

Application No: S/07/00070/OUT

Date Registered: 18th January 2007

Applicant: Robert Good
Crestwood
Greenfield Crescent
Wishaw
ML2 8NZ

Development: Formation of Two House Plots

Location: Land at Crestwood
Greenfield Crescent
Wishaw
ML2 8NZ

Ward: 9: Cambusnethan

Grid Reference: 280742 655970

File Reference: S/PL/BF/3/2/HMG/MM

Site History: 451/88: Erection of House granted 10th August 1989.

S/06/00049/FUL: Erection of Single Storey Rear and Side Extensions and Raised Timber Decking Area granted 3rd March 2006.

S/06/01968/OUT: Formation of Two House Plots withdrawn 8th January 2007.

Development Plan: The site is covered by Policy ENV 11 (Protected Urban Woodland) in the Southern Area Local Plan (Modified 2001, 2004 and 2005).

Contrary to Development Plan: Yes

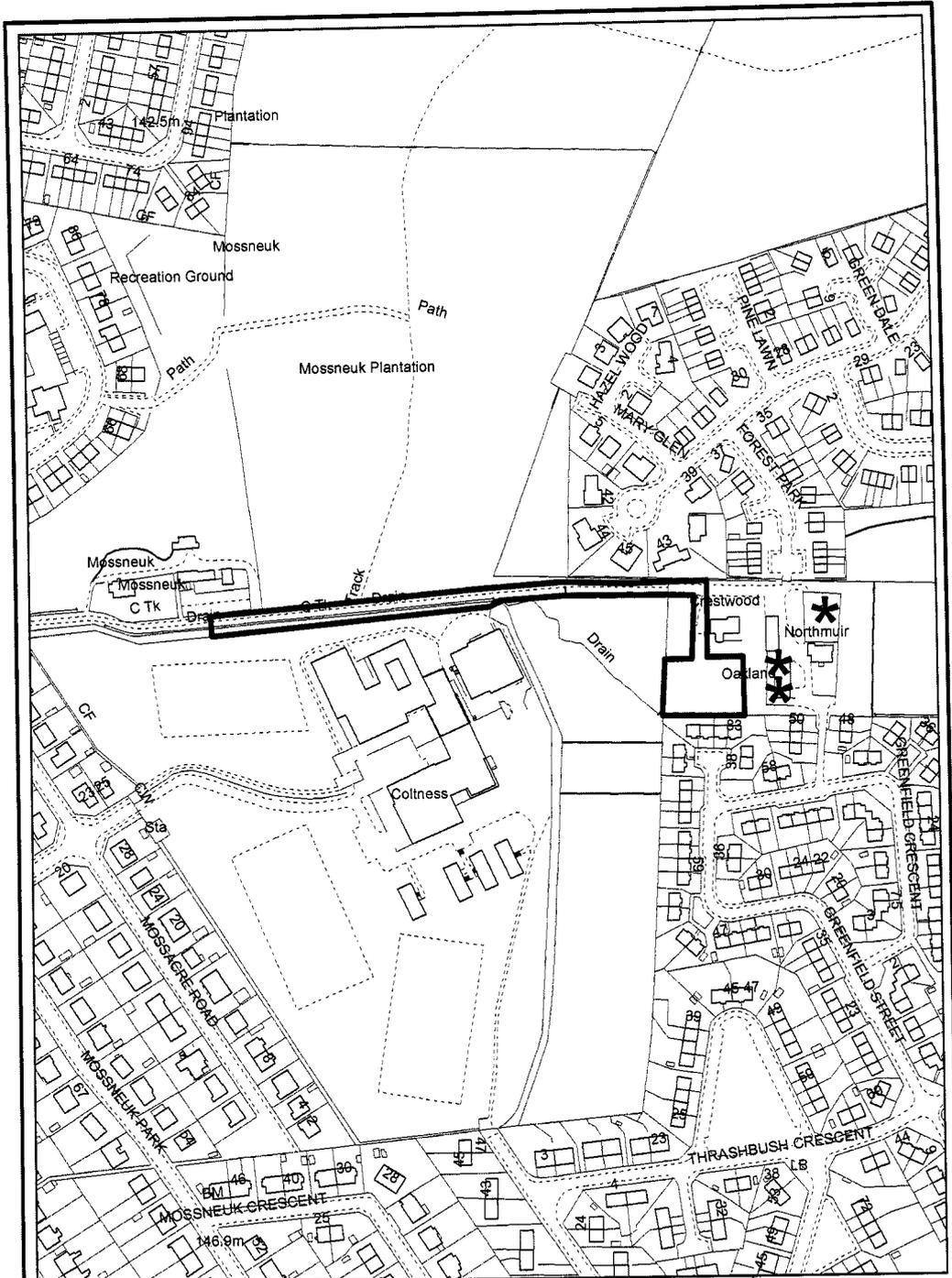
Consultations: NLC Community Services (Comments)
Scottish Natural Heritage (Comments)
Central Scotland Forest Trust (Comments)

Representations: 4 letters of representation received.

Newspaper Advertisement: Advertised on 24th January 2007

Recommendation: Refuse for the Following Reasons:-

1. That the development is contrary to Policy HSG 11 (Infill Housing Development) of the Southern Area Local Plan Finalised Draft (Modified 2001, 2004 and 2005) in that the proposed dwelling houses would represent overdevelopment of the site and constitute back land development with no site frontage, which would be detrimental to the character and amenity of the surrounding area, they would be served by an inadequate vehicular access and, if approved, this application could set an undesirable precedent for other similar back land developments.



Produced by
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PLANNING APPLICATION No. S / 07 / 00070 / OUT

FORMATION OF TWO HOUSE PLOTS

LAND AT CRESTWOOD, GREENFIELD CRESCENT,
 CAMBUSNETHAN, WISHAW.

* Representation

Site Area = 0.40 ha.



2. That the proposed development is contrary to Policy TR13 of the Southern Area Local Plan Finalised Draft (Modified 2001, 2004 and 2005) in that it would result in additional traffic movements to the detriment of road safety, as the proposed access is unsurfaced, substandard in terms of width and geometry, with no scope to provide a road to adoptable standards.
3. That the proposed development site lies in an area of known former mining activity, potentially including a mine entry, and the applicant has not demonstrated that it could safely be developed for two houses. The application is therefore contrary to Policy HSG 10 (Assessing Application for Housing Development) of the Southern Area Local Plan Finalised Draft (Modified 2001, 2004 and 2005).

NOTE TO COMMITTEE

The applicant has requested that a site visit and hearing is conducted prior to the determination of this application.

Background Papers:

Application form and plans received 18th January 2007 and letter received 30th January 2007.

Memo from Traffic and Transportation Team Leader received 1st February 2007.

Memo from Scottish Natural Heritage received 29th January 2007.

Memo from NLC Protective Services Section received 18th December 2006.

Memo from NLC Geotechnical Team Leader received 6th February 2007.

Email from Central Scotland Forest Trust received 7th February 2007.

Memo from NLC Community Services (Landscaping Section) received 13th December 2006.

Letter from Councillor Love, PO Box 14, Civic Centre, Motherwell, ML1 1TW received 6th February 2007.

Letter from Mr J McDonald, Northmuir Cottage, Greenfield Crescent, Cambusnethan, ML2 8NZ received 5th February 2007.

Letter from Mr Andrew Smellie, Oakbank, Greenfield Crescent, Cambusnethan, Wishaw, ML2 8NZ received 5th February 2007.

Letter from Mr & Mrs Smillie, Oakland, Greenfield Crescent, Cambusnethan, Wishaw, ML2 8NZ received 5th February 2007.

Southern Area Local Plan, Finalised Draft (Modified 2001, 2004 and 2005)

Any person wishing to inspect these documents should contact Miss Heather Gebbie at 01698 302102.

Date: 19 February 2007

APPLICATION NO. S/07/00070/OUT

REPORT

1. Description of Site and Proposal

- 1.1 Outline planning permission is sought for the formation of two house plots at land to the rear of Crestwood, Greenfield Crescent, Wishaw. The application site is located within the rear garden area of an existing single storey detached dwellinghouse, and comprises of grassland with a number of mature trees along the southern and western boundaries. Residential dwellings bound the site to the north, east and south, with mature trees to the west.
- 1.2 The applicant has submitted an indicative layout comprising of two residential plots, each with a one and a half storey detached dwelling. Access to the plots would be taken via a shared private road leading from Galloway Avenue, off Coltness Road.
- 1.3 The Committee should note that the existing dwellinghouse, Crestwood, which lies to the north of the application site was granted planning permission for the erection of single storey rear and side extensions and raised timber decking area on 3rd March 2006, which have not yet been built.

2. Development Plan

- 2.1 The application raises no strategic issues in terms of the Structure Plan and can therefore be assessed in terms of local plan policies.
- 2.2 The site is covered by Policy ENV 11 (Protected Urban Woodland) in the Southern Area Local Plan Finalised Draft (Modified 2001, 2004 and 2005). Policies HSG 10 (Assessing Applications for Housing Development) and HSG 11 (Infill Housing Development) and Policy TR 13 (Assessing the Transport Implications of Development) are also relevant to this proposal.

3. Consultations and Representations

- 3.1 My Transportation Section has serious concerns regarding this proposal. The access to the site is unsurfaced and substandard in width and geometry with no footways or street lighting. Current Roads guidelines require a road to adoptable standards for any access which serves more than 2 dwellings. There is currently no scope to provide a road to adoptable standards and this proposal would result in additional vehicular movements, which would be detrimental to road safety.
- 3.2 My Protective Services Section have commented that the construction hours of noise producing works should be limited and suitable dust measures put in place. Furthermore, they have requested that a site investigation survey should be submitted and any necessary remediation work be completed prior to the commencement of development.
- 3.3 My Geotechnical Team Leader has concerns regarding the land stability of the site and the proposed drainage, and has reservations about the granting of outline planning permission in these circumstances. He has raised concerns that the site may potentially overlie a former mine entry and advised that the applicant should seek further information on former mining activities and it is not good practice to construct a building over a former mine entry irrespective of how it might be treated. In terms of drainage, he notes that no details have been submitted and there is no suitable means to discharge surface water to a nearby ditch and this has been affected

through the new residential development which has been constructed at land to the west of the application site.

- 3.4 NLC Community Services (Landscaping Section) have no objections to the proposal however they would require further landscaping details, including of boundary treatment, in order to make a full and accurate assessment of the impact this development may have on surrounding properties.
- 3.5 Scottish Natural Heritage (SNH) initially reserved its position until the submission of a Protected Species Survey (Bats). However they revised their position on this as there are no mature trees located within the site which may be affected by this development and they have subsequently withdrawn this request. Additionally, they have recommended that any work to trees or shrubs should be done so outwith the bird-breeding season, which is March to September inclusive.
- 3.6 Central Scotland Forest Trust has noted that this application may set a precedent for other similar developments in the surrounding woodland. They also comment that the proposed access could lead to anti-social issues, particularly fly-tipping in the woodland and alongside the adjacent school.
- 3.7 Following the neighbour notification and press advertisement, four letters of representation, including one letter from Councillor Love, have been received in relation to this application. The grounds of representation can be summarised as follows:
 - a) The proposal is contrary to Local Plan Policies ENV 10 (Trees and Woodland Management) and ENV 11 (Protected Urban Woodland) and would impact on plants and wildlife.
 - b) The existing woodland is worthy of protection as it forms a habitat for local wildlife including fallow deer, foxes, grouse and bats and the Forestry Commission are seeking to improve woodland in this area.
 - c) The proposed access is taken from a road that is unsuitable for vehicles and would require upgrading. This road is in a state of disrepair and any further development will result in the condition of this road deteriorating further and it is not possible to create an adequate, safe access between Crestwood and the existing garage. The proposed access may not be under the ownership of the applicant. If the access road was to be upgraded it would have a detrimental effect on the wildlife in the surrounding woods.
 - d) The requirements for the installation of utilities have not been taken in account, with particular regard to drainage and electricity supplies and the development could not be serviced by a refuse vehicle. The land is not suitable for development in that the development and loss of any trees may lead to erosion and flooding at the neighbouring properties, particularly as there is a lot of underground water.
 - e) When planning permission was granted for the dwelling at Crestwood, there was a condition restricting access to be taken from the private road leading from Coltness Road and this access would be for 1 house only.
 - f) There is a locked gate on the proposed access road, which currently restricts any access for pedestrians and vehicles and obstructs a public right of way.
 - g) The objector's property boundaries were incorrect on the neighbour notification plan.
 - h) Forrest Park and Greenfield Crescent are not equipped to cope with excessive building traffic. There would be dangers from additional traffic including construction traffic on the access road, with an adjoining open plan front garden.
 - i) The proposed development will adversely impact upon the sunlight and daylight levels and general amenity of the neighbouring properties.
 - j) It is not safe to have a development accessed between a house and garage and could lead to possible accidents.
 - k) This is a 2nd planning application after the first one was withdrawn and objectors may not be aware that this is a separate application, and their objection letters will not be lodged again for this new proposal.

- l) There is a large mature chestnut tree which is lies at within the curtilage of the neighbouring property and is adjacent to the application site boundary. The objector is concerned that the root system of the tree would be damaged as a result of the development and has asked whether they will be compensated for any damage to this tree.
- m) There have been numerous incidents between the applicant and the neighbouring residents regarding land ownership of the access road. It is considered that the increase of traffic may exacerbate the problems associated with this matter.

4. Planning Assessment and Conclusions

- 4.1 In accordance with Section 25 of the Town and Country Planning (Scotland) Act 1997, planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise.
- 4.2 The site is covered by Policy ENV 11 (Protected Urban Woodland) in the Southern Area Local Plan Finalised Draft (Modified 2001, 2004 and 2005). The proposal is contrary to the site's zoning in the Southern Area Local Plan. However as the site is located within the rear garden ground of an existing dwelling and no mature trees would be affected by the proposed development, it is considered that there would be no adverse affect on protected woodland and therefore there is no conflict with the terms of Policy ENV 11.
- 4.3 The proposal requires to be assessed in terms of Policy HSG 11 (Infill Housing Development) and this requires account to be taken of the following criteria: overall impact of the proposal on the character and amenity of the area; provision of vehicular access and parking arrangements; effect of infill on garden space, privacy and sunlight received by surrounding properties; and dimensions of the site relative to the proposed development and associated private garden ground. The application site is approximately 0.4 Ha. The Council's "Developers Guide to Open Space" is applicable to this proposal and it provides guidance on the minimum space standards required for garden areas around new plots. In this case, the application site could in principle sufficiently accommodate two house plots in terms of the open space standards. However the site is located to the rear of the existing dwellinghouse and a large detached garage. The site is therefore lacking any frontage onto an existing road, with both proposed dwellings facing onto rear garden areas of surrounding dwellings. Furthermore, it is considered that there will be a significant impact on the level of privacy enjoyed at the neighbouring dwellings. A minimum of 18-metre window to window distance is required between the proposed and existing dwellings in order to protect the amenity of the neighbouring residents. In this case, it is considered unlikely to be possible to achieve this minimum requirement with two additional dwellings within the application site, particularly given the approved extensions to the existing dwelling. The proposal is therefore considered unacceptable in consideration of the criteria identified in Policy HSG 11.
- 4.4 Policy TR13 (Assessing the Transport Implications of Development) sets out criteria relating to matters including the level of traffic generated and its impact on the environment and adjoining land uses, impact of the development on road traffic circulation and road safety and provisions made for access, parking and vehicle manoeuvring. My Transportation Section have raised serious concerns in relation to the proposed access to the site from Galloway Avenue, which leads from Coltness Road, and the current access arrangements which serve the site and neighbouring dwellings. The access is substandard in terms of width and geometry and that there are no footways or street lighting facilities. Given that the proposal will result in additional traffic movements on this substandard access, which would be to the detriment of road safety, and there is no scope for improvement of the access, it is considered that the proposal is contrary to Policy TR 13.
- 4.5 The response from my Geotechnical Team Leader notes that it is not good practice to build over a former mine entry, if such exists within the site, irrespective of how it is treated. In the

present case, I consider that outline planning permission should not be granted for the proposed development of this site without a satisfactorily mineral stability report, which has not been submitted. I therefore recommend refusal of the application on this matter which is included within the assessment criteria of Policy HSG 10 (Assessing Applications for Housing Development) in the Southern Area Local Plan Finalised Draft.

- 4.6 My Geotechnical Team Leader has also highlighted that there may not be a suitable means to provide surface water drainage, if this site is developed for two houses. However in this case, this matter can be suitably addressed by planning conditions, which require the submission of written confirmation that Scottish Water and SEPA are satisfied that the proposed surface water drainage facilities are acceptable.
- 4.7 In terms of the consultation responses received from my Protective Services Section, NLC Community Services, Central Scotland Forest Trust and Scottish Natural Heritage, all relevant planning issues raised may be addressed through the imposition of suitable planning conditions.
- 4.8 In relation to the points of objections I would comment as follows:-
- a) As stated at paragraph 4.2 above, the application site is covered by Policy ENV 11 however given the proposal is located within the curtilage of the existing dwellinghouse and is surrounded by a residential area, the principle of residential development is considered to be acceptable in this instance. Given that there are no mature trees within the application site, Policy ENV 10 is not relevant in this case.
 - b) Following consultations with Scottish Natural Heritage and Community Services, they have raised no concerns in terms of any perceived impacts on local wildlife.
 - c) My Transportation Section has raised concerns in relation to the proposed means of access to the site. They have noted that the site is substandard in terms of width and geometry. The applicant has confirmed that all land within the application site is within their control.
 - d) Satisfactory drainage proposals are required before development should be allowed to proceed at this site and in view of the possibility of flood risk, as indicated at paragraph 4.6 above if permission were to be granted a condition could be imposed to address this matter. Should this application be granted, matters relating to the installation of utilities are dealt with in the form of notes to the applicant on the decision notice. In terms of refuse vehicle access, my Transportation Section considers that the proposed means of access is unacceptable in this case.
 - e) I can confirm that there were no such planning conditions relating to the restriction of access to Crestwood in the original planning consent for one dwellinghouse.
 - f) There is a locked gate which currently obstructs the proposed access road. The applicant proposes to remove the gate to allow vehicular movements. Additionally, the alleged Public Right of Way (for non- vehicular public access only) which runs from Branchal Road to Coltness Road has been obstructed for some time and the Environmental Projects Team are currently investigating whether the Right of Way still exists prior to taking any further action.
 - g) I am satisfied that the application plans are sufficient to correctly identify the application site and proposal.
 - h) Any disruption during the construction period is considered to be of a temporary nature and is not a sufficient reason to warrant refusal of this application. Nor are potential construction traffic safety issues considered such a reason, although overall concerns about the substandard access are shared and highlighted in (c) and in paragraphs 3.1 and 4.1 above.
 - i) As stated at paragraph 4.3 above, the potential impacts on the amenity of the neighbouring properties have been assessed and are considered to be unacceptable.

- j) As stated at Para 3.1, my Transportation Section has raised concerns in respect of the proposed access as the development would lead additional vehicular movements to the detriment of road and pedestrian safety.
- k) All objectors were notified in writing of the withdrawal of the first application. While objectors are not required to be notified of any new proposals, all neighbours have been duly notified and a press advertisement has been placed in this case.
- l) The tree is outwith the application site boundary and planning conditions could be imposed to safeguard the tree during and after construction of the dwellings. Matters relating to compensation are legal matters and are not material considerations in determining the acceptability of this application.
- m) My Transportation Section has objected to the proposal in respect of the additional vehicular movements. With regards to any land ownership issues, this is a legal matter and is not a reason to warrant refusal of this application.

4.9 In conclusion the proposal is unacceptable and would not accord with the criteria stipulated in Local Plan Policies HSG 10, HSG 11 and TR 13, and the Council's Open Space Guidelines. The proposal would set an undesirable precedent and would not be consistent in other similar applications, which have recently been refused. It is therefore recommend that planning permission be refused. However the applicant has requested that a Site Visit and Hearing be held before the Committee determine this application.

NORTH LANARKSHIRE COUNCIL

SUPPLEMENTARY REPORT

To: PLANNING AND ENVIRONMENT COMMITTEE		Subject: FORMATION OF TWO HOUSE PLOTS LAND AT CRESTWOOD GREENFIELD CRESCENT WISHAW APPLICATION NO. S/07/00070/OUT
From: DIRECTOR OF PLANNING AND ENVIRONMENT		
Date: 18 th April 2007	Ref: S/PL/B/3/2/HG	

1 Purpose of Report

1.1 To advise Committee that a further representation has been received from Coltness Community Council.

2. Representations

2.1 The objections received from Coltness Community Council are on the following grounds:

1. Presence of mine workings within the vicinity of the application site

- During the construction of the sports building at Coltness High School in 1997, which lies approximately 60m to the west of the application site, mine workings were discovered to the east of the development.
- There is a known presence of mine workings at the location of the new Cambusnethan Primary School at Branchal Road, Wishaw. The school is currently under construction and lies approximately 150m to the south east of the application site. Councillor Love had contacted the building contractors, who have informed him that their mineral stability reports have confirmed that all mine workings below the school site have been capped, however their report has identified that there are other mine workings which lie 50m to the west. If this were the case then this would include the application site.
- The former mine workings are from the Branchal Mine and the application site may be located at the site of entrance to the mine. There are no recorded details for the capping of this mine and this may have implications in terms of the ground stability for any future developments within the surrounding area. Photographs have been submitted which show the possible location of the mine shafts.

3. Planning Assessment and Conclusion

3.1 In response to the issues raised, I would note that details relating to the mineral stability of the site have been requested from the applicant. However I can confirm that the applicant has submitted insufficient information in this regard in order to determine the application. As detailed in the main report, in this case outline planning permission should not be granted for the development of this site without a satisfactorily mineral stability report.

3.2 In conclusion having given consideration to the late representation and taking the above matters into account, it is maintained that the application be refused for the reasons outlined in my previous report.



David M. Porch
DIRECTOR OF PLANNING AND ENVIRONMENT

Local Government Access to Information Act: for further information about this report, please contact Miss Heather Gebbie, on 01698 302102.

Date: 29 March 2007