

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>23 February 2010</b>
Report by:	<b>Executive Director (Enterprise Resources)</b>

Application No	HM/09/0615
Planning Proposal:	Erection of Marquee and Polytunnel and Associated Car Parking Areas for the Sale and Display of Plants

## 1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Mr David Warnock
- Location : Former Farm Park site  
Clyde Valley  
Lanark Road  
Dalserf ML9 3BJ

## 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).

### 2.2 Other Actions/Notes

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

## 2 3 Other Information

- ◆ Applicant's Agent: G. Taylor Associates
- ◆ Council Area/Ward: 20 Larkhall
- ◆ Policy Reference(s): **South Lanarkshire Local Plan (Adopted)**  
Policy STRAT3 – The Green Belt and Urban Settlements In The Green Belt  
Policy CRE2 – Stimulating The Rural Economy  
Policy ENV34 – Development In The Countryside  
Policy ENV12 – Flooding  
Policy ENV29 – Regional Scenic Areas and Areas of Great Landscape Value

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

◆ Consultation(s):

S.E.P.A. (Flooding)

Environmental Services

Roads and Transportation Services (Hamilton Area)

Roads & Transportation Services H.Q. (Flooding)

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

Netherburn and Ashgill Community Council

# **Planning Application Report**

## **1 Application Site**

- 1.1 The application site extends to 1.4 hectares and lies between the A72 and the banks of the River Clyde at Dalserf. The western edge of the site adjoins a number of buildings known as Old Mill and its eastern edge is bounded by an area of grassland. The site was formerly used as an animal farm park but this operation has now ceased and the site is currently vacant.

## **2 Proposal(s)**

- 2.1 This is a detailed planning application for the erection of a temporary marquee and polytunnel for the storage and sale of plants between the months of April to July. The proposal also involves the provision of areas of car parking providing 105 spaces. Of these 45 spaces are additional. It is proposed that the business will operate between the months of April and July.

## **3 Background**

### **3.1 Local Plan Status**

- 3.1.1 The application site is located within the green belt in the area of countryside adjacent to the banks of the River Clyde at Dalserf. The relevant policies in terms of the assessment of the application are Policies STRAT3 – The Green Belt and Urban Settlements in The Green Belt, CRE2 – Stimulating The Rural Economy, ENV34 – Development In The Countryside, ENV12 – Flooding and ENV29 – Regional Scenic Areas and Areas of Great Landscape Value. The content of the above policies and how they relate to the proposal is assessed in detail in Section 6 of this report.

### **3.2 Relevant Government Guidance/Advice**

- 3.2.1 The recently published SPP (which supersedes other SPP's) contains a section on Green Belt. This states that certain types and scales of development may be appropriate and these may include development associated with agriculture or horticulture, including market gardening and directly connected retailing.
- 3.2.2 The SPP also contains a section on Flooding and Drainage states that new development should not take place if it would be at significant risk of flooding from any source or would materially increase the probability of flooding elsewhere.

### **3.3 Planning History**

- 3.3.1 The Planning Service have adopted a Screening Opinion in accordance with Regulation 7(1) of the Environmental Impact Assessment Regulations 1999 as amended, which require planning authorities to adopt screening opinions for all Schedule 1 or Schedule 2 developments (as defined in the regulations).
- 3.3.2 Having regard to the characteristics of the development, its location and potential impact, and having assessed its against the Screening Opinion Checklist as contained in Annex B to Scottish Government Circular 8/2007, The Planning Service considered that the proposal did not require an Environmental Impact Assessment (EIA).

## **4 Consultation(s)**

- 4.1 **S.E.P.A. (Flooding)/ S.E.P.A. (West Region)** – have no objection to the proposed development on flood risk grounds. It is noted that the site lies within the 1 in 200 year flood envelope and may therefore be at risk of flooding however it is considered this would not have an adverse effect on the flood risk elsewhere. It is recommended that the Council's Flooding Unit is contacted for comments on these matters. As regards the discharge of surface water this must be in accordance with the principles of the SUDS Manual (C697) and with the terms of the Water Environment (Controlled Activities) (Scotland). S.E.P.A. has provided further detailed advice to the applicant in respect of flood risk information.  
**Response:** The Council's Flooding Unit have been contacted and their comments are referred to in para 4.4 of this report. In terms of the discharge of surface water any granted consent will incorporate appropriately worded conditions to ensure that any details comply with the relevant guidance and legislation to the satisfaction of S.E.P.A. and the Council as Planning Authority. The applicant has been advised to contact S.E.P.A directly with regard to information provided by them in respect of flood risk.
- 4.2 **Environmental Services:** have no objection in principle subject to a contaminated land investigation and assessment of the site, In terms of noise during the construction phase this should comply with advice note ES4 Noise Construction and Demolition (BS5228). It is recommended that details of the application be sent to S.E.P.A. Further details require to be submitted in relation to the storage of waste. In terms of Health and Safety and the handling of food this should accord with appropriate legislation.  
**Response:** Noted and any consent granted will include appropriately worded conditions with regard to contamination and the control of waste. In terms of noise, health and safety and the handling of food, the applicant has been advised of these regulations. S.E.P.A. have been consulted and their comments are detailed in para 4.1 of this report.
- 4.3 **Roads and Transportation Services (Hamilton Area)** – Have no objection to this proposal subject to suitable visibility splays and car parking arrangements. Any gate placed across the entrance to the site should be set back a minimum of 10m from the edge of the carriageway. At peak times a steward may be required in the car park to prevent vehicles stacking back onto Lanark Road.  
**Response:** Noted. Any consent granted will incorporate appropriately worded conditions. The applicant has been advised in respect of recommendations regarding the use of stewards.
- 4.4 **Roads and Transportation Services H.Q. (Flooding)** – The flood risk assessment that has been carried out is in accordance with the Council's current design criteria. As regards the overspill car park areas they should be of a porous construction.  
**Response:** Noted and any consent granted will incorporate appropriately worded conditions.
- 4.5 **Netherburn and Ashgill Community Council** – This is a very busy road with a left hand turn yards from the entrance to the farm park. Access to the site will cause problems for those entering and leaving as well as other road users. There have been problems with illegal dumping as well as anti social behaviour.  
**Response:** - Roads and Transportation Service have confirmed that the current access is acceptable. It is considered that this proposal will make use of a current vacant site and will attract visitors to the area which will deter illegal dumping and anti social behaviour problems.

## 5 Representation(s)

5.1 Statutory neighbour notification procedures were undertaken and six letters of representation were received, the matters raised are summarised below:

- (a) **The traffic is very busy on this road and I feel this proposal would add to this congestion.**

**Response:** It is considered that the traffic generated by this proposal would not be significant. Roads and Transportation Services have been consulted on the application and have raised no issues in this regard.

- (b) **There have been problems with waste being dumped in this area due to its remote location. Cars also parked there at night, using it for somewhere to drink and take drugs creating a great deal of noise and disturbance. Vandals burned down a hut that was on this site and it cannot be properly protected at night to prevent these events recurring.**

**Response:** It is considered that as this operation will involve staff being present on site as well as attracting visitors this should help to deter any illegal dumping or anti social behaviour.

- (c) **Only after large logs were placed at the entrance to prevent anyone gaining access did the vandalism stop.**

**Response:** Given this proposal is of a temporary nature should consent be granted an appropriately worded condition would be attached to ensure that the site is made secure once the operation has ceased.

These letters have been copied and are available for inspection in the usual manner.

## 6 Assessment and Conclusions

6.1 The application relates to the formation of a temporary area for the sales of plants adjacent to the banks of the River Clyde at Dalserf and includes the erection of a marquee and polytunnel. The determining issues in consideration of this application are its compliance with national and local plan policy and its effect on the local amenity and road safety.

6.2 In relation to National Planning Policy, the proposal relates to the formation of an area for the sale of plants on an area of ground which is currently vacant having been previously used as a farm park. This new horticultural operation will enhance the local economy and attract visitors to the area. This accords with national policy in terms of SPP and its policy on Green Belts which recognises that development of an appropriate type is acceptable in such locations.

6.3 In terms of the local plan policy the application site falls within the area covered by Policy STRAT3 – The Green Belt and Urban Settlements in the Green Belt where there is a strong presumption against development unless it is shown to be necessary for the furtherance of agriculture, forestry or other uses appropriate to the Green Belt. Given that this proposal relates to the sale of plants, such horticultural use is considered to be acceptable in this location.

6.4 In terms of detailed policies any such development must accord with the criteria set out in Policy CRE2 – Stimulating the Rural Economy which seeks to maximise job creation in rural areas. This proposal will result in a new use in the area and will result in jobs associated with this. In addition, the ecological survey submitted indicates that the proposal will avoid any significant adverse impacts on biodiversity

and natural heritage resources. Although the site itself lies within the flood plain it is considered that this development would not result in an increased flood risk elsewhere. Given that this is the case it is considered that this proposal does not conflict with Council Policy: ENV12 – Flooding. As the site lies within Policy ENV29: Regional Scenic Areas and Areas of Great Landscape Value any development must not adversely affect the overall quality of the designed landscape. The structures themselves will be of a temporary nature so that their impact on the landscape is considered not to be significant. Given that this proposal is confined to an existing vacant site and any structures will be of a temporary nature it is considered that the proposal can be accommodated without having any adverse impact on the overall quality of the area and therefore raises no issues in respect of this policy.

- 6.5 In relation to road safety, Roads and Transportation Services have indicated that the car parking and access arrangements are acceptable. Whilst objections have been received which relate to such matters planning conditions can be used to ensure that access and parking arrangements comply with the requirements of Roads and Transportation Services.
- 6.6 It is considered that a temporary consent should be given for a three year period in order to test the viability and impact of the proposal on the surrounding area given the operation itself will only operate for part of the year..

## **7 Reasons for Decision**

- 7.1 The proposal has no adverse impact on visual amenity nor raises any environmental or infrastructure issues and complies with SPP and Local Plan Policies STRAT3; The Green Belt and Urban Settlements in The Green Belt, CRE2: Stimulating The Rural Economy, ENV34: Development In The Countryside, ENV12: Flooding and ENV29: Regional Scenic Areas and Areas of Great Landscape Value.

**Colin McDowall**  
**Executive Director (Enterprise Resources)**

**15 February 2010**

### **Previous References**

- ◆ None

### **List of Background Papers**

- ▶ Application Form
- ▶ Application Plans

- ▶ Consultations
  - Environmental Services 21/12/2009
  - Roads & Transportation Services H.Q. (Flooding) 07/01/2010
  - S.E.P.A. (West Region) (Flooding)/S.E.P.A. (West Region) 18/12/2009

► Representations

- Representation from : James Hunter, Whindyke, Lanark Road, Dalserf, ML9 3BJ, DATED 17/12/2009
- Representation from : Mrs Isabelle Kane, 5 Kirk Road, Dalserf, Larkhall, ML9 3BL, DATED 28/01/2010
- Representation from : Mrs Kathleen Caulfield, 1 Kirk Road, Dalserf, Larkhall, ML9 3BL, DATED 29/01/2010
- Representation from : Mrs Norah McGuckin, 4 Kirk Road, Dalserf, Larkhall, ML9 3BL, DATED 29/01/2010
- Representation from : Mrs Sadie Newlands, 3 Kirk Road, Dalserf, Larkhall, ML9 3BL, DATED 29/01/2010
- Representation from : Ms Valerie Holmes, Dalserf House Lodge, Dalserf, ML9 3BJ, DATED 29/01/2010

**Contact for Further Information**

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

Mary McGonigle  
(Tel :01698 453550 )  
E-mail: Enterprise.hamilton@southlanarkshire.gov.uk  
Detailed Planning Application

PAPER APART – APPLICATION NUMBER : HM/09/0615

**CONDITIONS**

- 1 This decision relates to drawing numbers:1,2,3 and 4
- 2 That the permission hereby granted is for a temporary 3 year period between the months of April - July commencing 1 April 2010 and expiring 31 July 2013
- 3 (a) Prior to commencement of any works on site, a comprehensive site investigation carried out to the appropriate Phase level, shall be submitted to and approved in writing by the Council as Planning Authority. The investigation shall be

completed in accordance with the advice given in the following:

(i) Planning Advice Note 33 (2000) and Part IIA of the Environmental Protection Act 1990 (as inserted by section 57 of the Environment Act 1995);

(ii) Contaminated Land Report 11 - 'Model Procedures for the Management of Land Contamination (CLR 11) - issued by DEFRA and the Environment Agency;

(iii) BS 10175:2001 - British Standards institution 'The Investigation of Potentially Contaminated Sites - Code of Practice'.

(b) If the Phase 1 investigation indicates any potential pollution linkages, a Conceptual Site Model must be formulated and these linkages must be subjected to risk assessment. If a Phase 2 investigation is required, then a risk assessment of all relevant pollution linkages using site specific assessment criteria will require to be submitted.

(c) If the risk assessment identifies any unacceptable risks as defined under Part IIA of the Environmental Protection Act, a detailed remediation strategy will be submitted to and approved in writing by the Council as Planning Authority. No works other than investigative works shall be carried out on site prior to receipt of the Council's written approval of the remediation plan.

- 4 That prior to the development being brought into use, details of the storage of waste arising from the commercial activity shall be submitted to and approved in writing by the Council as Planning Authority. The agreed details shall be in place prior to the development being brought into use.
- 5 That the proposed discharge of surface water to the water environment must be in accordance with the principles of the SUDS Manual (C697) to the satisfaction of S.E.P.A. and the Council as Planning Authority.
- 6 The discharge of surface water must comply with the terms of the Water Environment (Controlled Activities)(Scotland) Regulations 2005 (as amended) to the satisfaction of S.E.P.A. and the Council as Planning Authority.
- 7 That the existing sightlines of 4.5 m by 215 m shall be retained and any planting over 1.0 metre in height shall be removed within the existing visibility splays to the satisfaction of the Council as Roads Authority.
- 8 That before the development hereby approved is completed or brought into use all of the 65 car parking spaces shown should be formally marked out to the satisfaction of the Council as Roads Authority.
- 9 That before any development starts, full details of the design and location of all fences, gates and walls, including any retaining walls, to be erected on the site shall be submitted for the consideration and written approval of the Council as Planning Authority.
- 10 That any gate placed across the entrance to the site should be set back a minimum of 10.0 metres from the edge of the carriageway off Lanark Road.
- 11 That access to the site should be made secure out with business hours to the satisfaction of the Council as Planning Authority.
- 12 That at the end of the period of this temporary consent a barrier shall be put in place to ensure that vehicle access to the site will be restricted to the satisfaction of the Council as Planning Authority.
- 13 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 and with the Council's Sustainable Drainage Design Criteria and requirements.
- 14 That the buildings and works hereby permitted shall be removed, the uses



discontinued and the land restored to its former condition to the satisfaction of the Council as Planning Authority, on or before 31 August of each calendar year as specified in condition 2.

- 15 The use of the site shall be restricted to the following hours of operation:  
Mondays to Sunday: Between 9 am and 6pm
- 16 A temporary fence shall be constructed along the edge of the boundary outlined in red to the satisfaction of the Council as planning Authority during the period of this consent as referred to in Condition 2 above.
- 17 That no deliveries should take place Saturday or Sunday and weekdays before 7.30am or after 7.30pm

## REASONS

- 1 For the avoidance of doubt and to specify the drawings upon which the decision was made.
- 2 In order to retain effective planning control.
- 3 To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.
- 4 To minimise nuisance, littering and pest problems to nearby occupants
- 5 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.
- 6 To ensure provision is made for land drainage and protection against contamination.
- 7 In the interest of road safety.
- 8 To ensure the provision of adequate parking facilities within the site.
- 9 These details have not been submitted or approved.
- 10 In the interest of road safety.
- 11 To safeguard the amenity of the area.
- 12 To safeguard the residential amenity of the area.
- 13 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.
- 14 To secure satisfactory reinstatement of the site.
- 15 To minimise noise disturbance to adjacent occupants.
- 16 To ensure that provision is made to safeguard the ecological interest on the site.
- 17 To minimise noise disturbance to adjacent occupants.

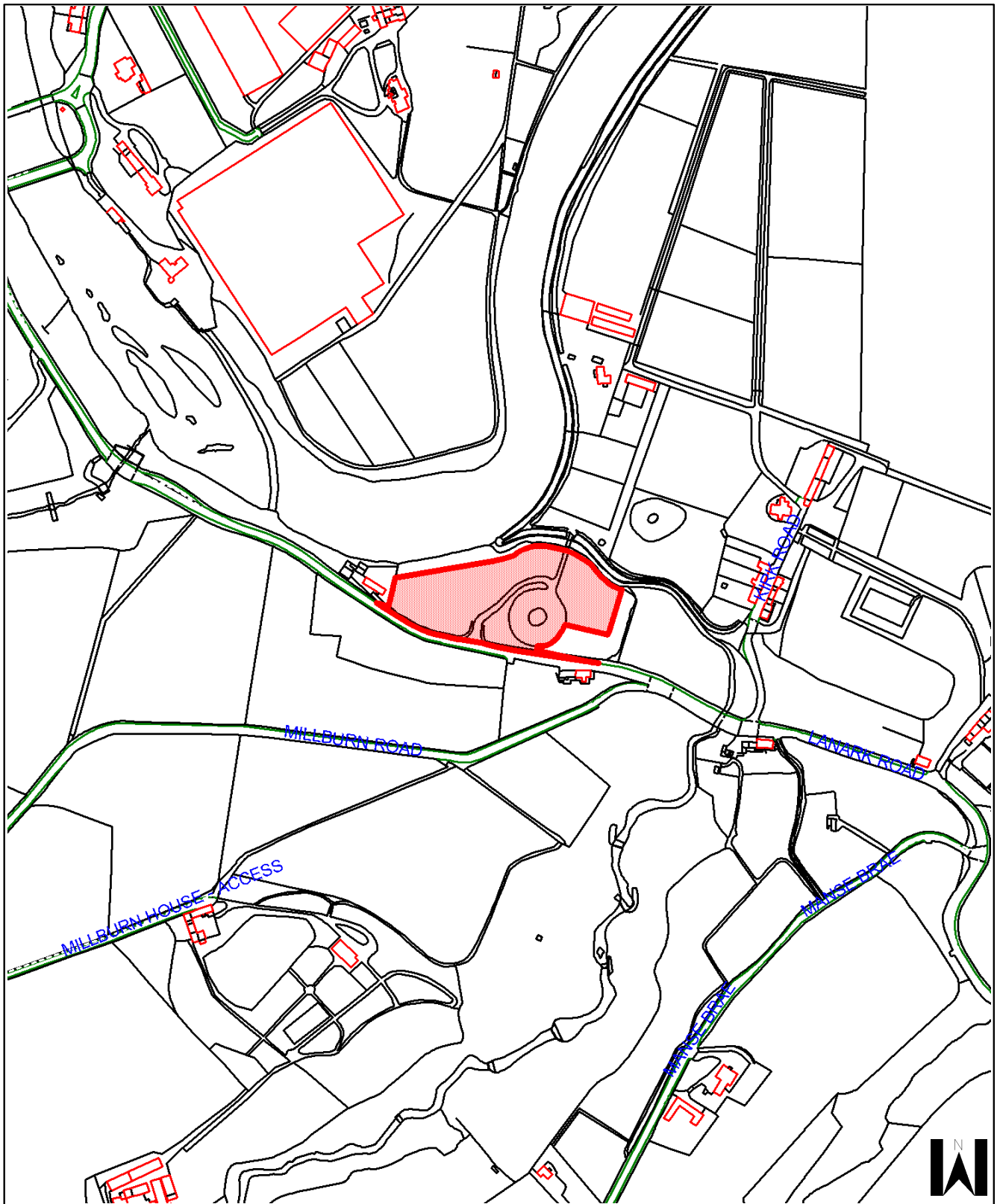
HM/09/0615

Planning and Building Standards Services

Former Farm Park site, Clyde Valley, Lanark Road, Dalserf

Scale: 1: 5000

For information only



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