	<h1>Report</h1>	Agenda Item
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Report to: **Planning Committee**
 Date of Meeting: **23 March 2010**
 Report by: **Executive Director (Enterprise Resources)**

Application No: HM/09/0603
 Planning Proposal: Change of Use of Open Space to Form Extension to Existing Yard

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Galloway & MacLeod
- Location : King Street
Stonehouse

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.

3 Other Information

- ◆ Applicant's Agent: Cullen Lochhead & Brown
- ◆ Council Area/Ward: 05 Avondale and Stonehouse
- ◆ Policy Reference(s): **South Lanarkshire Local Plan**
Policy RES6 – Residential Land Use
Policy ENV2 – Local Green Network
Policy DM1 – Development Management

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

- ◆ Consultation(s):

Environmental Services

Roads and Transportation Services (Hamilton Area)

Enterprise Resources - Estates

Planning Application Report

1 Application Site

- 1.1 The application site relates to an area of undeveloped open space, approximately rectangular in shape and extending to 0.48 hectares or thereby, immediately adjacent to the south west boundary of the existing yard of Galloway and MacLeod at King Street, Stonehouse. The site is bounded to the north by a corridor of trees which screen the long rear gardens of the neighbouring residential properties at Townhead and King Street. To the south there is a corridor of trees/shrubbery which separate and screen the site from Council owned outdoor sports pitches (Tile Works sports ground). Three modern detached dwellinghouses off Naismith Court adjoin the site's western boundary whilst the eastern side of the site is separated from the existing yard by a metal fence and trees.
- 1.2 In terms of levels the site rises by approximately 3 metres from the east to the west. It has a ground cover of unmaintained/overgrown grass and is outwith the Stonehouse Conservation area, unlike the neighbouring houses and rear gardens of the properties in Townhead and King Street.

2 Proposal(s)

- 2.1 The applicant, Galloway and MacLeod seek planning consent for a change of use of the open space to form an extension to their existing yard at King Street, Stonehouse. It is proposed that the yard extension will have a stone surface with an associated sustainable urban drainage system. The grading of the land will follow the existing contours of the ground with minimal re-grading. The yard will store agricultural products. The normal operating hours are 7.30 am - 5.00pm Monday to Friday and 7.30 am - 12.00 noon on a Saturday. There is no proposal to extend or install floodlighting or CCTV coverage to the new yard area.
- 2.2 The applicant's agent has submitted a supporting letter which states that the Galloway and MacLeod manufacture speciality animal feeds. The site is the base for a fleet of approximately 20 vehicles with associated workshop. A retail feed superstore services the equine and pet food markets. The company trades extensively in feed materials and has recently expanded into England and mainland Europe. The company presently employs 30 staff and is identified by Scottish Enterprise as a 'growth company'. A three year business plan identifies new job creation as part of ongoing development.
- 2.3 The agent has also submitted a Badger Survey, dated February 2010 and a related letter, dated 24 February 2010, prepared by CB Consulting Hydrology and Ecology consultants, in support of the proposal.

3 Background

3.1 Local Plan Status

- 3.1.1 The application site is designated as a Residential Area under Policy RES6 of the South Lanarkshire Local Plan. In such areas the loss of houses to other uses and any development that will be detrimental to the amenity of such areas is generally resisted

3.1.2 In addition Policy ENV2 (Local Green Network Policy) of the South Lanarkshire Local Plan is also applicable. This policy seeks to protect and enhance the Local Green Network and encourages development that enhances its connectivity or amenity value. Loss of an area in whole or part will only be permitted where it can be demonstrated that development will enhance the existing situation in respect of wildlife, biodiversity, townscape quality and character, amenity and access.

3.1.3 Finally Policy DM1 of the South Lanarkshire Local Plan requires all planning applications to take account of the local context and built form and should be compatible with adjacent buildings and surrounding streetscape in terms of scale, massing, design, external materials and impact on amenity.

3.2 Relevant Government Advice

3.2.1 Given the nature and scale of the proposal there is no specific Government advice directly relevant to this submission. Proposals however which encourage the retention and creation of employment opportunities are generally welcomed subject to all other material planning considerations being satisfactory.

3.3 Planning History

3.3.1 The area of open space that would facilitate the yard extension has remained undeveloped primarily because of a lack of suitable access and there is no relevant planning history.

3.3.2 With regard to the existing yard, planning permission was granted on 16 September 2002 for the installation of 3 flagpoles, reference HM/04/0628. Planning permission was granted on 25 September 2003 for the change of use of shop to office, reference HM/03/0255. Planning permission was granted on 4 July 2003 for the erection of two grain stores and replacement grain store, reference HM/03/0234. Planning permission was also granted on 17 April 2001 for the change of use from shop to office, reference HM/01/0128.

4 Consultation(s)

4.1 **Roads and Transportation Services** – no objections to the proposal as the existing servicing arrangements will remain unaltered.

Response:- Noted.

4.2 **Environmental Services** – no objections.

Response: Noted.

4.3 **Estates** – no objections.

Response: Noted.

5 Representation(s)

5.1 Statutory neighbour notification was carried out and a related advert was published in the local press. As a result of this publicity 2 letters of representation have been received. The main issues in these letters are summarised and responded to below:

(a) **We regularly use the access from our garden to the meadow at the rear of our land boundary, the football fields and rights of ways beyond. The installation of a high palisade fence directly on our boundary would prohibit this. Under the Land Reform Bill and access legislation therein,**

we have a right to access playing fields when they are not in use. We would suggest that the fence is off set by 3 metres for the boundaries of the gardens. This would continue to allow us to exercise our access rights.

Response: It is acknowledged that on the balance of probability the objector has utilised the site as a means of access to and from his property. This however has been undertaken without proper legal authority. Indeed from the information received it is clear that any access has been at the sufferance of the land owner as there is no legal right of access across the site.

In addition the applicant's agent has stated that access to the playing fields and rights of way beyond are not restricted and their client has the same right to fence their property as do the owners of the gardens at the rear of King Street, Storehouse.

- (b) **The steel palisade fence would not be a pleasant addition to the ends of our gardens. The self sufficiency gardens attached to the old weaver's cottages are an important historical feature of the village. An ugly fence on the boundary would detract from this historical aspect of our village. It also goes against policy ENV2 regarding townscape quality and character. We would suggest that a native hedge is planted along the line of the fence to screen it from our gardens and/or choose a different design of fence that is more appropriate.**

Response: The applicant's agent has confirmed in writing that their client has agreed to a hedge being planted as the boundary definition, a native species to be agreed. In addition an amended site plan has been submitted indicating the proposed boundary treatment which consists of a proposed hedge (mixed beech and hawthorn) and 1.2 metre stob and wire fence along the northern, southern and western boundaries. The imposition of a planning condition will achieve this, should planning consent be granted.

- (c) **The surfacing of the new yard would lead to increased run-off into the football pitch area. The plans do show drainage linking into the existing manholes and drainage system within the football pitch area. The area is already very waterlogged and not all run-off would make it into the drains causing further waterlogging in the football pitch area. A more effective SUDS system would alleviate this problem. There is already a wetland area at the edge of the mown grass area which has reeds, reed-mace and other wetland plants. We would suggest that this wetland area is extended to create a linear feature and improve the wildlife habitat in the area. This would also help drain the waterlogged mown area and provide some extra security for the yard.**

Response: The applicant's agent has stated that it is proposed that the yard extension will comprise of a stone surface with associated sustainable urban drainage system (SUDS). The stone surface will be permeable with infiltration trenches beneath to treat the attenuated surface water run off from the yard. The trenches have been designed to provide attenuation in a 1 in 200 year storm for a duration of 240 minutes. An overflow connection is proposed to the Scottish Water system. The suds system is designed to prevent any surface water run off from the site discharging to the adjacent land as in the normal requirement. It is considered that the imposition of a planning condition will achieve this, should planning consent be granted.

- (d) **The area is important for several species of local wildlife. In particular the meadow is home to woodcock, a secretive bird that is affected by**

disturbance. There are not many undisturbed areas in Stonehouse for such species. The woodcock feeds on the rough grazing nearby and roosts in the meadow. As well as the loss of habitat, the fence would cause some barrier to the woodcocks flight path. It is a species that 'explodes' from the ground when disturbed and as such might be panicked into a flight path that collides with the fence. It tends to be found at the western end of the meadow. The meadow is used by badgers in their foraging routes around the gardens and scrubland. The badger sett is not within the meadow area. We, and many of our neighbours, enjoy the nightly visits by the badgers and we feel the erection of the palisade fence would hinder the foraging of this protected species. In addition, the meadow is an established habitat for small mammals, butterflies and roe deer. We would suggest moving the fence 3m back as mentioned earlier. This would allow space for foraging routes to be maintained for many species including badger and deer. Move the western boundary of the fence further to the east and allow roosting and foraging areas to be maintained without shrinking the flight path for the woodcock. Plant a native species hedge alongside the fenceline to screen the fence and make it more visible for species. This might also help with site security.

Response: In response to the above concern the applicant's agent has submitted a badger survey and related letter produced by CB consulting Hydrology and Ecology Consultants (February 2010). It confirms that no badger activity was recorded within the proposed yard extension or within a 500 metre buffer of suitable habitat. Furthermore no evidence of badger setts or tracks were recorded. It was recommended however that the installation of a hedgerow will increase local ecological habitat connectivity, allow for badger movement through and across the proposed yard (in preference to a fence) and the nature of a hedgerow will be sufficient to allow badger access/movement to the gardens from the open unlit yard. It is also recommended that a small gap is left between the garden boundaries and the hedgerow to allow for any badger access, for pruning and to limit the space for future garden waste use. In addition the applicant's agent considered that positioning a fence 3 metres from the site boundaries as a route for wildlife would make the yard too small. Nevertheless as previously stated, it is proposed to change the boundary treatment to a hedge which should allow wildlife to enter and transverse the yard extension and visit rear gardens etc in keeping with the above recommendations. The imposition of a planning condition will achieve this, should planning consent be granted.

- (e) The local plan does not show this meadow area as light industry and we are concerned about the change of use due to the reasons outlined above. In addition, this meadow is one of few enclosed areas for wildlife within the village envelope. Other areas exist on the outskirts of the village but this small meadow is a valuable wildlife resource for species more vulnerable to disturbance such as woodcock, deer and badger. The meadow is also an important through route for wildlife passing through this area of the village. Under the policy ENV2, the loss of green network states that " Development that is likely to have an adverse effect on its connectivity or its value for biodiversity...will not be supported. We would suggest that the mitigation measures of fencing, hedging and more appropriate SUDS scheme would comply with ENV2 whilst still allowing the expansion of Galloway & Macleod's important business within the village.

Response: The site, due to its 'land locked' location, is relatively unconnected and this is compounded by a number of ditches and fences. In addition there are no signs of regularly used routes by animals or people.

Since the application was first lodged the proposed boundary treatment has been revised. In this respect the use of hedging as a perimeter treatment will be beneficial as the cumulative impact on bio-diversity or wildlife in the green network area should be marginal. Indeed access to the yard area and surrounding land will still be possible for most forms of wildlife and the introduction of a native hedge will bring habitat benefits. Overall it is considered that the proposal supports the general thrust and spirit of Policy ENV2 as detailed below in paragraph 6.3. Furthermore should planning consent be granted, the imposition of appropriate planning conditions will help address and mitigate any possible impact on the green corridor.

- 5.2 It should be noted that one of the letters of representation sought clarification on the boundary of the proposed application site. This matter has been addressed.
- 5.3 The letters of representation have been copied and are available for inspection.

6 Assessment and Conclusions

- 6.1 The determining issues which require to be taken into account when assessing this proposal are its compliance with local plan policy, its impact on amenity and the green network/habitat considerations.
- 6.2 Policy RES6 – Residential Land Use of the Local Plan states that the Council will oppose the loss of houses to other uses and will resist any development that will be detrimental to the amenity of those areas. Due to the physical characteristics of the site as detailed above, the application site is effectively land locked because it has no direct access to facilitate future residential development. Its occupation therefore by a long established use is considered reasonable in land use terms all other aspects being satisfactory. Furthermore existing trees and the proposed hedging will reduce to an acceptable extent any impact on the amenity of the existing residential properties located to the north and west of the application site. It is therefore considered that the proposal also complies with the general aims of Policy DM1.
- 6.3 With regards to Policy ENV2 - Local Green Network, it is considered that the proposed planting of a hedge along the northern, western and southern boundaries will help improve the connectivity of the area. It will also increase the ecological habitat (the existing ground cover does not make a major ecological contribution) and will allow for badger movement and access to the rear gardens to the north of the application site. It is considered that the proposal will have no significant impact on the majority of the local green network which expands out to the countryside located to the south of the existing tree belt at the south side of the application site.
- 6.4 As detailed above in paragraph 5.1 (d), the applicant's agent has submitted a badger survey and related letter produced by CB consulting Hydrology and Ecology Consultants (February 2010). Whilst no evidence of badger activity was identified during the survey it is considered likely that badgers will commute across and around the proposed yard extension to access the private gardens to the northwest. The report made two recommendations in relation to badgers namely to enable badgers to continue to access the rear gardens of the adjacent King Street properties. Secondly that if a badger set is identified during vegetation clearance then all works shall stop immediately until a safe working area has been determined and a way

forward agreed with Scottish Natural Heritage. It is considered that the imposition of planning conditions will achieve this should consent be granted.

- 6.5 After consultation, Roads and Transportation Services, Environmental Services and Estates have raised no objections. The grounds of objection have been considered in detail in section 5 of the report and I consider that the issues raised can either be dealt with by planning conditions or do not raise issues, which on balance, are of sufficient weight or merit to justify the withholding of consent.
- 6.6 Given the above the issue of consent, subject to conditions is appropriate and fully justified.

7 Reasons for Decision

- 7.1 The proposal has no adverse impact on the amenity of the area and complies with Policies RES 6, ENV2 and DM1 of the South Lanarkshire Local Plan.

Colin McDowall

Executive Director (Enterprise Resources)

26 February 2010

Previous References

- ◆ HM/01/0128
- ◆ HM/03/0234
- ◆ HM/03/0255
- ◆ HM/04/0628

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Plan
- ▶ Agent's Supporting letter, dated 22 February 2010
- ▶ CB Consulting Hydrology and Ecology consultants, Badger Survey, dated February 2010 and additional letter, dated 24 February 2010
- ▶ Press advert, 10 December 2009.
- ▶ Neighbour notification letter dated 3 December 2009

- ▶ Consultations
 - Roads and Transportation Services (Hamilton Area) 14/12/2009
 - Environmental Services 16/12/2009
 - Enterprise Resources - Estates 15/12/2009

- ▶ Representations
 - Representation from : M.McCain, 40 Union Street, Stonehouse ML9 3LF, DATED 16/12/2009
 - Representation from : A. McKillop, 79 King Street Stonehouse ML9 3EQ, DATED 23/12/2009

Contact for Further Information

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

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E-mail: Enterprise.hamilton@southlanarkshire.gov.uk

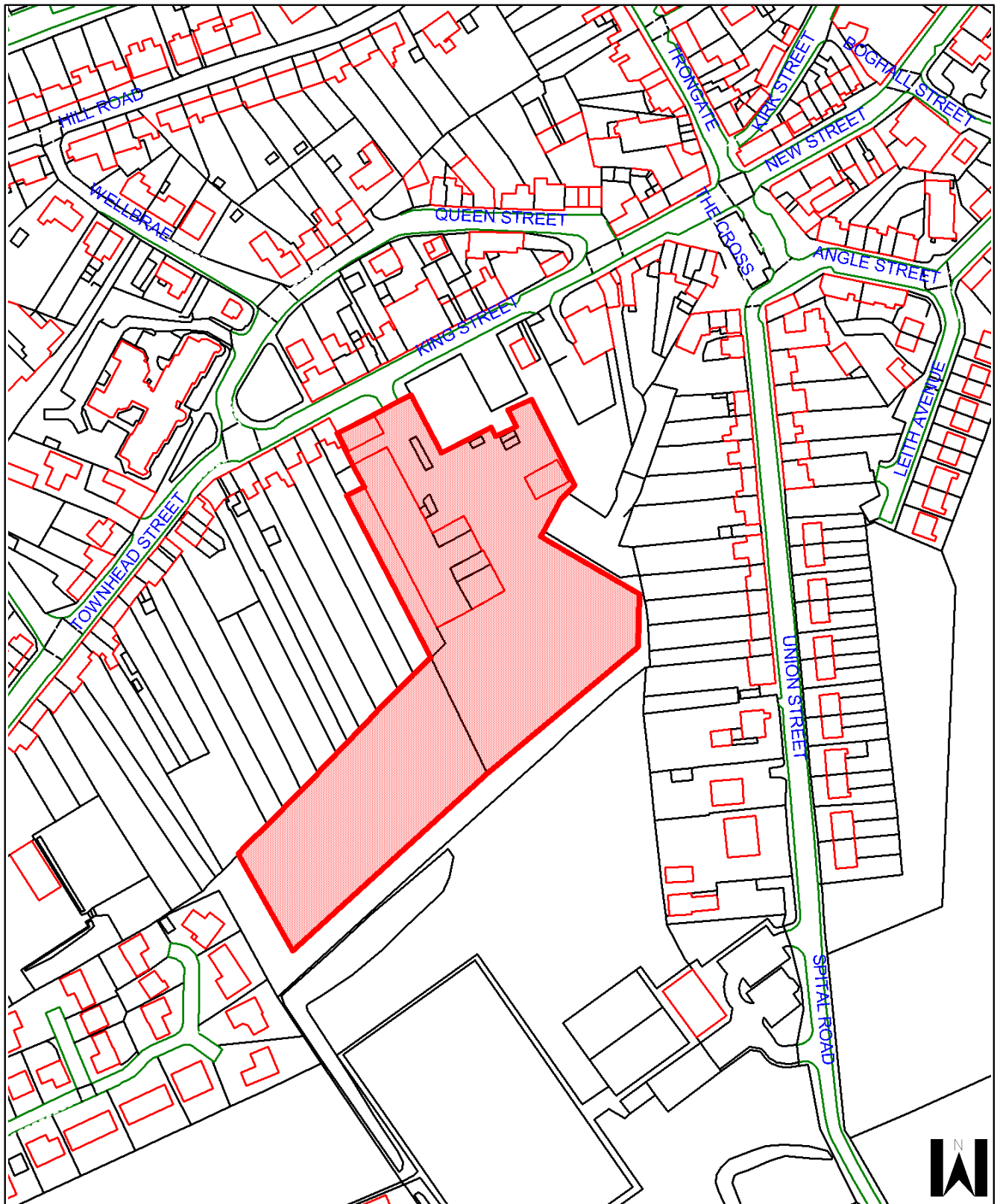
CONDITIONS

- 1 This decision relates to drawing numbers:
01 - Site Plan
02 - Location Plan
20 - Drainage and Levels Layout
- 2 The use hereby permitted shall be instituted within three years of the date of this permission.
- 3 That before development starts, details of the proposed boundary hedge along the northern, southern and western boundaries, including height, width and planting ratio shall be submitted to and approved by the Council as Planning Authority and thereafter all approved works shall be completed to the satisfaction of the Council prior to the development hereby approved being occupied or brought into use.
- 4 That the approved boundary hedge shall be completed 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.
- 5 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 requirements.
- 6 That prior to the commencement of works on site, recommendations 1 and 3 of the CB Consulting Badger report, February 2010 shall be carried out in consultation with SNH to the satisfaction of the Council as Planning Authority.

REASONS

- 1 For the avoidance of doubt and to specify the drawings upon which the decision was made.
- 2 To comply with section 58 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 3 In the interests of amenity.
- 4 In the interests of amenity.
- 5 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 To comply with the Badgers Act.

For information only



For information only