

Report to:	Planning Committee
Date of Meeting:	23 March 2010
Report by:	Executive Director (Enterprise Resources)

Application No	CL/09/0455
Planning Proposal:	Residential Development (Permission In Principle)

1 Summary Application Information

- Application Type : Permission in principle
- Applicant : Alison McRae
- Location : Bellefield Road
Lanark
ML11 7RH

2 Recommendation(s)

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

- (1) Grant Planning Permission in Principle (Subject to Conditions – Based on the Conditions listed)

2.2 Other Actions/Notes

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

3 Other Information

- ◆ Applicant's Agent: Neil Gainford MRTPI
- ◆ Council Area/Ward: 02 Clydesdale North
- ◆ Policy Reference(s): **South Lanarkshire Local Plan (Adopted March 2009)**
 - Policy STRAT4: Accessible Rural Area
 - Policy CRE1: Housing in the Countryside
 - Policy ENV4: Protection of the Natural and Built Environment
 - Policy ENV29: Regional Scenic Area and Area of Great Landscape Value
 - Policy DM1: Development Management
 - Policy STRAT7: Strategic Green Network

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

- ◆ Consultation(s):

Environmental Services

Scottish Water

Roads and Transportation Services (South Division)

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

Scottish Natural Heritage

Planning Application Report

1 Application Site

- 1.1 The application site (1.890 ha) relates to a former vegetable and packaging business situated at the end of Bellefield Road, approximately 1km to the north of Lanark. The site comprises an assortment of sheds in varying states of delapidation, hardstanding and a tarmac roadway. The remaining part of the site is overgrown with scrub and self seeded trees. Amongst the regenerated growth is evidence of hardstanding and brick foundations. From Bellefield Road there is a wide access down to the main site area. Either side of the access are grazing paddocks.
- 1.2 Generally the site is relatively level however in the southern section beyond the existing building group, the vacant open land is raised slightly above the shed level. Along the southern boundary is a screen embankment whilst part of the eastern boundary has a self seeded treebelt.
- 1.3 The site is bounded to the west by woodland, comprising predominantly of conifers, on rising ground, to the north by a large residential house and vacant land, to the east by Bellefield Road and beyond by a mixed woodland on rising ground and to the south by residential dwellings, some of which are in the process of being constructed. In the immediate locality to the north and south are former nurseries where greenhouses and associated infrastructure have been replaced by dwellings

2 Proposal(s)

- 2.1 The applicant seeks planning permission in principle for a residential development. To render the site suitable for development will involve the demolition of existing buildings and the clearance and remediation of the existing industrial yard, concrete bases and hardstanding. Access from Bellefield Road would be via the existing access track that served the former business.
- 2.2 The applicant has also submitted supporting documentation including a Bat Survey, Site Clearance and Remediation Costs, Risk Assessment and Design Statement.

3 Background

3.1 Relevant Government Advice

- 3.1.1 The new Scottish Planning Policy which consolidates previous and up-dates advice into one document, contains sections relevant to housing proposals in the countryside. Redevelopment of urban and rural brownfield sites is preferred to development on Greenfield sites. Planning should facilitate new clusters of housing in rural areas taking account of infrastructure constraints, individual and cumulative impacts, transport availability and the design quality and density of development that can be achieved. Environmental enhancement can be directly linked to the regeneration of previous industrial areas in rural locations.

3.2 Local Plan Status

- 3.2.1 In the South Lanarkshire Local Plan (Adopted) there are several relevant policies which apply in respect of this proposal. The site is within the Accessible Rural Area where Policy STRAT4 advises that development will be directed to within settlements and that isolated and sporadic development will generally not be supported. New building development outwith settlement boundaries will only be permitted where this forms part of a larger proposal for the rehabilitation or change of use of disused or redundant traditional buildings where this consolidates such groups. In addition, new build development, unrelated to the rehabilitation for change of use of disused or

redundant traditional building groups may be acceptable on gap sites within existing building groups. Any housing development should conform with Policy CRE1: Housing in the Countryside which states that new housing in the countryside will not normally be permitted other than for a number of circumstances. These relate to the erection of a house for an agricultural worker, associated within a new or associated business, the re-use of an existing building or a replacement building.

3.2.2 Policy ENV4: Protection of the Natural and Built Environment states that the Council will assess all development proposals in terms of their effect on the character and amenity of the natural and built environment. The Council will seek to safeguard Areas of Great Landscape Value within which the site is located. Developments will only be permitted where the integrity of the protected resource will not be undermined.

3.2.3 Policy ENV29 states that within Regional Scenic Areas and Areas of Great Landscape Value development will only be permitted if it satisfies the requirements of STRAT4 and can be accommodated without adversely affecting the overall quality of the designated landscape area.

3.2.4 Policy STRAT7: Strategic Green Network identifies a Strategic Green Network as indicated on the Proposal Map, where the creation of a framework of accessible green spaces and corridors will be supported.

3.3 **Planning History**

3.3.1 Over the previous five years there have been no planning applications relating to the application site.

4 **Consultation(s)**

4.1 **Roads and Transportation Services** - The full site frontage along Bellefield Road will require to be up-graded to 5.5m in width together with a 2m wide footway and lighting.

Response: The land necessary for these works is owned and in the control of the applicant. On that basis a condition will be applied to cover the frontage in question.

4.2 **SNH** – do not consider that the proposal raises any significant natural heritage issues. Although bat roosts are present the proposal is unlikely to be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range, nevertheless a license from the Scottish Government will be required by the applicant before proceeding with the development. If the Council are minded to grant consent then they should ensure that all tests for a license are likely to meet. With regards the third test they can advise that the development will not be detrimental to the maintenance of the population of either pipistrelle or brown long-eared bats at a favourable conservation status in their natural range.

Response: A bat survey has been undertaken confirming the current situation as highlighted by SNH. The agent has confirmed that bat boxes will be installed in the woodland to the north and west as a mitigation measure. An assessment of the impact on the bats will be outlined in section 6 of this report. The assessment will consider whether the proposal meets the three tests to justify a license being issued by the Scottish Government to carry out work affecting a European Protected Species. If consent is granted I would propose a condition requiring the installation of bat boxes prior to the commencement of development.

4.3 **SEPA** – No objection however it should be noted that the preferred arrangement for a foul discharge to water would be a suitable biological treatment plant with

secondary treatment. A Sustainable Urban Drainage (SUDS) System is recommended.

Response: A copy of the consultation response has already been sent to the applicant's agent. If consent is granted conditions will be attached requiring the prior approval of SUDs and the sewerage disposal system.

- 4.4 **Environmental Health** – no objection subject to conditions on refuse, dust and contaminated land investigations being applied.

Response: Noted. The appropriate conditions will be applied if consent is granted.

- 4.5 **Scottish Water** – No response to date.

Response: Noted. A condition can be attached requiring the confirmation that connection into the public water supply can be obtained.

5 Representation(s)

- 5.1 In response to the carrying out of neighbour notification and the advertisement of the application in the local press as Development Contrary to the Local Plan and non notification of neighbours, 1 letter of objection has been received. The issue raised is summarized as follows:

a) The existing road leading to the proposed development is extremely narrow, which would not be able to support the large vehicles required to deliver material to the site as well as the amount of new traffic generated by this development. The upgrading of Bellefield Road should therefore be undertaken before the commencement of any building projects in this area.

Response: Roads and Transportation Services have not objected and in respect of Bellefield Road have only asked that the site frontage be widened as a condition of consent.

- 5.2 This letter has been copied and made available in the usual manner.

6 Assessment and Conclusions

- 6.1 The applicant seeks planning permission in principle for consent for a residential development at a former storage and packing business. The proposal will involve the demolition of existing dilapidated sheds and associated clearance and site remediation. The main determining issue is whether the proposal complies with the development plan and, if not, whether there are any material planning considerations that outweigh the provision of the plan. Recent government advice is a material consideration. The site is within the Accessible Rural Area and Outwith the settlement boundary for Lanark in the adopted South Lanarkshire Local Plan.

- 6.2 Policy STRAT4 of the local plan discourages new house building outwith settlements unless it forms part of a proposal for the change of use of a redundant traditional building where this consolidates such groups. Development of gap sites within existing building groups may also be acceptable. The proposal is not linked to a conversion. Although the site is situated between former nurseries with dwellings and has a road frontage it is too large in size to be described as a gap site. In the local plan a gap site in the countryside is described as being capable of accommodating one house but a maximum of two houses. The applicant has submitted an indicative layout detailing 9 dwellings. Therefore the proposal does not constitute consolidation nor development on a gap site. As the proposed houses are not required for occupation of workers associated with agriculture or a business appropriate to a rural setting; as replacement dwellings or involving conversion of

existing buildings then in this instance it also contravenes Policy CRE1. As a result, the proposal is also contrary to Policy STRAT4.

6.3 The Council must consider whether there are other material considerations that outweigh the contravention of Policies STRAT4 and CRE1 in this particular case. Government Guidance relating to this application has been summarized under section 3.1.1 of this report. Government guidance advises that development plan policies should encourage rehabilitation of brownfield sites in rural areas and in appropriate locations, allow for their re-development. Brownfield sites are broadly defined as sites that have been previously developed; in rural areas this usually means sites that are occupied by redundant or unused buildings or where the land has been significantly degraded by a former activity. Planning Authorities are also required to consider opportunities for the economic re-use of such land. The site is detailed on the Councils Vacant and Derelict Land Register. The former industrial use has long since ceased with no prospect of recommencing. The site is not identified as an industrial area in the local plan and therefore its continuing use for industrial purposes is not a policy stipulation. The site comprises of 3,878m² of derelict buildings in addition to hardstanding covering 2,500m². The cost of clearing the site has been shown to be significant. On balance the redevelopment of the site would greatly enhance the environmental quality of the area. There are already clusters of dwellings at former nursery sites along Bellefield Road. As such I am confident that a small housing development at this location can be successfully integrated which accords with the established development pattern. Careful consideration would be given to housing type, design, layout and landscaping to ensure visual integration with the surrounding area at the detailed stage. Notwithstanding I envisage significant visual and environmental improvements resulting from this proposal. Accordingly I consider the principle of the development is acceptable and on exception to established policy in the Accessible Rural Area can be made.

6.4 There are other criteria in Policy CRE1 for assessing housing proposals which are considered material. This relates to various issues including the requirement that:

- a) The development will not expand, extend or intensify the building group to the detriment of local amenity.
- b) The design and location of the proposed development does not adversely affect the character and amenity of its surroundings in particular landscape, habitat and wildlife.
- c) The proposal for development shows satisfactory integration with adjoining development.
- d) The proposal meets access and parking standards.
- e) Incorporates energy renewable measures.

The development will take place on an existing industrial site after clearance. The removal of derelict buildings which constitute an eyesore will result in improvements to amenity and landscape character. There are similar low density residential developments nearby and as such this proposal can be integrated without appearing out of place. Roads have confirmed that there are no issues relative to access and parking. A condition will be applied requiring the incorporation of energy renewable measures resulting in the reduction of carbon dioxide emissions. In respect of species and habitats SNH have not formally objected however a license from the

Scottish Government will be necessary to carry out work affecting bat roosts. An assessment will be carried out below to demonstrate that the three tests justifying a license can be adhered to, otherwise I am satisfied that the proposal is compatible with the aims set down in Policy CRE1.

- 6.5 Policies ENV4 and ENV29 of the local plan aim to protect the landscape quality of the designated Area of Great Landscape Value. In its present dilapidated state the site detracts from the quality and enjoyment of the surrounding countryside. The remediation of the site will result in significant environmental improvements. Visual integration of the proposed dwellings can be accommodated through additional tree planting. Notwithstanding the adjacent woodland cover on steep sided inclines ensures visual containment in respect of the wider locality. Therefore in these circumstances the aforesaid policies would not be compromised.
- 6.6 Policy STRAT7 supports the creation of accessible green spaces and corridors as identified on the proposals map. The proposed environmental improvements will contribute to the public enjoyment of the countryside. Access to the wider countryside will remain unimpeded and there will be no adverse impacts upon green or wildlife corridors.
- 6.7 As the development has a potential impact upon bats, a European Protected Species the Planning Authority are duty bound to carry out an assessment prior to granting planning consent. In that respect the following three tests have to be met to justify the issue of a license to carry out work which could potentially affect European Protected Species. These are as follows:
- i) The proposal is necessary for preserving public health or public safety or other imperative reasons of overriding public interest including those of a satisfactory or economic nature and beneficial consequences of primary importance for the environment.
 - ii) There are no satisfactory alternatives.
 - iii) The proposal will not be detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range.

In response to the first test, the buildings are in a dangerous condition and in some instances contain asbestos which is potentially harmful to the public. The derelict nature of the land represents an eyesore and the re-use of previously developed land is supported by the Scottish Government. It is imperative in the interests of public safety generally and the amenity of the area that the proposal should proceed as the development process is the only means available to secure necessary remediation. In respect of the second test there is no alternative other than leaving the site in its present condition. The applicant has shown that the cost of remediate is significant and is unlikely to happen without redevelopment of the site. Finally in terms of the third test SNH have already confirmed that the population and conservation status of bats will be maintained at a favourable level. Therefore I am satisfied that the above tests have been met.

- 6.8 In summary, this development proposes redeveloping the brownfield site of a former industrial business and this is acceptable under current government guidance. I have assessed the proposal against detailed policy guidance of the adopted local plan and found that there would not be an adverse impact on residential amenity and the opportunity exists to provide appropriate landscape screening.
- 6.9 Overall, I consider that in this case a departure from the local plan can be justified for the following reasons:

- i) The site is considered a brownfield site and the removal of unsightly sheds will result in environmental improvements;
- ii) The site is visually contained from the wider countryside by topography and woodland and can be additionally screened through further planting and,
- iii) There would be no impact on the residential amenity of existing properties along Bellefield Road.

I therefore recommend that planning consent be granted.

7 Reasons for Decision

7.1 For the reasons set out in 6.9 above.

Colin McDowall
Executive Director (Enterprise Resources)

15 March 2010

Previous References

- ◆ None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans

- ▶ Consultations
 - Environmental Services 30/10/2009
 - Roads and Transportation Services (South Division) 14/12/2009
 - Scottish Natural Heritage 08/12/2009

- ▶ Representations
 - Representation from : Mr John Patrick, The Birches, Jerviswood Road, Lanark,
ML11 7RH, DATED 11/11/2009

Contact for Further Information

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

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(Tel :01555 673186)
E-mail: Enterprise.lanark@southlanarkshire.gov.uk

Permission in principle

PAPER APART – APPLICATION NUMBER : CL/09/0455

CONDITIONS

This decision relates to drawing numbers:1 & 2.

1

2 Unless development commences, planning permission in principle expires 2 years from approval of the specified matters being granted, or if different matters are approved on different dates, then 2 years from the date of the last approval.

3 The application(s) for approval of these further matters must be made to the Council as Planning Authority before whichever is the latest of the following:
(a) expiry of 3 years from when permission in principle was granted
(b) expiry of 6 months from date when an earlier application for approval was refused, and
(c) expiry of 6 months from date on which an appeal against the refusal was dismissed.

Approval of the further specified matters can be made for -

- (i) different matters, and
- (ii) different parts of the development at different times.

Only one application for approval of matters specified in conditions can be made after 3 years from the grant of planning permission in principle.

4 Prior to the commencement of development on site, a further application(s) for the approval of the matters specified in this condition must be submitted to and approved by the Council as Planning Authority. These matters are as follows:
(a) the layout of the site, including all roads, footways, parking areas and open spaces;
(b) the siting, design and external appearance of all building(s) and any other structures, including plans and elevations showing their dimensions and type and colour of external materials;
(c) detailed cross-sections of existing and proposed ground levels, details of underbuilding and finished floor levels in relation to a fixed datum, preferably ordnance datum.
(d) the means of access to the site;
(e) the design and location of all boundary treatments including walls and fences;
(f) the landscaping proposals for the site, including details of existing trees and other planting to be retained together with proposals for new planting specifying number, size and species of all trees and shrubs;
(g) the means of drainage and sewage disposal.
(h) details of the phasing of development (covering all relevant aspects of development detailed in (a) above);
(i) submission of an energy statement which demonstrates that on-site zero and low carbon energy technologies contribute at least an extra 15% reduction in CO2 emissions beyond the 2007 building regulations carbon dioxide emissions standard.

5 The energy statement required by condition 4 above, shall include:

- a) the total predicted energy requirements and CO2 emissions of the development, clearly illustrating the additional 15% reduction beyond the 2007 building regulations CO2 standard;
- b) a schedule of proposed on-site zero and low carbon energy technologies to be included in the development and their respective energy contributions and carbon savings;
- c) an indication of the location and design of the on-site energy technologies; and
- d) a maintenance programme for the on-site zero and low carbon energy technologies to be incorporated.

The approved on-site zero and low carbon energy technologies shall be fully installed and operational prior to the occupation of any approved buildings and shall thereafter be maintained and shall remain fully operational in accordance with the approved maintenance programme, unless otherwise agreed in writing by the Council as Planning Authority.

- 6 That the further application required under Condition 4 above shall include provision for (a) up-grading Bellefield Road along the full site frontage (marked A - B on the location plan) to 5.5 metres alongwith lighting and drainage to the specification of the Roads Authority; (b) a 2 metre wide footway along the site frontage (marked A-B on the location plan); (c) a 5.5 metre wide access with contiguous footway and lighting and; (d) 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.
- 7 That no building to be erected on the site shall exceed 1.5 storeys in height.
- 8 That notwithstanding the terms of Condition 4 above, the design and siting of any dwellinghouse on the site shall take due cognisance of the rural location, with particular regard being paid to scale, massing, roof pitch, fenestration and materials; and shall be in accordance with the Council's approved policy on new dwellings in the Countryside.
- 9 That the developer shall arrange for any alteration, deviation or reinstatement of statutory undertakers apparatus necessitated by this proposal all at his or her own expense.
- 10 That the further application required under the terms of Condition 4 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.
- 11 That no dwellinghouse shall be occupied until the developer provides a written agreement from Scottish Water that the site can be served by a water scheme constructed to the specification and satisfaction of Scottish Water as the Water Authority.
- 12 That before any development commences on site, details of facilities for the storage of refuse within the site, including design, location, external finishes and access for its uplift, shall be submitted to and approved in writing by the Council as Planning Authority. No dwelling unit shall be occupied until these facilities have been provided in accordance with the approved scheme or such alternative as

may be agreed in writing with the Council as Planning Authority.

- 13 Prior to development commencing on site, a scheme for the control and mitigation of dust shall be submitted to and approved in writing by the Council as Planning Authority. No changes to the approved scheme shall take place unless agreed in writing by the Council as Planning Authority. The scheme shall thereafter be implemented in accordance with a programme to be agreed in writing with the Council as Planning Authority.
- 14 (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.
- 15 That the developer shall submit a scheme for the installation of 'Schwegler 2FN' bat boxes on adjacent woodland for the approval of the Council as Planning Authority in consultation with SNH and that prior to the commencement of the development on site, including any associated demolition, the bat boxes shall be installed to the full satisfaction of the said Authority.
- 16 That no trees within the application site shall be lopped, topped, pollarded or felled, or otherwise affected, without the prior written consent of the Council as Planning Authority.
- 17 That the further applications required under the terms of Condition 4 above, shall make reference to and incorporate the criteria specified within the approved South Lanarkshire Council 'Residential Development Guide'.
- 18 That the further application required under Condition 4 above shall include a scheme of tree and shrub planting for the area indicated in green on the approved plan.

- 19 That no consent is given for the layout shown on the indicative plan attached with the design statement submitted with the application. The layout and number of houses and extent of the development footprint shall be justified by a further detailed design statement that should be submitted with the further application required under condition 4 above. For the avoidance of doubt the number of houses shall not exceed nine.

REASONS

- 1 For the avoidance of doubt and to specify the drawings upon which the decision was made.
- 2 To comply with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 3 To comply with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 4 To comply with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 5 These details have not been provided or approved.
- 6 In the interest of road safety.
- 7 In the interests of amenity.
- 8 In the interests of amenity and to ensure satisfactory integration of the new dwellinghouse with the designated Countryside.
- 9 In order to retain effective planning control.
- 10 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.
- 11 To ensure that the development is served by an appropriate water supply.
- 12 To ensure that adequate refuse arrangements are provided that do not prejudice the enjoyment of future occupiers of the development or neighbouring occupiers of their properties, to ensure that a satisfactory external appearance is achieved and to ensure that appropriate access is available to enable refuse collection.
- 13 To minimise the risk of nuisance from dust to nearby occupants.
- 14 To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.
- 15 To minimise impacts upon bats, a European Protected Species.
- 16 To ensure the protection and maintenance of the existing mature trees within the site.
- 17 In the interests of amenity and to ensure that the Council's key residential development standards are met.
- 18 In the interests of amenity.
- 19 It has not been demonstrated that the house sizes, orientation and position indicated can be accommodated on site without adversely affecting amenity.

CL/09/0455

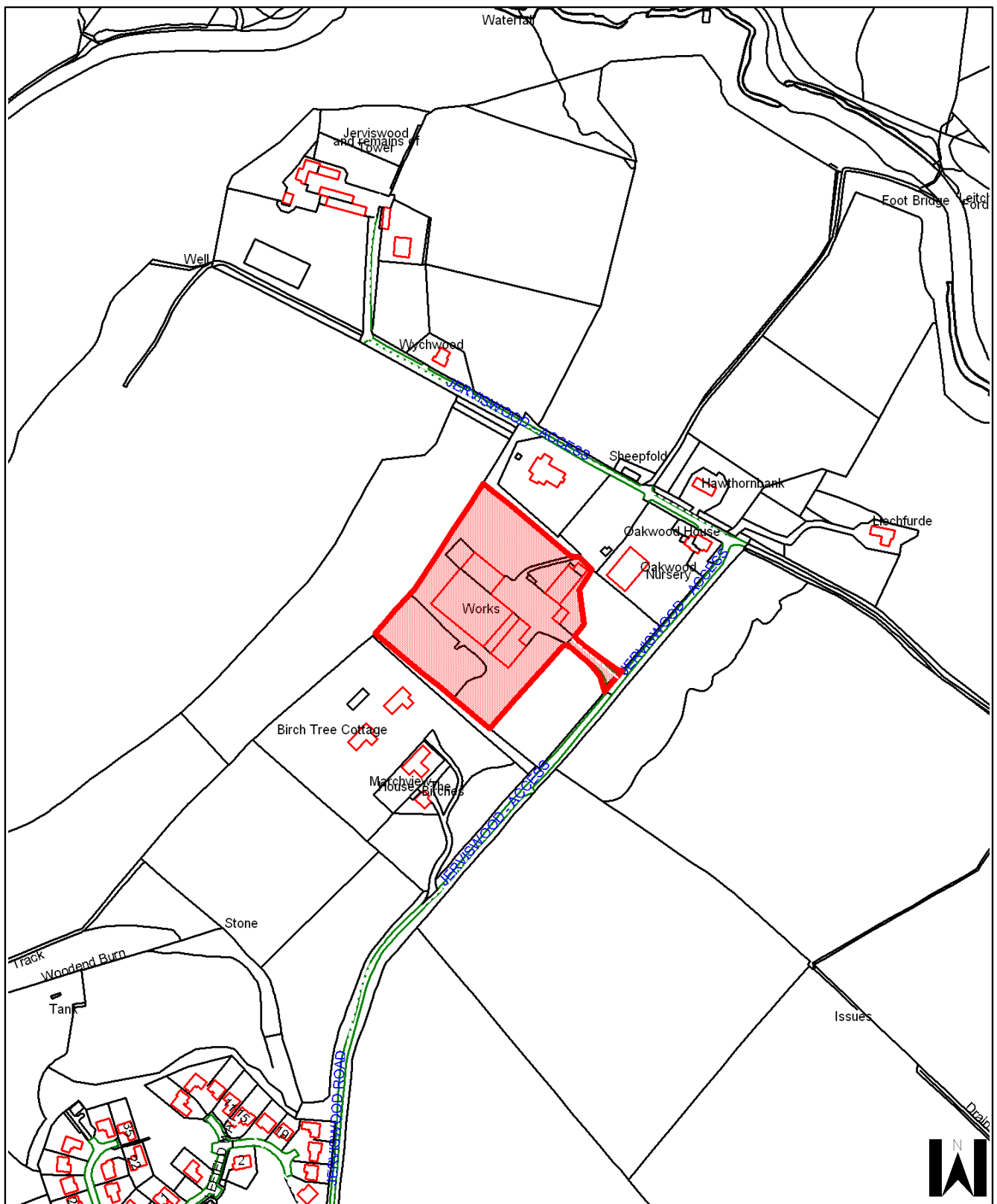
Bellefield Road, Lanark

Planning and Building Standards Services

Scale: 1: 5000

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