

Report

Report to:	Planning Committee
Date of Meeting:	13 February 2007
Report by:	Executive Director (Enterprise Resources)

Application No	CL/06/0526
Planning Proposal:	Residential Development (Outline)

1 Summary Application Information

- Application Type : Outline Planning Application
- Applicant : Ian Ramsay
- Location : Townfoot
Elsrickle, ML12 6QZ

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)

2.2 Other Actions/Notes

- (1) The Planning Committee has delegated powers to determine this application.
- (2) The application is contrary to the Development Plan and an objection has been received. In accordance with Council procedures, a hearing may be required prior to determining the application.

3 Other Information

- ◆ Applicant's Agent: N/A
- ◆ Council Area/Ward: 06 Biggar/Symington and Black Mount
- ◆ Policy Reference(s): Upper Clydesdale Local Plan (Adopted)
 - Policy 72: Rural Area
 - Policy 74: Settlement Boundaries/Infill Development
 - Policy 76: Scenic Area

South Lanarkshire Local Plan (Finalised Draft)

- Policy STRAT4: Accessible Rural Area
- Policy CRE1: Housing in the Countryside
- Policy RES6: Residential Land Use
- Policy ENV4: Protection of the Natural and Built Environment Policy
- Policy ENV28: Regional Scenic Area and Areas of Great Landscape Value Policy

- ◆ Representation(s):
 - ▶ 1 Objection Letter

- ◆ Consultation(s):

West of Scotland Archaeology Service

Environmental Services

Roads and Transportation Services (South Division)

Roads & Transportation Services H.Q. (Flooding)

Black Mount Community Council

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

Scottish Water

Scottish Natural Heritage

Education Resources

Planning Application Report

1 Application Site

- 1.1 The application site extends to 1.48ha and relates to a former garage and workshop with associated curtilage which is centrally located within the village of Elsrickle. The site frontage bounds onto the A721, from where vehicular access is taken, and the rear boundary of two traditional cottages which also front onto the A721. The site contains a two-storey flat-roof building which appears to have been utilised as a garage office with residential accommodation above. This building is in a poor and dilapidated condition. To the front are hardstanding areas and the remnants of former petrol pumps. To the west of this building is a single-storey workshop and gated access which leads to an open level area where there are remnants of hardstanding and a demolished building. A single-storey shed fronts onto the A721 and to the rear are steps which lead to the aforesaid open area.
- 1.2 Originally the ground topography behind and to the side of the workshop would have sloped in a north/south direction, however excavations into the slope have allowed the creation of extended level areas and the formation of steep bunds, above which is vacant land, fenced off from surrounding agricultural lands and which fall within the curtilage of the workshop/garage. This derelict area does fall outwith the defined settlement boundary of Elsrickle and represents almost half of the application site. Directly behind the office/flat is a garden. A burn issues from the northern section of the site and is contained by culvert until it exits close to the southern boundary where it runs parallel with the boundary with Bank Cottage.
- 1.3 The site is bounded to the south by dwellings, the A721 and beyond by more dwellings, to the west and north by agricultural fields and to the east by dwellings and agricultural land.

2 Proposal(s)

- 2.1 The applicant seeks outline planning permission for a residential development. No indicative layout plans have been submitted in support of the application.

3 Background

3.1 Local Plan Policy

- 3.1.1 The site falls within the area of the adopted Upper Clydesdale Local Plan and is specifically covered by Policies 74: Settlement Boundaries/Infill Development, 72: Rural Area and 76: Scenic Area. The southern part of the site falls within the settlement boundary of Elsrickle which is covered by Policy 74 which favours residential development within the settlement but indicates that extensions to the settlement shall normally be resisted. The remaining part of the site outwith the settlement boundary is covered by Policies 72 and 76. Policy 72 discourages new housing in the countryside unless required for agricultural purposes or involves the conversion of an existing building. Policy 76 indicates that strict control shall be exercised over development to ensure that the special quality of the countryside is maintained.
- 3.1.2 The South Lanarkshire Finalised Draft Local Plan (August 2006) is a material consideration and the relevant policies in that document are STRAT 4: Accessible Rural Area, Policy CRE1: Housing in the Countryside, RES6: Residential Land Use, Policy ENV4: Protection of the Natural and Built Environment Policy and ENV28: Regional Scenic Area and Areas of Great Landscape Value Policy. The area within the settlement boundary is covered by RES6: Residential Land Use Policy which

generally favours residential development as long as there would be no adverse impact upon amenity and traffic safety. The remaining policies apply to the areas outwith the settlement. STRAT4 aims to direct development to existing settlements; housing in the countryside will not normally be supported unless the proposal can comply with CRE1: Housing in the Countryside. CRE1 discourages new housing unless it is required for an agricultural purposes or an appropriate rural business; involves the conversion of an existing building; or is a replacement dwelling. Part of the site falls within a Regional Scenic Area and, in that respect, ENV4 will only favour development which will not undermine the integrity of the protected resources. Similarly ENV28 states development will only be permitted where it can be accommodated without adversely affecting the quality of the Regional Scenic Area.

3.2 **Relevant Government Advice/Policy**

SPP3: Planning for Housing indicates that infill sites and vacant land can make a valuable contribution to the housing land supply. Where possible, most housing requirements should be met within or adjacent to existing settlements where efficient use can be made of existing services and rural amenity can be protected. These aims are reiterated by SPP15: Planning for Rural Development.

3.3 **Planning History**

An identical previous application (CL/05/0536) was withdrawn in March 2006 on grounds that additional information requested by SEPA had not been submitted.

4 **Consultation(s)**

4.1 **West of Scotland Archaeology Service** – no substantive archaeological issues. **Response:** Noted.

4.2 **SEPA** – has recommended that the applicant investigates all possible routes to establishing a connection to the public foul sewer and, if reasonable steps have not been taken to seek connection, then they will object to the reserve matters application. They have also recommended a Sustainable Urban Drainage System. **Response:** These matters can be covered by condition if planning permission is granted.

4.3 **Scottish Water** – at present there is insufficient capacity at the Elsrickle Water Treatment Works to serve the proposed development. The development will have to demonstrate that there will be no adverse effect upon their infrastructure and it is possible they may be asked to contribute towards up-grading costs. **Response:** If consent is granted, then a condition will be attached requiring the applicant to submit a letter from Scottish Water confirming that the development can be served by a water scheme constructed to the specification and satisfaction of Scottish Water.

4.4 **SNH** – the proposal has the potential to have adverse impacts on the visual amenity and the landscape character of the area. This is mainly due to the scale of the proposal in relation to the existing settlement and the potential prominence of the site in views to the settlement from the main road and from the Black Mount Hills. The scale of the proposal will affect the valued character of the Regional Scenic Area by adding a lot of houses in comparison to the existing number within the settlement and by disrupting the established village pattern of properties within Elsrickle. This means that the character of the place, which is small houses or small groups of an individual style, will be overcome by a large area of houses all of same age and style. If the Council is minded to grant, conditions should be applied requiring 15m

structure planting around the boundary edges in accordance with the Council's Residential Guide and that a Design Statement is submitted to explain the detailed stage. They have also recommended badger and water vole surveys to establish potential impacts on these species.

Response: The purpose of the application is to establish the principle of a residential development. A careful and sympathetic residential development enhanced by landscaping would remove an area of dereliction and, contrary to the view expressed by SNH could, in fact, result in improvements to the setting of Elsrickle. Elsrickle has no cohesive settlement pattern and contains a mix of house types of varying design, age and materials, some of which are suburban in nature. The agricultural land immediately surrounding the site, although within the Regional Scenic Area, does not have any particular or special landscape qualities which would be impinged upon by this proposal. As this is only an outline application, there are obviously no details on the house types and there are no obvious reasons why at outline application should not be determined without information on house types being available. Badger and water vole surveys have established that these species are not present or active on the site.

- 4.5 **Roads & Transportation Services (Flood Prevention Unit)** – no objection, however has recommended a drainage impact assessment, flood prevention measures and a Sustainable Urban Drainage System.

Response: If outline consent is granted, then these matters can be covered by appropriate conditions.

- 4.6 **Black Mount Community Council** – object to the development of the area outwith the settlement boundary. They have also highlighted concerns about the water supply and sewerage disposal.

Response: Although part of the site falls outwith the settlement boundary, this area nevertheless falls within the curtilage of the garage/workshop and to leave it undeveloped would land-lock an area of isolated land which could not be utilised for any positive purpose. A residential development at this location will facilitate demand for housing, consolidate the village and reduce pressure for isolated housing in the countryside.

- 4.7 **Roads and Transportation Services** – no objection subject to appropriate conditions.

Response: Noted.

- 4.8 **Environmental Services** – have indicated that construction noise and hours of working should comply with current standards and recommend that a full intrusive survey be carried out.

Response: Environmental Health has separate legislative power to control noise and working hours. If consent is granted, then a condition requiring a full intrusive survey shall be attached.

- 4.9 **Education Resources** – no objection.

Response: Noted.

5 Representation(s)

- 5.1 In response to a Development Potentially Contrary to the Development Plan advert and neighbour notification, one letter of objection was received. The issues raised are summarised as follows:-

- (a) **The ground level at Bank Cottage is lower than the development site by 4.5 feet. Buildings behind this property could easily lead to the cottage being overlooked and overshadowed.**

Response: These are matters which would be considered at a detailed planning application stage. I believe a careful and sympathetic proposal would prevent any adverse impact upon neighbouring properties.

- (b) **Changes to land drainage could cause run-off into Bank Cottage.**

Response: Conditions would be applied to ensure surface run-off is contained and that land drainage is designed to cope with any anticipated increase in surface water.

- (c) **The necessary infrastructure for such a site, ie. sewerage drainage and roads, could have a negative impact.**

Response: The attachment of suitable conditions would minimise the impact upon the village.

- (d) **At present Elsrickle is a classic linear village. If this area is developed as a residential site behind existing properties, it would be contrary to the current plan.**

Response: Elsrickle is indeed linear in form, however it does not have any definite building line or townscape character. Many of the properties have extensive front curtilages. In such circumstances, I believe the village lacks a cohesive pattern and that a centrally located development of medium-size could be successfully integrated within the village setting without harming its overall established character. Although part of the site does fall outwith the settlement boundary as defined by the Local Plan, as previously stated it is preferable to develop this land than leaving it vacant and derelict.

This letter has been copied and is available for inspection in the usual manner.

6 Assessment and Conclusions

- 6.1 The determining issues are compliance with adopted and finalised local plan policies, the impact upon Elsrickle and countryside amenity and whether the proposal can be satisfactorily accommodated. If development contravenes policy, then the question is whether there are sufficient reasons to justify a departure from the local plan.
- 6.2 In the Upper Clydesdale Local Plan, the principle of a residential development within the settlement boundary is supported by Policy 74: Settlement Boundaries/Infill Development, however the development of land outwith the settlement boundary would contravene Policy 72: Rural Area. Policy 76: Scenic Area aims to protect the landscape quality of the area and, in that respect and given the derelict nature of the application site, I believe a sensitive residential development can be accommodated on the site without adversely affecting the quality of the landscape.
- 6.3 In the South Lanarkshire Finalised Draft Local Plan, Policy STRAT4: Accessible Rural Area supports the principle of a residential development within the defined boundary for Elsrickle. Policy RES6: Residential Land Use presumes in favour of housing within the settlement boundary as long as there would be no adverse impact upon amenity and traffic safety. I am satisfied that visual and residential amenity can adequately be protected by conditions and, in their consultation response, Roads did not offer any objections, subject to conditions. Policy CRE1: Housing in the Countryside, which covers the land area outwith the settlements, has a presumption

against new housing proposals unless it is required for agricultural/business purposes; involves the conversion of an existing building; or is required as a replacement dwelling. This proposal cannot comply with any of the aforesaid criteria and therefore contravenes Policy CRE1. Policy ENV4: Protection of the Natural and Built Environment only favours development which does not impact upon protected resources including Regional Scenic Areas and European Protected Species. Policy ENV28: Regional Scenic Area and Areas of Great Landscape Value aims to protect the quality of the landscape. In reiteration of points raised in paragraph 6.2, I am of the opinion that the proposal does not cause any concerns with regard to the landscape character surrounding Elsrickle. A survey has established that there are no protected species which would be affected by the development.

- 6.4 The redevelopment of the area of the vacant garage/workshop which falls within the settlement boundary is acceptable as it complies with local plan policies and will result in environmental improvements. The question is whether the inclusion of the application site area outwith the settlement boundary is justifiable. In that respect, the development of this area would not adversely affect the setting of Elsrickle and the established townscape character. Structure planting could be incorporated around the site periphery as a means of ensuring integration with the wider countryside. There is no reason why sensitive house designs, which respect the character of the village and are supported by a design statement, cannot be introduced. This area, although outwith the settlement boundary, falls within the curtilage of the garage workshop and to leave it undeveloped, would result in a wide strip of land-locked vacant ground devoid of any useful purpose. If there are no alternative development opportunities within the village, it does make sense to direct development to an appropriate site on the edge close to existing services and facilities, especially as the proposal will find a beneficial use for vacant land and help reduce pressure for isolated housing in the countryside.
- 6.5 SNH and the Community Council have objected in principle because of the scale of the development, however I disagree with their assessment based on the reasons detailed in paragraphs 4.4, 4.6 and 6.4 above. The issues raised by the other consultees can be addressed by the use of appropriate conditions.
- 6.6 A letter of objection received in response to neighbour notification has raised concerns about amenity, drainage, sewerage, impact upon the streetscape and contravention of the local plan. After carefully considering these issues, I am satisfied that the proposal will not have a detrimental impact upon amenity and the character of the village whilst service/infrastructure provision issues can be covered by conditions. In terms of the local plan, I am of the opinion that a departure can be justified.
- 6.7 In conclusion, I am satisfied that the development is acceptable and that a departure from the adopted Upper Clydesdale Local Plan in relation to the land outwith the settlement boundary can be justified on the following grounds:
- ◆ the proposal represents an appropriate use of vacant land which will help expand the choice and range of housing in the rural area;
 - ◆ the proposal can be successfully integrated with the adjacent built environment and will not have a detrimental effect upon the setting and character of Elsrickle;
 - ◆ the proposal will consolidate the village edge; and
 - ◆ the addition of landscaping belts will help the proposal blend in with its surroundings.

7 Reasons for Decision

7.1 For the reasons stated in paragraph 6.7 above.

Iain Urquhart
Executive Director (Enterprise Resources)

22 January 2007

Previous References

◆ CL/05/0536

List of Background Papers

- ▶ Application Form
- ▶ Application Plans

- ▶ Consultations
 - Scottish Water 07/08/2006
 - S.E.P.A. (West Region) 22/08/2006
 - Black Mount Community Council 06/09/2006
 - Scottish Natural Heritage 31/08/2006
 - Roads and Transportation Services (South Division) 08/09/2006
 - Education Resources 18/09/2006
 - West of Scotland Archaeology Service 11/09/2006
 - Roads & Transportation Services H.Q. (Flooding) 07/09/2006
- ▶ Representations
 - Representation from : Pam S Simpson, Bank Cottage
Elsrickle by Biggar
ML12 6QZ, DATED

Contact for Further Information

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

Ian Hamilton, Planning Officer, South Vennel, Lanark
Ext. 810 3186 (Tel: 01555 673186)
E-mail: Enterprise.lanark@southlanarkshire.gov.uk

CONDITIONS

- 1 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.
- 2 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 and approved by the Council as Planning Authority:
 - (a) siting, design and external appearance of all buildings and other structures;
 - (b) means of access to the site;
 - (c) a landscaping plan for the area indicated in green on the approved plans at a scale of 1:200 showing the location, species and ground spread of proposed trees, shrubs and hedges;
 - (d) layout of the site, including all roads, footpaths and parking areas; and
 - (e) provision of drainage works and means of sewage disposal.
- 3 That the further application required under Condition 2 above shall include provision for:
 - (a) a 3 metre wide dropped kerb footway crossing to each house plot;
 - (b) a visibility splay of 2.5 metre by 90 metres on both sides of the vehicular access onto the A721, measured from the edge of the road channel;
 - (c) driveways with minimum lengths of 12 metres and hard surfaced for the first 2 metres from the edge of the public road;
 - (d) a turning facility within the confines of the site; and
 - (e) a drainage system capable of preventing any water from flowing onto the public road or into the site from surrounding land, provided and maintained at the applicants expense.
- 4 That the further application required under the terms of Condition 2 above, shall be accompanied by a Design Statement which shall set out the design principles, justify the design solution and show how the proposal responds to the wider context of the area as well as the characteristics of the site.
- 5 That the further application required under the terms of Condition 2 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.
- 6 That prior to the commencement of work on site, a Drainage Impact Assessment shall be submitted to and approved in writing by the Council as Planning Authority.
- 7 That prior to the commencement of development on site, details of the provision of flood prevention works, together with subsequent management and maintenance arrangements shall be submitted to and approved by the Council as Planning Authority.

- 8 That no dwellinghouse shall be occupied until the developer provides a written agreement from Scottish Water that the site can be served by a sewerage and water scheme constructed to the specification and satisfaction of Scottish Water as the Water and Sewerage Authority. If a connection to the public sewage network is not possible then details of an alternative sewerage disposal system shall be submitted to and approved by the Council as Planning Authority in consultation with SEPA.
- 9 That before development starts a Phase 1 or Desk Study, to review all currently available information about the historical uses of this site, shall be carried out to determine any types of contamination likely to be encountered and possible pathways to sensitive receptors shall be submitted to and approved by the Council as Planning Authority. If this investigation gives any indication of the potential for contaminants to be present, development shall not begin until a full intrusive survey has been carried out and its findings submitted to and, approved by the Council as Planning Authority. This survey shall clearly document the methodology, findings and results. The risks posed by the presence of pollutants in relation to sensitive receptors shall be assessed to current guidelines and, where appropriate recommendations for further investigations or remediation options to reduce these risks identified.

REASONS

- 1 To accord with the provisions of the Town and Country Planning (Scotland) Act 1997.
- 2 Consent is granted in outline only.
- 3 In the interest of public safety.
- 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 demonstrate that a satisfactory means of waste and surface water drainage can be achieved.
- 7 To ensure that there will be no increased risk of flooding to land and properties either on site or downstream due to impedance of flood flows, increased surface water run off and/or reduction of flood storage capacity.
- 8 To ensure that the development is served by an appropriate effluent disposal system and water supply.
- 9 To ensure the site is free of contamination and suitable for development.

For information only

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