

Report to:	Planning Committee
Date of Meeting:	26 May 2009
Report by:	Executive Director (Enterprise Resources)

Application No	CL/08/0702
Planning Proposal:	Residential Development (Outline)

1 Summary Application Information

- Application Type : Outline Planning Application
- Applicant : J N Douglas Limited
- Location : Block 1
Springhill Industrial Estate
Angus Terrace
Douglas
ML11 0RA

2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Grant outline planning permission (subject to conditions – based on conditions listed overleaf)

2.2 Other Actions/Notes

- (1) The Planning Committee has delegated powers to determine the application

3 Other Information

- ◆ Applicant's Agent: Greystones Limited
- ◆ Council Area/Ward: 04 Clydesdale South
- ◆ Policy Reference(s): **South Lanarkshire Local Plan (Adopted)**
 - Policy STRAT5: Rural Investment Area
 - Policy ECON1: Industrial Land Use
 - Policy ECON13: Non-Conforming Uses in Industrial Areas
 - Policy DM1 Development Management

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

◆ Consultation(s):

Environmental Services

Roads & Transportation Services H.Q. (Flooding)

Scottish Water

Roads and Transportation Services (South Division)

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

Education Resources

Planning Application Report

1 Application Site

- 1.1 The application site consists of an existing, vacant industrial unit and associated ground within Springhill Industrial Estate in Douglas. The property which was formerly occupied by Douglas Plastics has been lying vacant since 2005. The site extends to 1.6 hectares and consists of the vacant industrial building and associated yard area as well as a field to the rear of the building and an area of open space to the front which acts as a buffer between the industrial estate and the residential properties beyond. The land slopes upwards towards the south-east of the site and is dissected by Angus Terrace which forms the access road to the industrial estate.
- 1.2 A small area of trees and shrubs exists on the area of open space at the northernmost point of the site, with individual trees scattered along this area, in line with Angus Terrace. The site is bounded to the north-west by Glebe Avenue, beyond which is an established residential area, to the north-east by the steading of Springhill Farm and a housing development which is currently under construction, to the south-west by the remainder of the industrial estate comprising of two units occupied by manufacturing firms, KRG Industries Ltd and Incamet Ltd and to the south-east by open agricultural land.

2 Proposal(s)

- 2.1 The applicant seeks consent in outline for the creation of a residential development at the site. An indicative plan of how the land would be developed has been submitted by the applicant and this separates the site into two areas. Area A consists of the area currently occupied by the existing industrial unit, yard area and field to the rear, and this would be accessed via Angus Terrace. Area B consists of the strip of open space between the dwellings on Glebe Avenue and the industrial unit within which the applicant proposes to access the individual properties from Glebe Avenue.
- 2.2 The vacant industrial unit would be demolished to allow for the residential development. This element of the proposal does not in itself require planning consent however it should be noted that a demolition warrant has been granted for the removal of this building.
- 2.3 In support of this proposal the applicant submitted a bat survey. In addition to this and to assist in justifying the loss of the industrial unit and the re-use of the land for residential purposes, the applicant has submitted a justification statement and independent report by Chartered Surveyors, D M Hall outlining the development viability and marketing appraisal for the industrial premises.

3 Background

3.1 Local Plan Background

- 3.1.1 The settlement of Douglas is located within the Rural Investment Area (Policy STRAT5) as shown in the adopted South Lanarkshire Local Plan. The site itself lies within an industrial area where Policies ECON1: Industrial Land Use and ECON13: Non-Conforming Uses in Industrial Areas apply. Policy DM1: Development Management is also relevant.

3.2 Government Advice/Policy

- 3.2.1 Policy SPP2: Economic Development advises that where business uses such as manufacturing fall out of use and are in locations considered to be no longer appropriate or marketable for their original purpose, the sites should be reallocated and redeveloped for other uses.
- 3.2.2 In addition, SPP3 Planning for Homes (2008) states that opportunities for new housebuilding on land which has been previously developed in urban and rural areas will reduce the amount of greenfield land required to meet the overall housing requirement. Redevelopment of brownfield sites for housing should be preferred to development on greenfield sites.

3.3 **Planning Background**

- 3.3.1 No relevant planning history.

4 **Consultation(s)**

- 4.1 **Education Resources** – no response has been received to date.
Response: Noted.

- 4.2 **Environmental Services** – offer no objections subject to conditions and advisory notes being attached to any consent granted relating to site investigation, refuge storage, dust mitigation/control and noise. In addition to this they recommend that the application is not determined until the applicant undertakes a survey to determine the impact of noise from adjacent commercial operations on the development.
Response: Noted and relevant conditions have been attached. Given that the application is only in outline at this time and that there are other residential dwellings in the vicinity I am satisfied that the issue of noise can be investigated and mitigated during the processing of the future reserved matters application for this site. As such a condition will be attached to any consent granted requiring the inclusion of a noise impact assessment with the submission of any future planning application.

- 4.3 **S.E.P.A. (West Region)** – offer no objections and advise that the surface water from the site must be treated in accordance with the principles of Sustainable Urban Drainage (SUDS).
Response: Noted and relevant conditions have been attached to address this issue.

- 4.4 **Roads & Transportation Services** – offer no objections subject to conditions relating to adequate access, visibility splays, footway, drainage, and parking provision.
Response: Noted and relevant conditions have been attached which will ensure the issues are addressed at the reserved matters stage.

- 4.5 **Scottish Water** – offer no objections.
Response: Noted.

- 4.6 **Roads and Transportation Services (Flooding Unit)** – offer no objections subject to the implementation of an appropriately designed sustainable urban drainage system.
Response: Noted. This matter can be covered by conditions.

5 **Representation(s)**

- 5.1 Following statutory neighbour notification and advertisement of the proposal as 'Development Potentially Contrary to the Development Plan' in the local press, no representations were received.

6 Assessment and Conclusions

- 6.1 The applicant seeks outline planning consent for a residential development on land which is currently zoned for industrial use. The main issue in determining this application is its compliance with local plan policy.
- 6.2 Douglas is located within the Rural Investment Area where Policy STRAT5 of the adopted South Lanarkshire Local Plan applies. In the investment area the strategy is to support sustainable communities through measures that tackle exclusion and isolation and redress imbalances of economy and housing type provision, particularly where this involved renewable proposals. The adopted South Lanarkshire Local Plan identifies the site itself as lying within an industrial area where Policy ECON1 Industrial Land Use applies. This policy states that areas identified for industry will continue primarily in industrial use and proposals for other uses will only be appropriate if the criteria contained in Policy ECON13 Non Conforming Uses in Industrial Areas are met. This includes the effect the loss of the site will have on the continuity of the industrial land supply in terms of quantity, range and quality; that the development of the site would not adversely affect the industrial operation amenity, industrial character and function of the area; the site has been subject to an independent development viability and marketing appraisal; the site can be served by public transport; can be easily accessed from main road routes; and would not have an adverse impact on the natural and built environment.
- 6.3 In terms of land supply quantity, at 31 March 2008 the marketable supply for the Clydesdale sub-area stood at 48.8 ha. Based on the annual average take up of 1.4 ha per annum over the past 5 years, this represents a 35 year land supply. This figure does not include the extensive site at Poniel which has outline consent for industrial development. Development Plan policy requires a minimum 10 year supply to be maintained. There is therefore well in excess of 10 years supply in the Clydesdale Area and no current need for further sites to be added to maintain the supply.
- 6.4 In terms of the range of the land supply, this relates to the size and distribution of sites. There is currently no marketable land available in Douglas itself, however there has been no evidence of industrial land take-up in the village during the last 10 years of monitoring. This suggests a low level of demand in the village. There is no policy requirement for every settlement to have its own supply of marketable land, and in the case of Douglas there are 2 extensive sites with consent for industrial use relatively close to the village at Birkhill and Poniel. Although the application site is a reasonable size (1.6ha) it is poorly located in terms of location to the strategic road network and takes access from the nearby A70 through a predominately residential area. Evidence provided by the applicant indicates that marketing it for industrial uses has been unsuccessful. In these circumstances it is not appropriate to add the site to the marketable supply.
- 6.5 In terms of the quality of the existing industrial land supply, analysis carried out for the annual structure plan monitoring process indicates whether marketable sites meet the criteria for inclusion in the 'quality marketable supply'. The quality supply represents the most competitive industrial and business locations in the Structure Plan area. Even if the application site was added to the marketable supply, it would not meet the criteria for inclusion in the quality supply due to its location. On the

basis of the above factors, it is considered that the development of this particular site for non-industrial/business use can be justified in terms of this criterion.

- 6.6 The applicant submitted a justification statement with the application which states that Douglas Plastics Ltd ceased trading from the premises in 2005. Following its closure, attempts to sell the property by the pension trustees proved unsuccessful. The applicant states that this was mainly as a result of more suitable competing locations. In addition the limited opportunities provided by the building did not attract potential industrial users with the manufacturing equipment and general fitting-out elements having been removed from the premises. The applicant further advises that although continual monitoring of the property and introduction of security measures has taken place, there have been numerous break-ins, attempted arson and vandalism, to such an extent that a demolition warrant was sought to ensure no unnecessary liability is incurred from potential serious accidents to any trespassers.
- 6.7 In addition to this statement a report was also submitted which was prepared independently by Chartered Surveyors D M Hall. The report states that the property was found to be in poor overall order at the time of inspection and a high level of expenditure would be necessary prior to any form of continuation of the existing use. The report further advises that it is some time since the market has been properly tested for an industrial facility of this nature, however they comment that the present condition of the property will undoubtedly restrict the marketability. They also comment that whilst there is a large land holding, particularly to the rear of the main building, the land is steeply sloped and they consider that large areas of the site are presently unusable for industrial purposes. They carried out extensive research into the levels of availability which exist within the industrial sector at the present time and within the Lanarkshire area in general. This found that there are presently in excess of 250 industrial properties available, with the majority of properties benefiting from stronger locational characteristics than this property, and also presented to the market in a significantly better overall state of repair. They consider that the loss of this property and site for industrial purposes will not materially impact on the supply of industrial land and buildings within the area. They remain of the view that there is a number of similarly sized industrial buildings available within a variety of Lanarkshire locations, to satisfy requirements within the short and medium term. I therefore consider that the applicant has submitted an appropriate independent viability and marketing appraisal and criterion (c) of the Policy is satisfactorily met.
- 6.8 I am satisfied that the development of the site would not adversely affect the industrial operation amenity, industrial character and function of the area, can be easily accessed from main road routes, and would not have an adverse impact on the natural and built environment. The site is located at the edge of the industrial area while Glebe Avenue is a bus route. In addition, the proposal would result in an improvement to the amenity of the area which is primarily residential in nature. As such the proposal complies with the remaining criteria in policy ECON13. In view of this I would recommend approval of this application.

7 Reasons for Decision

- 7.1 The proposal would involve the re-development of a brownfield site which is no longer required for industrial purposes, it would not have an adverse impact on the amenity and character of the surrounding area or the setting of Douglas. The

proposal therefore complies with Policies STRAT5, ECON1 and ECON13 of the adopted South Lanarkshire Local Plan.

Iain Urquhart
Executive Director (Enterprise Resources)

12 May 2009

Previous References

- ◆ None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations
 - S.E.P.A. (West Region) 22/12/2008
 - Scottish Water 24/12/2008
 - Roads and Transportation Services (South Division) 08/01/2009
 - Roads & Transportation Services H.Q. (Flooding) 17/12/2008
 - Environmental Services 17/12/2008
- ▶ Representations
 - None

Contact for Further Information

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

Gail Rae, Planning Officer, Council Offices, South Vennel, Lanark ML11 7JT
Ext 810 3205 (Tel :01555 673205)
E-mail: Enterprise.lanark@southlanarkshire.gov.uk

CONDITIONS

- 1 That before the expiration of three years from the date of this outline permission and before any development starts, a written application and plans in respect of the following Reserved Matters shall be submitted to the Council as Planning Authority:
 - (a) a site layout plan at a scale of 1:500 showing the position of all buildings, roads, footpaths, parking areas (distinguishing where appropriate between private and public spaces), walls, fences, landscaping, open space and recreational provision;
 - (b) plans and elevations of each house and garage type showing their dimensions and type and colour of materials;
 - (c) a landscaping plan at a scale of 1:500 showing the location, species and ground spread of existing and proposed trees, shrubs and hedges;
 - (d) details of the phasing of development (covering all relevant aspects of development detailed in (a) above);
 - (e) detailed cross-sections of existing and finished ground levels and finished floor levels, in relation to a fixed datum, preferably ordnance datum.
 - (f) a Design Statement which sets out the design principles, justifying the design solution and showing how the proposal responds to the wider context of the area as well as the characteristics of the site.
 - (g) an Energy Statement which demonstrates that on-site zero and low carbon energy technologies contribute at least an extra 10% reduction in CO2 emissions beyond 2007 building regulations carbon dioxide emissions standard
 - (g) Energy statement.
- 2 That the development hereby permitted shall be started either within five years of the date of this permission or within two years of the date on which the last of the reserved matters are approved, whichever is the later.
- 3 That within three years of the date of this permission, an application for approval of the reserved matters, specified in condition 1 above, shall be made to the Council as Planning Authority.
- 4 That the further application required under Condition 1 above shall include :
 - provision of 5.5 metre minimum width junctions
 - visibility splays of 2.5 metres by 35 metres maximised and maintained in both directions
 - a 2m wide footway to be provided along the full frontage of the site
 - a 5.5 metre wide road
 - driveways 12 metres in length with the first 4 metres hard surfaced from the edge of the public road, reduced to 6 metres where a double garage is provided
 - parking to be provided for each dwelling as per Guidelines for Development Roads.
- 5 That the further application required under condition 1 above shall include a noise impact assessment to determine the impact of noise from adjacent commercial operations on the development using the principles set out in BS4142:1997 - Method for rating industrial noise affecting mixed residential and industrial areas, or a method agreed by the Planning Authority. The survey shall identify (i) the maximum rating levels, and (ii) the minimum background noise level to which any part of the development will be exposed. If the maximum rating levels exceed the

background noise level by greater than 5dB then a scheme for protecting the proposed dwellings from industrial/stationary noise shall be included as part of the noise survey. The proposed layout shall reflect the findings of the noise survey.

- 6 (a) Prior to commencement of any works on site, a comprehensive site investigation carried out to the appropriate Phase level, shall be submitted to and approved in writing by the Council as Planning Authority. The investigation shall be completed in accordance with the advice given in the following:
 - (i) Planning Advice Note 33 (2000) and Part IIA of the Environmental Protection Act 1990 (as inserted by section 57 of the Environment Act 1995);
 - (ii) Contaminated Land Report 11 - 'Model Procedures for the Management of Land Contamination (CLR 11) - issued by DEFRA and the Environment Agency;
 - (iii) BS 10175:2001 - British Standards institution 'The Investigation of Potentially Contaminated Sites - Code of Practice'.
- (b) If the Phase 1 investigation indicates any potential pollution linkages, a Conceptual Site Model must be formulated and these linkages must be subjected to risk assessment. If a Phase 2 investigation is required, then a risk assessment of all relevant pollution linkages using site specific assessment criteria will require to be submitted.
- (c) If the risk assessment identifies any unacceptable risks as defined under Part IIA of the Environmental Protection Act, a detailed remediation strategy will be submitted to and approved in writing by the Council as Planning Authority. No works other than investigative works shall be carried out on site prior to receipt of the Council's written approval of the remediation plan.
- 7 That before any development commences on site, details of facilities for the storage of refuse within the site, including design, location, external finishes and access for its uplift, shall be submitted to and approved in writing by the Council as Planning Authority. No dwelling unit shall be occupied until these facilities have been provided in accordance with the approved scheme or such alternative as may be agreed in writing with the Council as Planning Authority.
- 8 Prior to development commencing on site, a scheme for the control and mitigation of dust shall be submitted to and approved in writing by the Council as Planning Authority. No changes to the approved scheme shall take place unless agreed in writing by the Council as Planning Authority. The scheme shall thereafter be implemented in accordance with a programme to be agreed in writing with the Council as Planning Authority.
- 9 That the further application required under the terms of Condition 1 above, shall include a detailed scheme for surface water drainage. Surface water from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland and with the Council's Sustainable Drainage Design Criteria and requirements and shall be agreed in writing with the Council as Planning Authority in consultation with SEPA.
- 10 That the further application required under the terms of Condition 1 above, shall make reference to and incorporate the criteria specified within the approved South Lanarkshire Council 'Residential Development Guide'.

REASONS

- 1 Consent is granted in outline only.
- 2 To accord with the provisions of the Town and Country Planning (Scotland) Act 1997.
- 3 To accord with the provisions of the Town and Country Planning (Scotland) Act 1997.
- 4 In the interest of public safety
- 5 To protect residents from noise nuisance
- 6 To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.
- 7 To ensure that adequate refuse arrangements are provided that do not prejudice the enjoyment of future occupiers of the development or neighbouring occupiers of their properties, to ensure that a satisfactory external appearance is achieved and to ensure that appropriate access is available to enable refuse collection.
- 8 To minimise the risk of nuisance from dust to nearby occupants.
- 9 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.
- 10 In the interests of amenity and to ensure that the Council's key residential development standards are met.

For information only

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