

Application No: S/04/00645/FUL

Date Registered: 22nd April 2004

**Applicant:** **Wishaw & District Housing Association Ltd**  
**55 Kirk Road**  
**Wishaw**  
**ML2 7BL**

Agent: Coltart Earley  
11 Clairmont Gardens  
Glasgow  
G3 7LW

**Development:** **Residential Development Comprising 14 Flatted Dwellings and 32 Dwellinghouses**

**Location:** **Land North of**  
**92-110 Woodside Crescent**  
**Newmains**  
**Wishaw**  
**Lanarkshire**

Ward: 16 Newmains Councillor David McKendrick

Grid Reference: 282730 656835

File Reference: S/PL/B/3/50/FM/MM

Site History: 66/90 – Outline consent for a residential development granted 2<sup>nd</sup> August 1990.

60/90A – Detailed permission for 39 plots and access road granted 3<sup>rd</sup> July 1991.

60/90B – Detailed permission for 36 plots granted 1<sup>st</sup> July 1992.

60/90C – Detailed permission for 7 detached plots accessed from Woodside Crescent granted 11<sup>th</sup> March 1993.

552/92 – Permission for 6 plots and access from Woodside Road, granted 28<sup>th</sup> July 1993.

96/521 – Permission for 23 houses on western part of site, granted 25<sup>th</sup> July 1997

Development Plan: The site is zoned as HSG2 (Housing Development Opportunities) in the Southern Area Local Plan, Finalised Draft (Modified 2001, 2004 and 2005). Policies HSG5 (Housing for Rent, Shared Ownership and Special Needs), HSG10 (Assessing Applications for Housing Developments) and TR13 (Assessing the Transportation Implications of Development) also apply.



Contrary to Development Plan: No

**Consultations:** NLC Community Services Department (Comments)  
NLC Education Department (Comments)  
Scottish Environment Protection Agency (Comments)  
Scottish Water (Comments)

**Representations:** One letter of representation received

Newspaper Advertisement: Not Required

**Recommendation: Grant Subject to the Following Conditions:-**

1. That the development hereby permitted shall be started within five years of the date of this permission

**Reason:** To accord with the provisions of the Town and Country Planning (Scotland) Act 1997.

2. That before the development hereby permitted starts, full details of all external materials to be used in construction, including walls, roofs, windows, doors, gutters and downpipes, shall be submitted to, and approved in writing by the Planning Authority.

**Reason:** To enable the Planning Authority to consider these aspects in detail.

3. That before the development hereby permitted starts, full details of the design and location of all fences and walls to be erected on the site shall be submitted to, and approved in writing by the Planning Authority.

**Reason:** To enable the Planning Authority to consider these aspects in detail.

4. That before any of the dwellings hereby permitted, situated on a site upon which a fence or wall is to be erected, are occupied, the fence, or wall, as approved under the terms of condition (3) above, shall be erected.

**Reason:** In order to protect the amenity of future residents.

5. That before the development hereby permitted starts, a scheme of landscaping incorporating native species shall be submitted to, and approved in writing by the Planning Authority, and it shall include:-
  - (a) details of any earth moulding and hard landscaping, grass seeding and turfing;
  - (b) a scheme of tree and shrub planting, incorporating details of the location, number, variety and size of trees and shrubs to be planted;
  - (c) an indication of all existing trees and hedgerows, plus details of those to be retained, and measures for their protection in the course of development
  - (d) a time table for the implementation of these works

**Reason:** To enable the Planning Authority to consider these aspects in detail.

6. The landscaping scheme required under the terms of condition (5) above shall be implemented in accordance with the approved timetable unless otherwise agreed in writing by the Planning Authority.

**Reason:** In the interests of nature conservation, visual amenity and the amenity of future residents.

7. That within one year of the first occupation of the dwellings hereby permitted, all planting, seeding, turfing and earth moulding included in the scheme of landscaping and planting, approved under the terms of condition 5; above, shall be completed and any trees, shrubs, or areas of grass which die, are removed, damaged, or become diseased, within two years of the completion of the development, shall be replaced within the following year with others of a similar size and species.

**Reason:** In order to protect the visual amenity and habitat value of the site and in order to retain an effective and suitable green belt boundary.

8. That before the development hereby permitted starts, a scheme for the provision of an equipped play area within the site, hatched BLUE on the approved plans, shall be submitted to, and approved in writing by the Planning Authority, and this shall include:-

- (a) details of the type and location of play equipment, seating and litter bins to be situated within the play area(s);
- (b) details of the surface treatment of the play area(s), including the location and type of safety surface to be installed;
- (c) details of the fences to be erected around the play area(s), and
- (d) details of the phasing of these works.

**Reason:** To ensure the provision of adequate play facilities within the site.

9. That before occupation of the last 10 dwellinghouses within the development hereby permitted, all the works required for the provision of equipped play area(s) and, included in the scheme approved under the terms of condition 8 above, shall be completed.

**Reason:** To ensure the provision of adequate play facilities within the site.

10. That before the development hereby permitted starts, a management and maintenance scheme shall be submitted to, and approved in writing by the Planning Authority, and it shall include proposals for the continuing care, maintenance and protection of the proposed grassed, planted and landscaped areas shown on the approved plans, the landscaping details agreed through condition 5, the play areas agreed through condition 8 and the continuing maintenance of the SUDS/surface water drainage infrastructure agreed through condition 18.

**Reason:** To enable the Planning Authority to consider these aspects in detail.

11. That before completion of the development hereby permitted, the management and maintenance scheme approved under the terms of condition 10 shall be in operation.

**Reason:** To ensure proper maintenance of the area.

12. That before any of the dwellings hereby permitted are occupied all the associated parking and manoeuvring areas shown on the approved plans, shall be levelled, properly drained, surfaced in a material which the Planning Authority has approved in writing before the start of surfacing work and clearly marked out, and shall, thereafter, be maintained as parking and manoeuvring areas.

**Reason:** To ensure the provision of adequate parking facilities within the site.

13. That no dwelling hereby permitted shall be occupied until the road and footpath adjacent to it have been constructed to basecourse standard and the road and footpath shall be maintained thereafter to the satisfaction of the Planning Authority during the construction phase.

**Reason:** To ensure satisfactory vehicular and pedestrian access facilities to the dwellings.

14. That before the last of the dwellings hereby permitted are occupied, all roads and footways shall be completed to final wearing course.

**Reason:** To ensure satisfactory vehicular and pedestrian access facilities to the dwellings.

15. That notwithstanding the requirements of condition (3) above, before the development hereby permitted is commenced details of a site entrance feature shall be submitted to and approved by the Planning Authority.

**Reason:** To enable the Planning Authority to consider these aspects in detail.

16. That before the twelfth dwelling within the site is occupied the site entrance feature approved under the terms of condition (15) above shall be completed to the satisfaction of the Planning Authority.

**Reason:** In the interests of the visual amenity of the site and in order to clearly identify the site entrance in the interests of road safety.

17. That before the development hereby permitted starts, the applicant shall provide written confirmation to the Planning Authority that all the requirements of Scottish Water have been fully met to demonstrate that the development will not have an impact on their assets, and that suitable infrastructure can be put in place to support the development.

**Reason:** To ensure that there is sufficient capacity in the sewerage and water supply systems to allow the residential development to proceed.

18. That before the development hereby permitted starts, full details of the location and design of the surface water drainage scheme to be installed within the application site shall be submitted to and approved in writing by the Planning Authority, and for the avoidance of doubt the scheme requires to comply with the Scottish Environment Protection Agency principles of Sustainable Urban Drainage Systems and with any requirements of Scottish Water. Thereafter, once completed, written confirmation, from a suitably qualified engineer, shall be submitted to the Planning Authority, confirming that the drainage system has been installed in accordance with the approved scheme. Any change to the site layout as a result of this scheme will require an amendment planning application to be submitted to and approved by the Planning Authority before development proceeds.

**Reason:** To safeguard the amenity of the area, to prevent groundwater pollution and to ensure that the proposed drainage system complies with the latest SEPA guidance and Scottish Water requirements.

### **Background Papers:**

Application form and plans received 19th April 2004  
Amended plans received 27<sup>th</sup> June 2006 and 27<sup>th</sup> September 2006.

Memos from NLC Transportation Team Leader received 20<sup>th</sup> and 27<sup>th</sup> July 2006  
Memos from NLC Community Services Department received 21<sup>st</sup> July 2006 and 23<sup>rd</sup> August 2006  
Memo from NLC Education Department received 1<sup>st</sup> August 2006.  
Letter from Scottish Environment Protection Agency received 3<sup>rd</sup> August 2006  
Letter from Scottish Water received 14<sup>th</sup> July 2006

Letters from Mrs Bell, Bonds Drive, Newmains, Wishaw, ML2 9ES received 7<sup>th</sup> and 25<sup>th</sup> July 2006.

## APPLICATION NO. S/04/00645/FUL

### REPORT

#### 1. Description of Site and Proposal

- 1.1 This application seeks detailed planning permission for the erection of a residential development comprising of 14 flatted dwellings and 32 semi-detached and terraced dwellings on land to the north of 92-110 Woodside Crescent, Bonkle, Wishaw. The application site is an undulating site that slopes from the south to the north. Existing housing on Woodside Crescent bounds the site to the south, and a mixture of semi-mature trees and shrubbery bound the site to the west and north with the South Calder Water beyond. The east of the site is bounded by a single dwelling and open land beyond.
- 1.2 The application proposes to utilise an existing access into the site created by planning permission 60/90 (Bonds Drive). Following the clearance of scrub vegetation on the site it is proposed to erect the dwellings to the east of the site around the existing access road. The western section of the site would be developed around a new access road created from the corner of Bond Drive and running to the rear of 92-110 Woodside Crescent. The dwellings are to be in the form of cottage style flats, semi-detached blocks and terraced blocks, with three split level houses fronting onto Woodside Crescent. Parking will be provided through off street parking and courtyard parking with adequate visitor parking distributed evenly along the access roads. The proposed design of the dwellings is contemporary in nature using a variety of external finishes. Full details have yet to be finalised however the initial proposals are to finish the dwellings with a mixture of grey roof tiles, buff facing brick and white render, grey timber windows and timber doors. The only exception to the use of grey tiles is on the proposed split-level dwellings where it is proposed to use a zinc seam roof. The proposed finishes are similar to the recent Wishaw and District Housing Site on Walkerburn Drive, Wishaw.
- 1.3 There has been a history of planning permissions that have been granted on the site and adjoining land to the northeast and east dating back to the early 1990s. Planning permission was granted on 2<sup>nd</sup> August 1990 (ref: 66/90) for all the land to the rear of Woodside Crescent/Comliebank, including the current application site and the upper plateau. However this consent has never been implemented and has subsequently expired. On the 3<sup>rd</sup> July 1991 detailed planning permission for 39 plots on the upper plateau (current application site) was granted subject to a condition requiring control to be obtained over the visibility splay at Bonkle Road before the development started. This consent has also not been implemented and has subsequently expired. On the 1<sup>st</sup> July 1992 planning permission was granted for 36 plots on the western part of the upper plateau (Bonds Drive) subject to a condition relating to the visibility splay onto Woodside Crescent. The condition was duly met and construction work on the road commenced. To date the road/footways from Woodside Crescent have been constructed but not to adoptable standards and one plot within the upper plateau area has been completed and is occupied by a Mr and Mrs Bell. NLC Transportation Section have a bond and construction consent in the name of Oscarpark Developments for the access from Woodside Crescent. The site was sold to the current applicant Wishaw and District Housing Association in 1993.

#### 2. Development Plan

- 2.1 The site is zoned as Policy HSG2 (Housing Development Opportunities) in the Southern Area Local Plan, Finalised Draft (Modified 2001, 2004 and 2005). This Policy states that the Council will actively support and where appropriate, promote the release of sites identified in Schedule HSG 2 for private sector housing development. Policies HSG5 (Housing for Rent/Shared Ownership), HSG10 (Assessing Applications for Housing Developments) and TR13 (Assessing the Transportation Implications of Development) are also applicable.

### **3. Consultations and Representations**

- 3.1 My Transportation Section have raised no objections to the application and have advised that the existing road layout has yet to be adopted. As such the proposed alteration to its layout cannot go ahead at present until the existing construction consent has been altered or a stopping up order is promoted under planning legislation once the road has been formally adopted. In addition they have advised that the existing services may need to be relocated and that the existing street lighting layout will need to be altered to allow the proposed driveway arrangement at block 8 and the dropped kerb footway crossings at blocks 5 and 6. The turning arrangements are satisfactory, notwithstanding that part of the eastern turning circle is currently blocked.
- 3.2 NLC Community Services have offered no objections to the application provided a number of conditions are attached to the consent. They have also recommended the incorporation of a Sustainable Urban Drainage Scheme and detailed landscaping proposals, to include an 8 metre buffer planting zone to the north site boundary and some screening at the rear of Woodside Crescent properties. They note the requirement to treat Japanese Knotweed at the site in accordance with legislation. NLC Play Services have advised that the minimum requirement for equipped play space is 500 square metres. It has been recommended that the play area be located towards the centre of the development.
- 3.3 NLC Education Department have advised that the site is within the catchment area for Morningside Primary, Newmains Primary and St Brigids Primary and Clyde Valley High and St Aidans High School. As all pupils within the zoned housing cannot be fully accommodated a developer contribution at a current cost of approximately £250,000 for a two classroom extension to Morningside Primary has been requested.
- 3.4 Scottish Water have advised that both the Daer Water Treatment Works and Swinstie Waste Water Treatment Works currently have sufficient capacity to the serve this proposed development. In addition Scottish Water have advised that a separate drainage system will be required for surface water and that the planning permission should be conditioned to ensure surface water is treated by a scheme of Sustainable Urban Drainage Systems (SUDS) scheme. The type of SUDS required may be dependent on the outcome of the site investigation.
- 3.5 The Scottish Environmental Protection Agency have also requested that surface water be treated by a SUDS scheme and have also confirmed that they have no records of flooding at this location.
- 3.6 One letter of representation has been received following the press advertisement and neighbour notification procedures. The letter raises a number of objections in relation to the turning circle outwith the application site boundary to the front of the objector's property. It has been stated that there is no turning point for vehicles and that the turning circle shown on the plans is part owned by the objector and is being used as private parking for the objector's family. In addition the objector claims to have been informed that planning permission would not be granted without a turning circle and expected to see the road layout changed to include another turning point not intruding onto the objector's land.

### **4. Planning Assessment and Conclusions**

- 4.1 It should be noted that the application raises no strategic issues. This application must be assessed against the relevant development plan policies, which are Southern Area Local Plan Finalised Draft (Modified 2001, 2004 and 2005) Policies HSG2 (Private Housing Development), HSG5 (Housing for Rent, Shared Ownership and Special Needs), HSG10 (Assessing

Applications for Housing Developments) and TR13 (Assessing the Transportation Implications of Development), together with other material considerations.

- 4.2 The application site is proposed for Private Housing Development, in the Southern Area Local Plan, Finalised Draft (Modified 2001, 2004 and 2005). Policy HSG2 applies and states that the Council will actively support and where appropriate release sites identified in Schedule HSG2. It is acknowledged that the site is identified for a private housing development, however given the history of the site and the land use zoning of the site, the principle of a housing association residential development is acceptable.
- 4.3 In considering applications for Housing for Rent/Shared Ownership, Policy HSG5 (Housing for Rent/Shared Ownership) applies and states that the Council will support the continued involvement of housing associations and co-operatives in providing a range of housing opportunities. The proposed development accords with Policy HSG5.
- 4.4 To assess proposals for new housing development consideration is given to Local Plan Policy HSG10 (Assessing Applications for Housing Development). Policy HSG10 details criteria against which new housing sites will be assessed. These include (a) impact on the existing built and natural environment; (b) measures to reduce energy consumption and promote efficiency; (c) environmental conditions; (d) risk of flooding; (e) density/layout/mix; (f) detailed design elements; (g) design and layout; (h) landscaping, open space and play areas; and (i) provision of roads, access and parking.
- 4.5 On assessing the detailed proposals against the relevant policy and guidance, the layout is found to satisfactorily achieve current standards. (a) In general terms the development of the site will see a marked improvement in the overall environment of the site, following the construction of the road and a single dwelling and the subsequent abandonment of the development of the site. b) The site also benefits from its urban setting and links with public transport. (c & d) Environmental conditions and drainage/flooding issues are addressed in paragraph 4.9 and it is considered can be satisfactorily addressed by conditions, (e, f & g) the dwellings show an adequate level of useable private garden ground and design details are satisfactory, subject to conditions on finishing materials. Given the design and positioning of the dwellings there are no concerns surrounding loss of privacy, loss of sunlight, overshadowing and general impact on residential amenity of adjacent residential properties on Woodside Crescent. (h & i) Transportation and landscaping issues are addressed in paragraphs 4.6 and 4.7.
- 4.6 In assessing the transportation implications of a development, Policy TR13 is a material consideration and states that the Council will take account of criteria including: the impact of the development on road traffic circulation/road safety and the provision made for access, parking, vehicle manoeuvring and access for all. My Transportation Section has confirmed they have no objections to the proposed internal access road, parking courtyards, off street parking and visitor parking arrangements. It is therefore considered that the proposals are acceptable in terms of the transportation requirements of policies HSG10 and TR13.
- 4.7 In terms of the boundary treatment issues raised by NLC Community Services, I can advise that it is considered that conditions can be imposed to require the submission of a landscaping scheme and tree protection measures prior to the start of works on site. In relation to their request for the planting of an 8 metre landscaping buffer to the north of the site it is considered that the existing tree planting in this area is sufficient in creating a landscaped buffer. Furthermore the request for screen planting to the rear of 92-110 Woodside Crescent is considered unnecessary as the Council's requirements of window to window distances of 18 metres is exceeded. In terms of the comments received from NLC Community Services in respect of the treatment of Japanese Knotweed, it is considered appropriate to attach an advisory note to the applicant to the consent. In response to the comments made by the Play Services Manager, I can advise that the play area including its buffer planting area exceeds the

500 square metre minimum requirement. Furthermore following the amendment to the window arrangement of the adjacent units, it is considered that the play area is adequately overlooked by dwellings in a way that would not cause conflict between the use of play equipment and future residents. In relation to the detailed requirements for play equipment and fencing etc it is recommended that conditions be imposed requiring the submission of a detailed scheme.

- 4.8 In response to the comments made by NLC Education in relation to a developer contribution, I consider that given the previous consents granted did not require a developer contribution that it is unreasonable to request a developer contribution in this instance.
- 4.9 With respect to the comments received from Scottish Water and SEPA it is recommended that a condition be imposed to require an appropriate SUDS scheme. In this instance in case the required level of SUDS results in any further land take it is recommended that a condition highlights that any amendments required to the number, size and layout of the approved dwellings would require an amendment planning application.
- 4.10 In response to the letter of representation received, the Transportation Section advises that the turning circle, as is currently constructed, does allow vehicles to make turning manoeuvres despite the obstruction. Vehicles can U-turn safely by utilising the completed section of the turning circle. Furthermore the Network Team Leader has called in the bond on the above site and as a result have now adopted the road which will enable the road works including the turning circle to be completed.
- 4.11 In conclusion having due regard to the provisions of the Development Plan, the application proposals are considered to be acceptable and to comply with Policies HSG2, HSG5, HSG10 and TR13. While some details are outstanding, in this instance these matters can be satisfactorily covered by conditions. I therefore recommend that planning permission be granted subject to conditions.
- 4.12 It should be noted that the objector has requested that a site visit and hearing be carried out prior to the determination of the application.