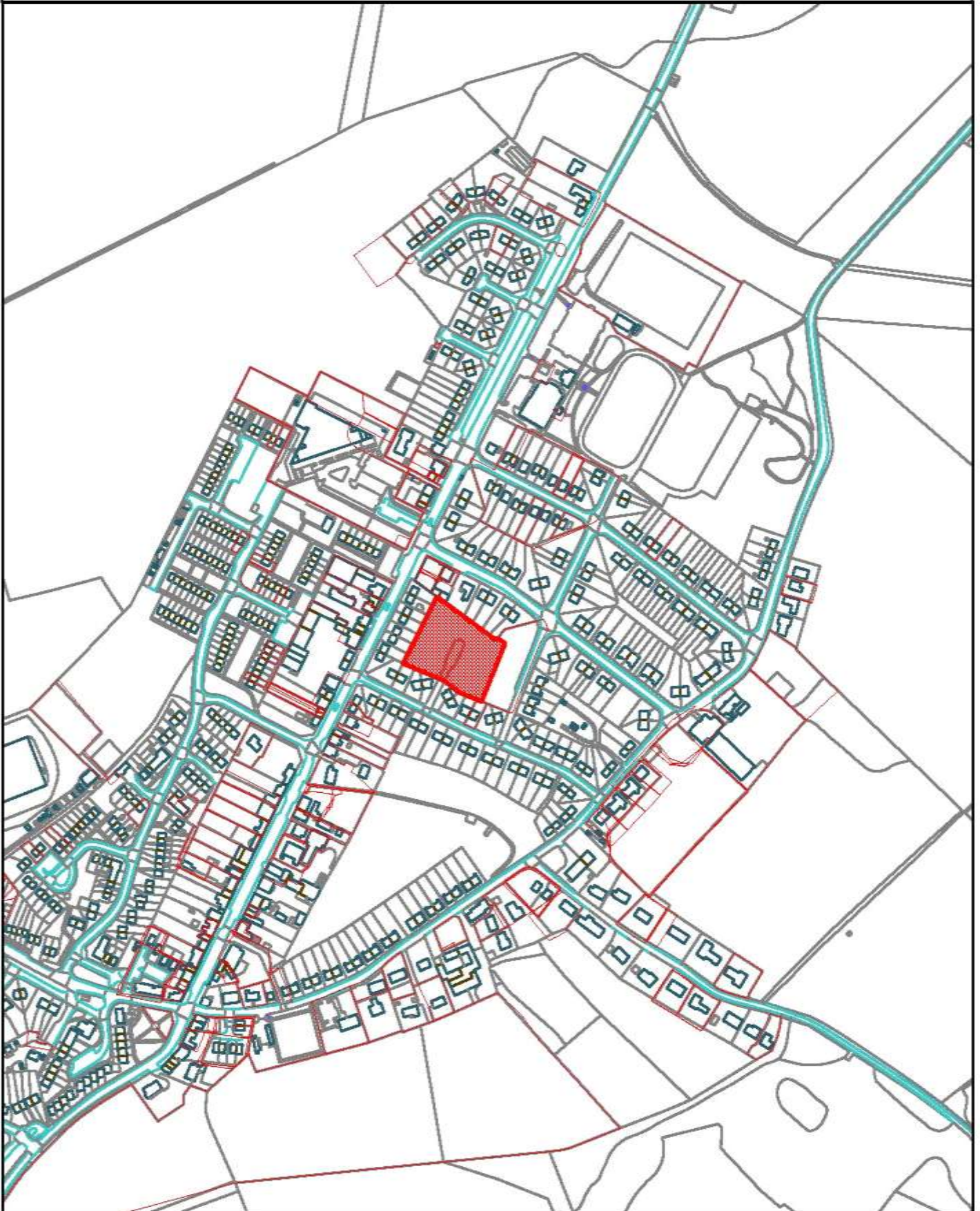
12. The remediation, investigation and other measures specified in the submitted Coal Risk Assessment (dated August 2017, prepared by JPB Ltd) must be implemented

prior to the commencement of development except for works which are designed to ensure public safety as part of an on-going programme of works prior to the development. Following the completion of the measures and works set out in the Coal Risk Assessment, a Verification/Remediation Statement should be produced by the applicant to demonstrate the effectiveness of the implementation, to ensure the avoidance of any risk arising when the site is developed or occupied which should be submitted to, and agreed by the Council as Planning Authority. The same Verification/Remediation Statement must be submitted to The Coal Authority.

Reason: To ensure that the risks associated from historical and/or current mining activity are minimised in the interests of public safety and ground stability for the future users of the proposed development and the neighbouring land.

CL/18/0041

Heathland Terrace, Forth



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Scale:
1:5,000
Date:
08/05/2018



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development