

	<h1>Report</h1>	Agenda Item <h1>10</h1>
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Report to:	Planning Committee
Date of Meeting:	7 June 2005
Report by:	Executive Director (Enterprise Resources)

Application No	HM/05/0209
Planning Proposal:	Conversion of Existing Concrete Gun Emplacements to Form 4 Dwellinghouses

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Mr J Moodie
- Location : Muttonhole Road
Hamilton

2 Recommendation(s)

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

- (1) Grant Detailed Planning Permission (subject to conditions – based on conditions listed overleaf)

2.2 Other Actions/Notes

The Planning committee has delegated powers to determine this application

3 Other Information

- ◆ Applicant's Agent: Bracewell Stirling Architects
- ◆ Council Area/Ward: 50 Cadzow
- ◆ Policy Reference(s): Policy EN1A – Greenbelt

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

- ◆ Consultation(s):

Environmental Services

Building Control Services (Hamilton)

Roads and Transportation Services (Hamilton Area)

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

Power Systems

TRANSCO (Plant Location)

West of Scotland Archaeology Service

Planning Application Report

1 Application Site

- 1.1 This application relates to a 3.46 hectare site located in the greenbelt, approximately 1.6km to the south west of Hamilton on the south side of Muttonhole Road, some 300m from its junction with Strathaven Road.
- 1.2 The site is accessed from Muttonhole Road, passing three existing dwellings. It is bounded to the north by Muttonhole Road and by an area of mature woodland to the south. Land to the west is utilised for the winter storage of caravans, beyond which is open countryside. The site is bounded to the east by an area of land used periodically by the applicant for motorcycle practice.
- 1.3 The site itself encompasses four disused concrete gun emplacements located close to the eastern boundary, positioned in a north to south direction. The remaining land to the west is of an overgrown and derelict appearance.
- 1.4 The gun emplacements are concrete structures, roughly L-shaped and consisting of rectangular covered storage areas with entrance and vents, a circular gun turret and an engine and gearing block. The emplacements have lower and ground platform levels, with maximum heights of 3.3m above ground level. Grassed embankments are formed around the emplacements.

2 Proposal(s)

- 2.1 The proposal involves the redevelopment and extension of the existing emplacements to form four dwelling houses. Each dwelling would accommodate four bedrooms, dining, kitchen, family room, lounge and bathroom facilities at ground floor level, with garage, storage, gym, guest suite and office/workspace facilities at lower level. The dwellings would be of a unique design and would be finished externally in roughcast and timber cladding with a single ply membrane roof. Embankments would be retained around part of the dwellings. The height of the dwellings would be increased to between 13m and 16.5m.
- 2.2 Access will be taken from the existing access which serves the dwellings to the north and north west of the site and which also provides access to the caravan storage area. The access will be upgraded from 5.0m to 5.5m in width. The applicant has stated that the proposals will include the provision of additional boundary landscaping to the east and west, although no specific proposals are shown on the submitted drawings.

3 Background

3.1 Local Plan Status

- 3.1.1 The site lies within the designated Green Belt in the adopted Hamilton District Local Plan. Policy EN1A applies which states that there will be a strong presumption against development in the Green Belt unless it is shown to be necessary for the furtherance of agriculture or other uses appropriate to the Green Belt. Proposals for the rehabilitation or change of use of disused or redundant buildings for residential purposes may be considered favourably if they comply with a number of specific criteria. The presumption in favour of rehabilitation does not extend to proposals which differ dramatically in scale or character from the existing buildings or to the replacement of derelict or dilapidated buildings.

3.2 Relevant Government Advice/ Guidance

- 3.2.1 Scottish Planning Policy 3 (Planning for Housing) generally supports the sensitive reuse, conversion or rehabilitation of buildings in the countryside subject to criteria including their ability to be readily accessed and serviced. Redevelopment should not automatically extend to the replacement of wholly derelict buildings or development of a different scale or character from that which existed previously.
- 3.2.2 Scottish Planning Policy 15 (Planning for Rural Development) states that in many rural areas there are small sites which cease to be required for their original purpose where conversion to residential use would bring about a net environmental benefit. It also states that planning authorities should take a positive approach to innovative, modern designs that are sensitive both to their immediate setting and define the characteristics of the wider local area.
- 3.2.3 Circular 24/1985 (Development in the Countryside and Green Belts) requires Councils to maintain the effectiveness of existing Green Belts, safeguard the amenity and character of the countryside and protect the setting of settlements.
- 3.2.4 'Designing Places' sets out the Executive's policy on design and quality in new development. Its aim is to improve the quality of new developments irrespective of size, both within settlements and elsewhere in the countryside.

3.3 Site History

- 3.3.1 There are no recent planning applications affecting the site.

4 Consultation(s)

- 4.1 **Roads and Transportation Services-** .No objections subject to visibility splays being provided at the junction with Muttonhole Road and the access being upgraded to a bound surface with intervisible passing places and a turning area.
Response: Noted.
- 4.2 **Environmental Health** – No objections subject to restrictions on hours of working, the submission of a site investigation report and a survey for materials containing asbestos being carried out.
Response: Noted. Appropriate conditions may be imposed on any consent granted, although some of these matters are more appropriately dealt with under other legislation.
- 4.3 **Scottish Environmental Protection Agency** – no objection in principle, although conditions should be attached to any planning consent to ensure that a prior investigation is carried out to confirm that the proposed soakaway arrangement is acceptable and will not pose a risk to groundwater. In addition, a condition should require the applicant to treat surface water drainage in accordance with Sustainable Urban Drainage principles. Finally, a risk assessment should be carried out and any required remediation works undertaken to ensure that the site conditions would not constitute contaminated land.
Response: Noted. Appropriate conditions can be imposed on any consent granted.
- 4.4 **Transco:** advise that they have no gas mains in the vicinity of the area, although pipes owned by others may be present in this area.
Response: Noted.

- 4.5 **Power Systems**: advise that underground apparatus is located in the vicinity of the site and that they reserve the right to protect/deviate this apparatus at the applicant's expense if necessary.

Response: Noted.

- 4.6 **West of Scotland Archaeology Service**: no response.

Response: Noted.

5 Representation(s)

- 5.1 Statutory neighbour notification procedure has been carried out and the application was advertised as development contrary to development plan. No representations have been received.

6 Assessment and Conclusions

- 6.1 The main planning considerations in determining the application are whether the proposals comply with the provisions of the development plan and if not, whether exceptional approval is justified by other material considerations.

- 6.2 Greenbelt policy in the adopted Hamilton District Local Plan states that proposals for the rehabilitation or change of use of disused or redundant buildings will be considered favourably subject to compliance with a number of criteria. These are listed below along with an appropriate assessment of the proposal against them.

a) where it can be demonstrated that the building is no longer required, appropriate or marketable for agricultural or other countryside use.

The majority of reuse, rehabilitation or conversion proposals relate to former agricultural buildings and this aspect of the policy seeks to ensure that any loss of a building to residential use will not adversely affect agricultural operations in the countryside. The structures which are the subject of this application, being former gun emplacements, have never been in agricultural use and as such, their use for residential purposes would have no impact on agriculture.

b) the building is of traditional design or some architectural/historical interest

The structures are not of 'traditional design' as such, but are functional structures of a design unique to their former use. They are not 'listed buildings' but do have some interest due to their former use as gun emplacements.

c) the building is structurally sound and largely intact with all external walls and roof substantially complete.

The structures, although dilapidated, are still structurally sound and are capable of redevelopment.

d) the building is capable of providing a modern standard of accommodation without the need for major extensions or alterations

The structures require some extension and alteration to provide the standard of accommodation proposed.

e) alterations must be sensitively designed to retain the indigenous character of the building

Although the conversion of the gun emplacements involves new works being carried out to them, I am of the opinion that the individual, unique dwellings which would be constructed on the existing structures are of a design which reflects the original characteristics of the emplacements. Indeed, a significant amount of time was spent by the applicant's agents and the Planning Service, prior to the submission being lodged, in ensuring that the design of the houses respected the unique nature of the buildings and that a bespoke approach would be essential if the proposal was to be supported by officers.

f) Any ancillary domestic uses such as garages should form part of the rehabilitation of the building or be incorporated within a small extension physically attached to the original building

Ancillary uses are provided integral to each dwelling.

g) the building can be safely accessed and readily provided with services such as water, drainage and sewerage.

Servicing and access of the development can be achieved and conditions may be imposed on any consent granted to ensure that this is the case.

- 6.3 Turning to national policy guidance, SPP3 (Land for Housing), states that sites which no longer contribute significantly to the purpose of the green belt and which can be readily accessed by a range of transport, may be released for housing development, provided this will not undermine the green belt's overall effectiveness and integrity. Circular 24/1985 states that green belts have been established for three main purposes:-

- (i) to maintain the identity of towns by establishing a clear definition of their physical boundaries and preventing coalescence;
- (ii) to provide countryside for recreation or institutional purposes of various kinds; and
- (iii) to maintain the landscape setting of towns.

The application site accommodates existing substantial concrete structures which currently have no particularly beneficial function or use. The remainder of the site is in a semi-derelict condition. It lies adjacent to an existing group of houses to the north and north-west, and to a caravan storage area to the west. In these circumstances, I do not consider that the site contributes significantly to any of the green belt objectives listed above and as such, the proposal would not threaten the effectiveness or integrity of the green belt at this location.

- 6.4 SPP15 (Planning for Rural Development) advises that in many rural areas there are small sites which cease to be required for their original purpose where conversion to residential use would bring about a net environmental benefit subject to specified criteria relating to matters such as proximity to services, ease of access, drainage and sewerage capacity. It also advises that planning authorities should take a positive approach to innovative, modern designs that are sensitive both to their immediate setting and define the characteristics of the wider local area.

- 6.5 In this context, the proposal offers opportunities to bring about environmental benefits through the introduction of unique dwellings of high quality, innovative design and through the carrying out of environmental improvements to the remainder of the site. The site has reasonable access to Hamilton, while servicing and infrastructure requirements can be met. I therefore consider that the application site complies with the criteria specified in SPP15 above.
- 6.6 Both local and national policy is generally supportive of proposals in the countryside to re-use or convert buildings which are no longer required for the original purpose.
- 6.7 I am satisfied that exceptional circumstances exist which justify approval in this case. In particular, other relevant material considerations include the following:
- a) the site comprises brownfield, developed land which accommodates existing structures and which lies adjacent to an existing group of houses and a commercial use;
 - b) it makes no particular contribution to the purpose or objectives of the green belt and the proposal will not threaten these objectives;
 - c) the proposal involves modern, individually designed dwellings, sympathetic to the character of the original structures and;
 - d) environmental improvements can be achieved on the remainder of this overgrown, semi-derelict site.

In view of the above, I consider that these material considerations justify an exceptional approval to green belt policy and, because of the unique characteristics of the site, would not set a precedent for further development in the greenbelt. I therefore recommend that the application be approved.

Iain Urquhart
Executive Director (Enterprise Resources)

23 May 2005

Previous References

- ◆ None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations
 - TRANSCO (Plant Location) 13/04/05
 - S.E.P.A. (West Region) 03/05/05
 - Roads and Transportation Services (Hamilton Area) 03/05/05
 - Environmental Services 06/05/05
- ▶ Representations
 - None

Contact for Further Information

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

Karen Brown, Planning Officer, Brandongate, Hamilton
(Tel : x3509 (01698 453509)
E-mail: Enterprise.hamilton@southlanarkshire.gov.uk

CONDITIONS

- 1 That the development hereby permitted shall be started within five years of the date of this permission.
- 2 That before any work commences on the site, a scheme of landscaping shall be submitted to the Council as Planning Authority for written approval and it shall include:(a) an indication of all existing trees and hedgerows plus details of those to be retained and measures for their protection in the course of development; (b) details and specification of all trees, shrubs, grass mix, etc.; (c) details of any top-soiling or other treatment to the ground; (d) sections and other necessary details of any mounding, earthworks and hard landscaping; (e) proposals for the initial and future maintenance of the landscaped areas; (f) details of the phasing of these works; and no work shall be undertaken on the site until approval has been given to these details.
- 3 That the approved landscaping scheme shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of the building(s) or completion of the development hereby approved, whichever is the sooner, and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.
- 4 That the development shall be carried out strictly in accordance with the plans hereby approved and no change to the design or external finishes shall take place without the prior written approval of the Council as Planning Authority.
- 5 That before any development commences on site or before any materials are ordered or brought to the site, details and samples of all materials to be used as external finishes on the development shall be submitted to and approved by the Council as Planning Authority.
- 6 That before development starts, full details of the design and location of all fences and walls, including any retaining walls, to be erected on the site shall be submitted to and approved by the Council as Planning Authority.
- 7 That before any of the dwellinghouses situated on the site upon which a fence is to be erected is occupied, the fence or wall for which the permission of the Council as Planning Authority has been obtained under the terms of Condition 6 above, shall be erected and thereafter maintained to the satisfaction of the Council.
- 8 That notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 (or any such order revoking or re-enacting that order), no development shall take place within the curtilage of the application site other than that expressly authorised by this permission without the prior written consent of the Council as Planning Authority.

- 9 That no dwellinghouse shall be occupied until the access road has been upgraded to a bound surface with inter-visible passing places and a minimum width of 3.5metres, all to the satisfaction of the Council as Planning and Roads Authority.
- 10 That before any dwellinghouse hereby permitted is occupied, 3 car parking spaces shall be provided within the curtilage of each dwelling and outwith the road or footway and shall thereafter be maintained to the satisfaction of the Council as Planning Authority.
- 11 That before any dwelling hereby approved is completed or brought into use, a visibility splay of 2.5 metres by 120 metres measured from the road channel shall be provided on both sides of the vehicular access and everything exceeding 1.05 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 1.05 metres in height shall be planted, placed or erected within these sight lines.
- 12 That no development shall commence until details of surface water drainage arrangements have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems.
- 13 That the development hereby approved shall not be commenced until the surface water drainage have been completed in accordance with the plans submitted to and approved by the Council as Planning Authority under the terms of Condition 12 above.
- 14 That before development commences on site, a prior investigation shall be carried out to determine the risk of the proposed soakaway system to groundwater and shall be submitted to and approved in writing by the Council as Planning Authority.
- 15 That no dwellinghouse shall be completed or occupied until the site is served by a sewerage scheme constructed to the specification and satisfaction of SEPA.
- 16 . No development shall commence on site until:
(a) a Phase 1 Study (Desk Study) has been undertaken and agreed in writing by the Council as Planning Authority. This shall:
- review all available information about the historical use(s) of the site, and;
- determine any types of contamination likely to be encountered, and;
- identify possible pathways to sensitive receptors

(b) If the desk study indicates any potential contamination, then no development shall commence on site until a full intrusive survey has been carried out and its findings submitted to and approved in writing by the Council as Planning Authority. This shall:
- investigate all aspects of potential contamination of the site, and;
- clearly document the methodology, findings and results, and;
- shall assess the risk posed by the presence of pollutants in relation to sensitive receptors and;
- where appropriate, identify recommendations for further investigations or remediation options to reduce the risks posed by contaminants

(c) no development shall commence on site until, where applicable, the 'Site Investigation', 'Risk Assessment' and 'Remediation Options and final Remediation Plan' have been submitted to and approved in writing by the Council as Planning Authority.

(d) Prior to any dwelling unit being occupied, the Remediation Plan shall be fully implemented as approved in writing by the Council. Any changes to the agreed Plan must be approved in writing by the Council prior to the works being undertaken.

(e) On completion of all remediation works, a Completion Report shall be submitted to the Council as Planning Authority, confirming that the works have been carried out to the agreed Plan.

REASONS

- 1 To accord with the provisions of the Town and Country Planning (Scotland) Act 1997.
- 2 In the interests of the visual amenity of the area.
- 3 In the interests of amenity.
- 4 In the interests of amenity and in order to retain effective planning control.
- 5 In the interests of amenity and in order to retain effective planning control.
- 6 These details have not been submitted or approved.
- 7 In order to retain effective planning control
- 8 the interests of amenity and in order to retain effective planning control.
- 9 To ensure satisfactory vehicular and pedestrian access facilities to the dwellings
- 10 To ensure the provision of adequate parking facilities within the site.
- 11 In the interest of road safety
- 12 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.
- 13 To ensure the provision of a satisfactory land drainage system.
- 14 To ensure the provision of a satisfactory sewerage system.
- 15 To ensure the provision of a satisfactory sewerage system.
- 16 To ensure the site is free from contamination.

For information only

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