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|  | <h1>Report</h1> | Agenda Item <h1>5</h1> |
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| Report to: | Planning Committee |
| Date of Meeting: | 21 June 2005 |
| Report by: | Executive Director (Enterprise Resources) |

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| Application No | HM/04/0890 |
| Planning Proposal: | Residential Development (Outline) |

1 Summary Application Information

- Application Type : Outline Planning Application
- Applicant : Clyde Valley Garden Centre
- Location : Clyde Valley Garden Centre
Lanark Road
Garrion Bridge
Larkhall
ML9 2UB

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 the conditions attached).

2.2 Other Actions/Notes

The Planning Committee has delegated powers to determine this application.

3 Other Information

- ◆ Applicant's Agent: James Barr & Son
- ◆ Council Area/Ward: 51 Dalserf
- ◆ Policy Reference(s): **Hamilton District Local Plan**
Policy EN1a – Greenbelt
Policy EN1b – Prime Agricultural Land
Policy EN1c – Area of Great Landscape Value

- ◆ Representation(s):
▶ 0 Objection Letters

◆ Consultation(s):

Environmental Services

Roads and Transportation Services (Hamilton Area)

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

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

Scottish Water

Scottish Natural Heritage

Roads & Transportation Services (Flooding)

Planning Application Report

1 Application Site

- 1.1 This application relates to a 1.4 hectare site presently occupied by a garden centre and lying between Lanark Road (A72) and the River Clyde. The site presently contains the garden centre buildings and a car park.
- 1.2 To the south and west of the site are residential properties, three of which occupy land between the garden centre car park and Lanark Road, these being dwellings which were constructed in association with the former horticultural use of the site (tomato growing). To the north, the site is bordered by open fields.
- 1.3 The recently completed road improvements at Garrion Bridge have included the construction of a new road at a higher level to the west, resulting in the closure of Lanark Road at its junction with Garrion Bridge and the A71. This prevents through traffic along this part of the road which will only be used for access to existing properties.

2 Proposal(s)

- 2.1 The applicant seeks outline consent for the residential development of the site. Access would be taken via the existing access point onto Lanark Road.
- 2.2 A flood risk assessment has been carried out to determine the flood risk for any future development within the site and to recommend ways of managing such a risk. It is current best practice to ensure that new developments should be safe from the severity of flood which has a 0.5% annual probability of occurring (the 1 in 200 – year return period flood). The report suggests that part of the site is at risk from flooding. To alleviate this, the report recommends a scheme of cut and fill earthworks which would ensure that final floor levels were above flood levels. The scheme would also provide an area where the ground level was lowered to provide added river storage capacity.
- 2.3 Whilst a letter which accompanies the application refers to a potential capacity for approximately 15 dwellings, no indicative drawings have been provided showing how the site might accommodate such a number of units.

3.0 Background

3.1 Local Plan Policy

- 3.1.1 The site is identified in the adopted Hamilton District Local Plan as Greenbelt where there will be a strong presumption against development unless it is shown to be necessary for the furtherance of agriculture or other uses appropriate to the Greenbelt, and provided there are no significant adverse effects on sensitive landscape areas or agricultural operations.
- 3.1.2 The site is also identified in the local plan as forming prime agricultural land. Policy EN1b states that the Council will oppose the loss of such land. Finally, the land is contained within an Area of Great Landscape Value. Policy EN1c states that within such areas the Council will exercise great care in assessing any proposals.

3.2 Structure Plan Policy

- 3.2.1 The approved Strathclyde Structure Plan also identifies the land as lying within the Greenbelt.

3.3 Relevant Government Advice

- 3.3.1 **Scottish Planning Policy No. 1 (The Planning System)** states that the determination of planning applications should be made in accordance with the development plan unless material considerations indicate otherwise. A strong justification should be given for making a decision that is in conflict with the plan. The principles for determining an application that is contrary to the plan are set out, including cases where development plans become less relevant or are overtaken by events. In all cases, permission should only be refused where, whether because of the policies in place or other material considerations, there are sound reasons for doing so.
- 3.3.2 **Scottish Planning Policy 3 (Planning for Housing)** stresses the need to protect the landscape setting of settlements as well as respecting the local architectural building styles. Care should be taken, especially in smaller settlements, to ensure that the scale of development is appropriate and consideration should be given to the cumulative impact of developments, especially where important public views are affected.
- 3.3.3 Many of the principles contained in **SPP3** are mirrored in **Circular 24/1985 on Development in the Countryside and Greenbelts**. This states the need to preserve the existing designated Greenbelts and establish confidence in their permanence. Councils are encouraged to review Greenbelt boundaries and identify land within settlements in Greenbelts which no longer make a significant contribution to the purposes for which the Greenbelt was established. The development of such land can help maintain the long term integrity of the Greenbelt by relieving pressure on more significant areas. Consideration should be given to bringing into use previously developed land that is lying derelict and has little value in terms of agricultural or Greenbelt purposes.
- 3.3.4 **National Planning Policy Guidance on Planning and Flooding (NPPG7)**. Advises that the susceptibility of land to flooding is a material consideration in determining planning applications. Planning authorities should seek to avoid increasing the flood risk by refusing permission where appropriate and seeking to manage the threat of flooding when planning permission is to be granted. New development should not reduce flood storage areas or increase the probability of flooding elsewhere.

3.4 Planning History

- 3.4.1 A significant appeal decision was provided in March 2001 by the Scottish Executive Inquiry Reporters Unit relating to land between 12 and 14 Lanark Road which is located to the south of the application site. The appeal was against non-determination of a planning application for two houses on this land. The reporter considered the proposals in terms of the Greenbelt designation of the appeal site. He came to the view that this was an “unsupportable anomaly” as a result of the realignment of Lanark Road and its closure to through traffic, and that overall a “compelling case” for an exception to development plan policy could be made and gave permission for the two houses. These have since been constructed.

3.4.2 Subsequently, outline planning consent was granted in May 2001 for residential development on land at Telfer House on the opposite side of Lanark Road to the application site. (ref no: HM/99/0455). Importantly, both the appeal decision and the consent at Telfer House recognise that an opportunity exists to consolidate development in a limited part of the “island” which has been created by the by-pass associated with the Garrion Bridge scheme.

3.4.3 Since that time, the following applications have been approved:

HM/01/0277 – Erection of 4 houses, 16 Lanark Road (adjoining application site to the south).

HM/01/0466 – Erection of 3 houses, 14 Lanark Road

The sites referred to in these two applications are presently the subject of a single application for an increase to 15 house plots (HM/04/0933). A further application relating to the land at Telfer House is also under consideration, this seeking consent to develop the slopes of the site outwith the approved area (HM/03/0498). An application to develop the slope below the bypass was recently withdrawn (HM/04/0444) and an application for a single house plot on a small piece of land opposite 4/6 Lanark Road is currently the subject of an appeal against non-determination.

4 Consultation(s)

4.1 **Roads and Transportation Services** No objections subject to a number of conditions including the provision of adequate visibility being achieved at the site access.

Response: Noted

4.2 **Environmental Services** – Have made a series of comments on issues such as construction/demolition work, drainage, dust and contamination..

Response: Noted, any planning issues raised can be conditioned into any consent granted.

4.3 **Scottish Natural Heritage** – Object on the grounds that the proposal will have adverse visual and landscape impacts on the Area of Great Landscape Value due to the location, scale and development pattern of the proposal which will be both conspicuous and disrupt the established local settlement pattern, i.e. a linear pattern of single houses fronting Lanark Road. It is argued that Garrion is not a village and therefore additional development should not be encouraged. Also, that the proposed development will adversely affect the experience of the landscape for visitors and local people travelling on local roads and using the Clyde Walkway. Concern is also expressed at the cumulative impact of this and other recent proposals in the area.

Response: As discussed in paragraph 3.4 above, the principle of limited infill development has already been conceded at Garrion. However, I would agree that this type of landscape is very sensitive to inappropriate forms of development and that particular care must be taken to ensure that scale, design and siting is sympathetic to the local countryside, as per the requirements of local and national policy. In this respect, although the application is made in outline, I consider the indicative figure of 15 suggested by the applicant to be excessive. The outline consents granted on adjacent sites have limited the number of houses on each of them in order to achieve a low density form of development. The scale of

development may be further constrained by flood attenuation requirements and by available drainage capacity. There will also be a need for structure planting within and around the site to assist with integration into the landscape, particularly if the site is to form the new settlement edge. I therefore consider that with careful planning the site could successfully absorb a limited residential development without realising the concerns of SNH.

- 4.4 **SEPA** – Originally SEPA expressed concern about the development of the site in terms of its implications for flooding. However SEPA are now satisfied, in general terms, that the proposed development and mitigation measures will not remove flood storage volume nor increase water levels across the site. However, further detailed information on the proposed development and compensatory storage scheme together with further information relating to an existing culvert within the site and the impact of the proposed works on water levels outwith the site will be required at detailed application stage in order to fully address all their concerns. SEPA have also advised that surface water be treated in accordance with SUDS and that a method statement detailing pollution prevention measures for adoption during construction be produced.

With regards foul drainage, in view of the number of units both consented and proposed at Garrion Bridge; SEPA have advised that a comprehensive sewerage network designed to a standard which would be adoptable by Scottish Water should be investigated. This would have the advantage of securing long term maintenance and upgrades to the system as required, as well as reducing the number of potential discharges into the Clyde.

Response: The requirement for this information will be the subject of a condition imposed on any consent granted.

- 4.5 **Scottish Water** – No objections.

Response: Noted.

- 4.6 **Roads & Transportation Services (Flooding)** – Carried out a detailed assessment of the flood risk assessment and indicated that further calculations would be required to support the revised compensatory storage volume. They subsequently suggested that an independent assessment of flood levels in the area may be available within a few months and considered that the application decision be deferred.

Response: The applicant has provided additional information in relation to flood risk and SEPA are now satisfied that the proposals do not remove flood storage volumes nor increase water levels across the site. They therefore accept the principle of developing the site but seek additional information at the detailed application stage. I am of the view that if any further information becomes available through further assessment work, this can also be taken into consideration at the detailed planning application stage. I do not consider that it would be reasonable to delay consideration of the application further given SEPA's comments.

5.0 Representation(s)

- 5.1 Statutory Neighbour Notification was undertaken following which no letters of objection have been received.

6 Assessment and Conclusions

- 6.1 This planning application seeks outline consent for the residential development of land identified as Greenbelt and lying within an Area of Great Landscape Value. The proposals should be determined in accordance with the provisions of the development plan unless other material considerations indicate otherwise.
- 6.2 The Greenbelt policy clearly states that there should be a strong presumption against development and therefore the proposals are contrary to the approved planning policy. Nevertheless there are other considerations which I believe justify an exception to the plan. Scottish Planning Policy Guidance and Government Circulars recognise that the development of suitable sites within existing settlements in the Greenbelt can make a contribution to a particular housing requirements provided the proposals can be integrated with the settlement and surrounding countryside. It is also recognised that a particular policy in the local plan may be overtaken by events.
- 6.3 In this case, works have been completed on the construction of a new bypass at Garrion Bridge. The realignment of the A72 has resulted in the closure of that part of the road fronting the application site to through traffic. This has resulted in the creation of what is in effect a cul de sac serving a limited number of houses. The settlement at Garrion Bridge has evolved over many years as a result largely of the development of houses in association with the nurseries which originally occupied land between Lanark Road and the River Clyde. A ribbon of development has been created on the eastern side of Lanark Road with the northern boundary being formed by the application site.
- 6.4 The application site has already been developed as a garden centre and lies at the northern end of a largely unbroken ribbon of development. It can no longer be considered to be making a significant contribution to the function of the Greenbelt while the closure of the A72 at this point has permanently altered the character of the settlement. Further, the appeal decision for land at 12/14 Lanark Road is of significance in that the Reporter recognised that the road improvements have created an anomaly in terms of the Greenbelt boundary which can no longer be considered sustainable. I therefore consider that the sensitive development of the site would integrate the land with the adjacent built environment without any adverse impact on the Greenbelt.
- 6.5 The application is identified as forming prime agricultural land, the loss of which is contrary to policy EN1b of the adopted local plan. However, the site is of a size and shape that would not make the agricultural or horticultural use of this land viable.
- 6.6 The site is also identified as being within an Area of Great Landscape Value. SNH have expressed concern that the proposal will have an adverse impact on the landscape character of the area and that it will introduce visual characteristics which will detract from peoples enjoyment of this part of the Clyde Valley. Whilst the application has been made in outline, the applicant has suggested a figure of 15 units. Given the need to maintain an appropriate density at this location together with the need for flood attenuation measures and structural planting within the site, I consider this figure to be excessive. I would therefore suggest imposing conditions to ensure that further detailed applications reflect the sensitive nature of this site.

- 6.7 One means of achieving this objective, particularly in view of the increasing development pressure on other sites within the settlement, would be to produce a Masterplan of the whole settlement. This would deal with key issues such as density, design, access, drainage, flood attenuation, sewerage disposal, visual impact and landscaping. It would also provide definition of a new settlement boundary. Approval of such a Masterplan would ensure a consistent approach in dealing with other applications in the area.
- 6.8 SEPA have raised the possible requirement for an adoptable sewage treatment facility. This would necessitate the involvement of all prospective developers in the settlement and would also be dealt with as part of the aforementioned masterplan process. Once approved, all subsequent detailed applications would be required to comply with the terms of the Masterplan.
- 6.9 SEPA are also satisfied that the Flood Risk Assessment has demonstrated that, in principle, a change in levels within the site and the provision of compensatory storage would alleviate future risk. However, further detailed investigation and information in respect of flood storage capacity and impact outwith the site will be necessary at detailed application stage in order to fully address flooding issues.
- 6.10 The proposal to develop this site for housing is contrary to the adopted Hamilton District Local Plan in that the site is identified as lying within the Greenbelt. I am of the view however that a departure from the development plan is justified in this case for the following reasons:
- a) The application site is located at the end of a ribbon development. The development of the site for housing would not have an adverse impact on the landscape character of the areas subject to sensitive siting, design and landscape treatment.
 - b) The development of the land for housing will integrate the site with the adjacent built environment at Garrion Bridge without any adverse impact on the Greenbelt.
 - c) The closure of the A72 at its junction with the A71 has resulted in the creation of a cul-de-sac, which together with the new bypass will permanently alter the character of the area.
 - d) The application sit is not of a size or shape to allow a viable agricultural or horticultural operation to be carried out on the land.

6.11 In view of the above I would recommend that outline permission be granted.

Iain Urquhart
Executive Director (Enterprise Resources)

7 June 2005

Previous References

- ◆ HM/99/0455
- ◆ HM/01/0277
- ◆ HM/01/0466
- ◆ HM/03/0498
- ◆ HM/04/0444
- ◆ HM/04/0933

List of Background Papers

- ▶ Application Form
- ▶ Application Plans

- ▶ Consultations
 - Environmental Services 15/12/04
 - Scottish Water 30/03/05
 - S.E.P.A. (West Region) (Flooding) 17/01/05
 - Scottish Natural Heritage 09/02/05
 - Roads & Transportation Services (Flooding) 23/03/05
 - Roads & Transportation Services (Hamilton Area) 11/04/05
 - S.E.P.A. (West Region) 26/05/05
- ▶ Representations
 - None

Contact for Further Information

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

Lynda Dickson, Planning Officer, Brandon Gate
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E-mail: Enterprise.hamilton@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 and approved by 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 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.
- 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 notwithstanding the terms of condition 1 above, the proposals for the disposal and treatment of sewerage and surface water from the site shall be designed in accordance with the principles of the Sustainable Urban Systems Manual for Scotland and Northern Ireland published in March 2000. Details of all requisite sewerage facilities shall be agreed with SEPA before commencement of any building work.
- 4 That no building to be erected on the site shall exceed one and a half storey(s) in height.
- 5 That notwithstanding the terms of Condition 1 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 Greenbelt/Countryside.
- 6 That the detailed layout of the residential development within the site shall be designed to comply with the conclusions and recommendations of the approved Flood Risk Assessment for the site. The further applications required under condition 1 above shall include proposals for flood attenuation measures within the site which shall be based on the recommendations of the report. No consent is hereby granted for any of the indicative layout details nor the extent of compensatory flood storage area contained within the FRA.

- 7 That prior to the submission of any reserved matters application, a Masterplan shall have been prepared for the future development of Garrion Bridge and approved by the Council as Planning Authority. This masterplan shall deal with issues relating to density, design, foul and surface drainage, flood attenuation, structure planting and other landscaping, access and visual impact.
- 8 That all applications submitted under the terms of condition 1 above shall comply with the terms of the Masterplan approved under the terms of condition 7.
- 9 That prior to any work commencing on site, a method statement detailing pollution prevention measures to be adopted during construction shall be submitted to and approved by the council as planning authority and SEPA.
- 10 that vehicular access to the site shall be provided to the satisfaction of the Council as Planning and Roads Authority.
- 11 that notwithstanding the terms of condition 6 above the reserved matters application required under the terms of condition 1 above shall be accompanied by the following:
 - a) Information on the detailed design of the proposed compensatory storage method and its effectiveness at the design flow;
 - b) Evidence to demonstrate that the neutral effect on water levels, post-development, also applies to areas outwith the application site both upstream and downstream;
 - c) Details relating to the condition and capacity of the existing culvert which runs through the site. The potential for the culvert to act as a flood flow vector in periods of high flow in the River Clyde should be investigated, together with the potential for opening up the culvert and restoring the watercourse;
 - d) Evidence to demonstrate that any proposed mitigation and storage requirements will not increase any risk to life in a design event,and that no reserved matters shall be approved until these matters have been addressed to the complete satisfaction of SEPA.
- 12 That notwithstanding the terms of condition 1 above, the area identified through the FRA, or as amended by the additional analysis exercise required under the terms of condition 11 above, as being required for compensatory storage shall be landscaped and maintained as such to the satisfaction of the council as planning authority. In particular, the compensatory storage area shall not be used for the construction of houses or associated garden grounds.
- 13 That notwithstanding the terms of condition 1 above, no consent is hereby granted for 15 units as referred to in the letter accompanying the application, the number of units able to be accommodated within the site being dictated by the need for appropriate density, available drainage capacity, flood attenuation requirements and the requirement to create an acceptable green belt boundary through the provision of structure planting.
- 14 that the reserved matter required under the terms of condition 1 above shall make provision for structure planting of at least 5 metres along the northern boundary of the site.

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 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 off-site flooding.
- 4 In the interests of amenity.
- 5 In the interests of amenity and to ensure satisfactory integration of the new dwellinghouse with the designated Greenbelt
- 6 To safeguard the site and land both upstream and downstream from flooding
- 7 To ensure the satisfactory integration of the site into the existing settlement
- 8 To ensure the satisfactory integration of the site into the existing settlement
- 9 To prevent pollution of the River Clyde
- 10 In the interest of road safety
- 11 To safeguard the site and land downstream and upstream from flooding
- 12 In the interests of the visual amenity of the area.
- 13 In order to retain effective planning control
- 14 In order to provide a satisfactory green belt boundary.

For information only

For information only

