

	<h1>Report</h1>	<p>Agenda Item</p> <h1>14</h1>
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Report to: **Planning Committee**
Date of Meeting: **7 September 2010**
Report by: **Executive Director (Enterprise Resources)**

Application No HM/10/0072
Planning Proposal: Erection of 2 Dwellings (Planning Permission in Principle)

1 Summary Application Information

- Application Type : Permission in principle
- Applicant : Mr & Mrs Campbell
- Location : Vacant Land at Ayr Road
Shawsburn
Larkhall
ML9 2TZ

2 Recommendation(s)

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

- (1) Grant Permission in Principle – 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: DTA Chartered Architects
- ◆ Council Area/Ward: 20 Larkhall
- ◆ Policy Reference(s): **Adopted South Lanarkshire Local Plan**
Policy STRAT3 - The Green Belt and Urban Settlements In The Green Belt
Policy CRE1 - Housing in the Countryside

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

- ◆ Consultation(s):

Environmental Services

Roads and Transportation Services (Hamilton Area)

Scottish Water

Planning Application Report

1 Application Site

- 1.1 The application site is located on the west side of the A71 (Ayr Road) at the edge of the settlement of Shawsburn. The site is a rectangular area of hardstanding which was formally used as a carpark in conjunction with a public house (The Shawsburn Inn) which previously existed directly opposite on the other side of the road.
- 1.2 The site is adjoined to the north by existing single storey residential properties with open agricultural land bordering the site to the south and west. To the east the site fronts directly onto the A71 directly across from which is a vacant site, (site of former public house) which has planning consent for four large detached two storey dwellings.
- 1.3 The site measures approximately 26 metres deep, in common with the residential properties which immediately adjoin the site to the north, with a width of approximately 46 metres (total area 1196 square metres or thereby). The site is generally level and comprises an area of unmaintained hardstanding in a neglected state with minimal natural vegetation. An existing vehicular access, located in the centre of the site, has been blocked by two large concrete blocks to stop fly tipping which was occurring on the site.

2 Proposal(s)

- 2.1 The applicant seeks planning permission in principle for the formation of two house plots. As the proposal is to establish the principle of the development no detailed information in respect of position or elevations of the dwellings has been provided. The drawing submitted simply details the red line boundary of the proposed site and the existing access point. It is proposed that the vehicular access to serve the proposed dwellings will utilise the existing access.

3 Background

3.1.1 Local Plan Status

In terms of Local Plan policy the adopted South Lanarkshire Local Plan identifies the site as lying within the Greenbelt. As such Policies STRAT 3 – Greenbelt and CRE1 – Housing in the Countryside apply.

- 3.1.2 Policy STRAT 3 - The Green Belt and Urban Settlements in the Green Belt - advises that there shall be a general presumption against all development except where it can be shown to be necessary for the furtherance of agriculture, horticulture, forestry, recreation, establishments or other uses considered by the Council to be appropriate to the Green Belt, or where development forms part of a larger proposal for the rehabilitation or change of use of disused or redundant traditional buildings where this consolidates such groups. Any housing development within the Green Belt should conform to policy CRE 1- Housing in the Countryside.

- 3.1.3 Policy CRE 1 - Housing in the Countryside - requires all new housing proposals to be assessed against a number of criteria relating to siting, design and connection to infrastructure.

- 3.1.4 In terms of design and layout there are a number of other policies identified in the South Lanarkshire Local Plan that could be regarded as relevant to the development of the site. These policies generally require all development to take into account the

local context and built form of the area and provide guidance as to the criteria to be adhered to. However they are not immediately relevant in respect of the assessment of this proposal as this is an application for planning permission in principle and these details are more appropriately addressed during the determination of a detailed application

3.2 **Relevant Government Advice/Policy**

3.2.1 A consolidated Scottish Planning Policy was published by the Scottish Government in February 2010. In terms of development in the Green Belt, the SPP advises that Green Belt designation should be used to direct development to suitable locations and not simply prevent development from happening. Where development is considered acceptable it must be of a suitable scale and form for the location. Many uses will only be appropriate when the intensity is low and any built elements are ancillary to the main use, small-scale and of high quality design.

3.2.2 The section on housing acknowledges that there is a steady demand for housing in rural areas, and Councils should consider this as part of the development of a sustainable settlement strategy, with the majority of new housing being met within or adjacent to rural settlements. All planning authorities must set out the circumstances in which new housing outwith settlements may be appropriate in their areas, including redevelopment of brownfield land and opportunities for new homes on greenfield sites where appropriate. Brownfield land in rural areas usually means sites that are occupied by redundant or unused buildings or where the land has been significantly degraded by a former activity. In the rural area, opportunity to replace rundown housing and steadings should be supported when the new development is designed to fit onto the landscape setting. All new development should seek to achieve high design and environmental standards and respond to specific local character.

3.3 **Planning History**

3.3.1 There are no planning applications relating exclusively to this site. However, the principle of residential development on the application site was previously agreed through two planning applications which incorporated the application site with a larger housing development on the opposite side of the A71. Planning consent HM/02/0186 - Outline Consent for Residential Development was granted on the 27 August 2002 and detailed planning consent HM/03/0036 - Erection of 61 House Plots was granted on the 14 April 2003. It should be noted that these consents were granted prior to the adoption of the South Lanarkshire Local Plan and were never implemented. As part of the local plan review process the settlement boundary of Shawsburn was reassessed and the land to the east of the A71, identified in the previous consents, was included as part of the village envelope. The current site however was excluded from the settlement boundary and remained designated as greenbelt.

4 **Consultation(s)**

4.1 **Environmental Services** – have no objections subject to the attachment of an advisory note to prevent noise disturbance and that a condition be attached in regard to the undertaking of an assessment of the site in regard to contaminated land.

Response: Noted. Noise disturbance is a matter best controlled under separate Environmental legislation, whilst a condition can be imposed to satisfy the requirements in terms of contamination if considered necessary.

- 4.2 **Roads and Transportation Services** – no objections subject to compliance with a number of recommended conditions relating to sightlines, access, parking and drainage arrangements.
Response: Noted. The application site is considered capable of meeting these requirements. These matters will be considered in detail during the assessment of a detailed application should the Planning Committee be minded to grant permission in principle.
- 4.3 **Scottish Water** – Have raised no objections to the proposal and have confirmed that Camps Water Treatment Works and Ashgill Waste Water Treatment Works currently has capacity to service the proposed development. If approved a totally separate drainage system will be required with surface water discharging to a suitable outlet. However it should be noted that the granting of planning approval does not guarantee a connection to their infrastructure. This approval can only be given when Scottish Water have the appropriate application and technical details.
Response: Noted.
- 5 Representation(s)**
- 5.1 Statutory neighbour notification was undertaken and the proposal was advertised in the local press due to non notification of neighbours and as Development Potentially Contrary to the Development Plan. No letters of representation have been received
- 6 Assessment and Conclusions**
- 6.1 The determining issues that require to be addressed in respect of this application are the proposals compliance with the adopted local plan, the impact on the greenbelt and the visual amenity of the area and any infrastructure implications. Other material considerations must also be taken into consideration. In this instance government guidance and planning history are considered relevant.
- 6.2 In land use terms the application site is located in the greenbelt where Policy STRAT3 - The Green Belt and Urban Settlements in the Green Belt of the adopted South Lanarkshire Local Plan applies. This policy states that there shall be a general presumption against all development except where it can be shown to be necessary for the furtherance of agriculture, horticulture, forestry, recreation, or where development forms part of a larger proposal for the rehabilitation or change of use of disused or redundant traditional buildings where this consolidates such groups. Any housing development should comply with Policy CRE1.
- 6.3 The proposed use does not fall within any of the categories listed under Policy STRAT3 as it is not necessary for the furtherance of agriculture, horticulture, forestry or recreation and does not constitute a rehabilitation of existing buildings. In view of this I consider the proposal does not comply with Policy STRAT3.
- 6.4 In terms of policy CRE1 – Housing in the Countryside, this sets out the circumstances where new houses will be acceptable and includes agricultural dwellings, houses in association with existing or proposed businesses, the conversion of existing buildings or replacement houses. None of these circumstances apply and therefore the proposal cannot be justified under Policy CRE1.
- 6.5 In terms of design and layout there are a number of other policies identified in the South Lanarkshire Local Plan that could be regarded as relevant to the development of the site. These policies generally require all development to take into account the

local context and built form of the area and provide guidance as to the criteria to be adhered to. Such criteria however are not immediately relevant in respect of the assessment of this proposal as this is an application for planning permission in principle and these details are more appropriately addressed during the determination of a detailed application. It should be noted however that any subsequent detailed planning application would be required to comply with the adopted Local Plan policies, the Council's Residential Development Guide and be in keeping with development in the surrounding area.

- 6.6 As the proposal challenges the provisions of Policies STRAT 3 and CRE1 the Council must consider whether there are other material considerations that outweigh the above policies in this instance. Government Guidance relating to this application has been summarised under section 3.2 of this report. Advice on development in the Green Belt in the SPP which post dates the adopted Local Plan, states this designation should not prevent development from happening. Government guidance also advises that development plan policies should encourage rehabilitation of brownfield sites in rural areas and, in appropriate locations, allow for their re-development. Brownfield sites are broadly defined as sites that have previously been developed; in rural areas this usually means sites that are occupied by redundant or unused buildings or where the land has been significantly degraded by a former activity. Planning Authorities are also required to consider the opportunities for the economic re-use of such land. The planning history of the site is also considered a material consideration. Whilst acknowledging that the previous applications pertinent to this site formed part of a larger development granted consent prior to the adoption of the South Lanarkshire Local Plan and were never implemented, it is considered that the principle of residential development on the site was previously accepted by the Council.
- 6.7 The application site is located on a comparatively modest area of ground in a neglected state with no agricultural value and a history of use as a car park associated with a public house which makes no positive contribution to the environment. It is considered that the re-development of this neglected area of hardstanding which will incorporate a requirement to reinforce the site boundary by means of structure planting presents an ideal opportunity to improve the visual amenity of the immediate area and provide the formation of a more defensible boundary with the Greenbelt. Given the site's history and condition it is considered that the application site can be regarded as brownfield which is considered acceptable for development under current government guidance.
- 6.8 The curtilage of the proposed dwellings will not extend beyond the boundary of the land previously used as a car park and I am satisfied the site dimensions are sufficient to accommodate two dwellings of a reasonable scale, consistent with adjacent properties. As the site area is modest, and any consent will be conditioned with a requirement to reinforce the site boundary by means of structure planting. I am satisfied that the loss of such an area at this location can be sustained without adverse impact on the function and role of the Greenbelt. Accordingly I consider the principle of residential development an appropriate use for this land.
- 6.9 The proposed dwellinghouses will not be isolated, as existing residential properties adjoin the site to the north. The southern and western edge of the site boundary will with the aid of structure planting allow the 'squaring off' of the developed area on this side of the A71 creating a more defensible and long term greenbelt boundary. I am further satisfied that the proposal can be satisfactorily integrated into the existing pattern of development without detriment to the amenity of the surrounding area or

nearby residential properties and will improve the quality and appearance of the local environment. As such I find that the proposal is not at odds with the overall principles of safeguarding the setting of existing communities and integrating development with existing building groups.

- 6.10 There are no known infrastructure constraints to developing the site. Scottish Water was consulted on the application and advised that sufficient capacity exists to accommodate the development in terms of sewage disposal and provision of water. Furthermore, Environmental Services and Roads and Transportation Services raised no objection subject to the imposition of a number of conditions. I am satisfied that these conditions can be achieved. No third party representations were received in respect of the proposal
- 6.11 The applicant proposes redeveloping a brownfield site which is considered acceptable under current government guidance. The proposal provides a unique opportunity to provide a small scale, quality development with appropriate landscape screening on a previously developed site which has been significantly degraded. This will visually enhance the immediate area without adverse impact on the greenbelt setting or impacting on residential amenity. After carefully considering all relevant issues, I am of the view that the proposal is acceptable and a departure from the adopted South Lanarkshire Local Plan can be justified in this instance for the following reasons:
- (i) The site is considered a brownfield site, and the proposal will result in the positive regeneration of a rural site and the visual enhancement of the immediate area.
 - (ii) The site can be adequately screened from the wider countryside through boundary planting;
 - (iii) There would be no impact on the residential amenity of existing properties adjoining the site or within the settlement boundary of Shawsburn.
 - (iv) The consent can be suitably conditioned to ensure that the proposed houses will respect the scale and setting of the adjoining properties.
 - (v) The area in question is modest in scale and the overall objectives of Green Belt policy would not be compromised.
 - (vi) No infrastructure issues are raised by the development.
 - (vii) No precedent is being set by this limited encroachment into the greenbelt;

I therefore recommend that planning consent be granted.

7.0 Reasons for Decision

- 7.1 For the reasons set out in 6.12 above.

Colin McDowall
Executive Director (Enterprise Resources)

20 August 2010

Previous References

- ◆ HM/02/0186
- ◆ HM/03/0036

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ Neighbour Notification letter dated 16 February 2010
- ▶ Press Advertisement, Hamilton Advertiser dated 25 February 2010
- ▶ Scottish Planning Policy, February 2010

- ▶ Consultations
 - Scottish Water 24/02/2010
 - Roads and Transportation Services (Hamilton Area) 08/03/2010
 - Environmental Services 02/03/2010

Contact for Further Information

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

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Permission in principle

PAPER APART – APPLICATION NUMBER: HM/10/0072

CONDITIONS

- 1 This decision relates to drawing numbers: L(1-)00, L(1-)01.
- 2 Unless development commences, planning permission in principle expires 2 years from approval of the specified matters being granted, or if different matters are approved on different dates, then 2 years from the date of the last approval.
- 3 Prior to the commencement of development on site, a further application(s) for the approval of the matters specified in this condition must be submitted to and approved by the Council as Planning Authority. These matters are as follows:
 - (a) the layout of the site, including all roads, footways, parking areas and open spaces;
 - (b) the siting, design and external appearance of all building(s) and any other structures, including plans and elevations showing their dimensions and type and colour of external materials;
 - (c) detailed cross-sections of existing and proposed ground levels, details of underbuilding and finished floor levels in relation to a fixed datum, preferably ordnance datum.
 - (d) the means of access to the site;
 - (e) the design and location of all boundary treatments including walls and fences;
 - (f) the landscaping proposals for the site, including details of existing trees and other planting to be retained together with proposals for new planting specifying number, size and species of all trees and shrubs;
 - (g) the means of drainage and sewage disposal.
- 4 That the total number of dwellinghouses within the site shall be no more than 2.
- 5 That the further application required under the terms of Condition 3 above, shall incorporate and comply with the criteria specified within the approved South Lanarkshire Council 'Residential Development Guide'.
- 6 That the further application required under the terms of Condition 3 above shall include a detailed scheme for surface water drainage and the dispersal of foul water.
- 7 That the further application required under the terms of Condition 3 above shall include written confirmation from Scottish Water to the Council as Planning Authority that the foul drainage arising from the site can be accommodated within the public sewerage system without causing detriment to the operational capabilities of the receiving sewage treatment facility or the associated sewerage infrastructure. The developer shall be responsible for all costs involved in upgrading the existing public sewerage system to serve the residential development at this site. The dwellinghouse shall not be occupied until the upgrading works have been completed to the specification and satisfaction of Scottish Water as the Water and Sewerage Authority.
- 8 That the further application required under the terms of Condition 3 above shall include drawings which illustrate the provision of a turning space within each

house plot to enable vehicles to enter and leave the application site in forward gears at all times.

- 9 That the further application required under the terms of Condition 3 above shall include drawings which illustrate that a private vehicular access or driveway can be provided and the first 2m metres of this access from the heel of the footway/service strip shall be hard surfaced across its full width to prevent deleterious material being carried onto the road.
- 10 That the further application required under the terms of Condition 3 above shall include details of all parking provision within the site in accordance with the Council's Guidelines for Development Roads.
- 11 That the further application required under the terms of Condition 3 above shall clearly identify the planting of a hedgerow of at least 2 metres in depth along the southern and eastern boundaries of the site.
- 12 That no building to be erected on the site shall exceed one and half storey in height.
- 13 That notwithstanding the terms of Condition 3 above, the design and siting of any dwellinghouse on the site shall take due cognisance of the rural location, with particular regard being paid to scale, massing, roof pitch, fenestration and materials; and shall be in accordance with the Council's approved policy on new dwellings in the Countryside.

REASONS

- 1 For the avoidance of doubt and to specify the drawings upon which the decision was made.
- 2 To comply with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 3 To comply with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 4 In the interests of amenity and in order to retain effective planning control.
- 5 In the interests of amenity and to ensure that the Council's key residential development standards are met.
- 6 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.
- 7 To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.
- 8 In the interests of the visual amenity of the area.
- 9 To prevent deleterious material being carried into the highway.
- 10 To ensure the provision of adequate parking facilities within the site.
- 11 These details have not been submitted or approved.
- 12 In the interests of amenity.
- 13 In the interests of amenity and in order to retain effective planning control.

For information only

For information only

