

	<h1>Report</h1>	Agenda Item <h2>9</h2>
--	-----------------	--------------------------------------

Report to: **Planning Committee**
 Date of Meeting: **5 October 2010**
 Report by: **Executive Director (Enterprise Resources)**

Application No: HM/10/0040
 Planning Proposal: Permission in Principle for Residential Development (6 Dwellings)

1 Summary Application Information

- Application Type : Permission in Principle
- Applicant : Mr & Mrs William Anderson
- Location : Part of the land of Millburn Glen
Lanark Road
Larkhall
ML9 2UB

2 Recommendation(s)

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

- (1) Grant Permission in Principle – Subject to conditions (based on conditions attached)

2.2 Other Actions/Notes

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

3 Other Information

- ◆ Applicant's Agent: Blackness Land Company Ltd
- ◆ Council Area/Ward: 20 Larkhall
- ◆ Policy Reference(s): **Adopted South Lanarkshire Local Plan**
Policy STRAT3 - The Green Belt and Urban Settlements In The Green Belt
Policy CRE1 - Housing in the Countryside
ENV4 – Protection of the Natural and Built Environment
ENV29 – Regional Scenic Areas and Areas of Great Landscape Value.
DM9 – Demolition and Redevelopment for Residential Use.

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

◆ Consultation(s):

Environmental Services

Roads and Transportation Services (Hamilton Area)

Roads & Transportation Services H.Q. (Flooding)

Scottish Water

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

Planning Application Report

1 Application Site

- 1.1 The application site is located on the north east side of the A72 (Clyde Valley Road) in close proximity to the settlement of Garrion. The application site is restricted to the footprint of disused nursery buildings and associated car park which formed the previous Andersons Garden Centre and Nursery.
- 1.2 To the south west the site fronts onto the former roadline of the A72 and also adjoins an existing single storey residential property (currently occupied by the owners of the garden centre). Open agricultural land borders the site to the north west and north east. To the west the site adjoins an area of woodland through which runs a small watercourse which flows into the River Clyde. The location and maturity of the woodland contribute to the sites sense of isolation from the village of Garrion which lies on the other side of the woodland some distance from the site.
- 1.3 The site measures approximately 0.72 hectares and comprises the single storey disused nursery/garden centre building (glasshouse) together with an area of hardstanding formerly utilised as the car park. The site gently slopes from the road downwards to the open agricultural land to the rear of the site. The existing vehicular access which will be maintained is located in the south eastern corner of the site.
- 1.4 The garden centre closed in November 2009. Previous to its closure the applicants had diversified the core activities of the garden centre following a significant decline in their business by installing 4 indoor bowling alleys in an attempt to make the business financially viable. The applicants have also attempted to market the business as a going concern, without success.

2 Proposal(s)

- 2.1 The applicant seeks planning permission in principle for the formation of six house plots. As the proposal is to establish the principle of the development no detailed information in respect of position or elevations of the dwellings has been provided. The drawing submitted simply detail the red line boundary of the proposed site and the existing access point. It is proposed that the vehicular access to serve the proposed dwellings will utilise the existing access.
- 2.2 Originally the applicant was seeking planning permission in principle for 8 dwellings. However the proposed site exceeded the footprint of the disused nursery buildings and car park. Following discussions with the applicant the site has been amended to correspond with the footprint of the disused nursery buildings and car park with the number of proposed dwellings reduced to 6.

3 Background

3.1.1 Local Plan Status

In terms of Local Plan policy the adopted South Lanarkshire Local Plan identifies the site as lying within the Greenbelt and within an Area of Great Landscape Value. As such Policies STRAT 3 – Greenbelt, CRE1 – Housing in the Countryside, ENV4 – Protection of the Natural and Built Environment, ENV29 - Regional Scenic Areas and Areas of Great Landscape Value and DM9 - Demolition and Redevelopment for Residential Use apply.

- 3.1.2 Policy STRAT 3 - The Green Belt and Urban Settlements in the Green Belt - advises that there shall be a general presumption against all development except where it can be shown to be necessary for the furtherance of agriculture, horticulture, forestry, recreation, establishments or other uses considered by the Council to be appropriate to the Green Belt, or where development forms part of a larger proposal for the rehabilitation or change of use of disused or redundant traditional buildings where this consolidates such groups. Any housing development within the Green Belt should conform to Policy CRE 1 - Housing in the Countryside.
- 3.1.3 Policy CRE 1 - Housing in the Countryside - requires all new housing proposals to be assessed against a number of criteria relating to siting, design and connection to infrastructure.
- 3.1.4 Policy ENV4 – Protection of the Natural and Built Environment and ENV29 – Regional Scenic Areas and Areas of Great Landscape Value advise that development will only be permitted within Areas of Great Landscape Value if the integrity of the protected resource is not undermined and the proposal can be accommodated without adversely affecting the overall quality of the designated landscape area. Particular care is required to ensure that the design of development respects those features which contribute to an area's local distinctiveness or character.
- 3.1.5 Policy DM9 - Demolition and Redevelopment for Residential Use, supports the redevelopment of sites for residential use provided specific criteria are complied with. These are as follows:
- (a) There will be a general presumption against the demolition and redevelopment of sites within Conservation areas or where a listed building is affected.
 - (b) The scale and design of development should be sympathetic to the scale/mass/height/materials of adjacent buildings and to development in the immediate area. It should not significantly breach any existing layout convention such as established building line or height of adjacent buildings.
 - (c) Re – development proposals should not be cramped, out of keeping with or occupy a significantly greater footprint than the demolished building or those adjacent, where this is to the detriment of the visual character of the area.
 - (d) Increased overlooking of adjoining properties should not occur.
 - (e) Overshadowing of adjacent properties should not occur. Assessment of the impact of the new development shall have regard to orientation, height, proximity to boundaries and adjacent buildings.
 - (f) Vehicular access and off-street parking must be satisfactorily achieved and must not present a traffic hazard or create amenity problems. Parking provision should not adversely affect the appearance or character of the area.
- 3.1.6 In terms of design and layout there are a number of other policies identified in the South Lanarkshire Local Plan that could be regarded as relevant to the development of the site. These policies generally require all development to take into account the local context and built form of the area and provide guidance as to the criteria to be adhered to. However they are not immediate considerations in respect of the assessment of this proposal as this is an application for planning permission in principle. Consequently these details are more appropriately addressed during the determination of a detailed application.

3.2 **Relevant Government Advice/Policy**

3.2.1 A consolidated Scottish Planning Policy was published by the Scottish Government in February 2010. In terms of development in the Green Belt, the SPP advises that Green Belt designation should be used to direct development to suitable locations and not simply prevent development from happening. Where development is considered acceptable it must be of a suitable scale and form for the location. Many uses will only be appropriate when the intensity is low and any built elements are ancillary to the main use, small-scale and of high quality design.

3.2.2 The section on Housing acknowledges that there is a steady demand for housing in rural areas, and Councils should consider this as part of the development of a sustainable settlement strategy, with the majority of new housing being met within or adjacent to rural settlements. All planning authorities must set out the circumstances in which new housing outwith settlements may be appropriate in their areas, including redevelopment of brownfield land and opportunities for new homes on greenfield sites where appropriate. Brownfield land in rural areas usually means sites that are occupied by redundant or unused buildings or where the land has been significantly degraded by a former activity. In the rural area, opportunity to replace rundown housing and steadings should be supported when the new development is designed to fit into the landscape setting. All new development should seek to achieve high design and environmental standards and respond to specific local character.

3.3 **Planning History**

3.3.1 None relevant to this application site.

4 **Consultation(s)**

4.1 **Environmental Services** – have no objections subject to the attachment of advisory notes/conditions in respect of noise disturbance, contaminated land, refuse storage and dust mitigation.

Response: Noted. Noise disturbance is a matter best controlled under separate Environmental legislation. The remaining issues will be considered in detail during the assessment of a detailed application should the Planning Committee be minded to grant permission in principle. Appropriate conditions can be imposed at that stage to satisfy the remaining requirements, if considered necessary.

4.2 **Roads and Transportation Services (Hamilton Area)** – no objections subject to compliance with a number of recommended conditions relating to the construction of internal roads, gradients, access, parking and drainage/flooding arrangements. In addition it is advised that retaining walls which directly or indirectly retain the public road will not be permitted. A full investigation report along with the proposed construction details will therefore require to be submitted to the Council's Geotechnical section for comment and approval.

Response: Noted. The application site is considered capable of meeting the above requirements. These matters will be considered in detail during the assessment of a detailed application should the Planning Committee be minded to grant permission in principle.

4.3 **Roads and Transportation Services (Flooding)** – Commented that although no drainage details have been submitted at this stage given the location of the Application Site in relation to the SEPA 1 in 200 Year Flood Extents they have no objection to the proposed development subject to the provision of a Sustainable Drainage System, a Flood Risk Assessment and Drainage Assessment serving the Application Site, all of which must be in accordance with the Council's current design

criteria. The Applicant should also be made aware that parties supplying the above information must have sufficient Professional Insurance Indemnity.

Response: Noted. These matters will be considered in detail during the assessment of a detailed application should the Planning Committee be minded to grant permission in principle and appropriate conditions will be attached where considered appropriate.

- 4.4 **Scottish Water** – Have raised no objections to the proposal and have confirmed that there are no public sewers in the vicinity of the proposed development and that Camps Water Treatment Works currently has capacity to service the proposed development. However it should be noted that the granting of planning approval does not guarantee a connection to their infrastructure. This approval can only be given when Scottish Water have the appropriate application and technical details.

Response: Noted.

- 4.5 **S.E.P.A** – Have no objection to the proposal but have advised that the application site (or parts thereof) lies adjacent to the 1 in 200 year flood envelope of the indicative River and Coastal Flood Map (Scotland) and a minor watercourse. The site may therefore be at a medium to high risk of flooding. They further advise that the functional flood plain will generally have a greater than 0.5% (1:200) probability of flooding in any year. Development on the functional flood plain will not only be at risk itself, but will add to the risk elsewhere. Built development should not therefore take place on the functional flood plain. It is recommended that contact is made with the Council's Flood Prevention Unit regarding this issue.

Response: Noted. The proposed "built development" should not exacerbate the current position as the proposed house plots will be located on the footprint of the existing garden centre. The Council's Flood Prevention Unit has been consulted and raised no objection to the proposal subject to the attachment of appropriate conditions. The above matters will be considered in detail during the assessment of a detailed application should the Planning Committee be minded to grant permission in principle.

5 Representation(s)

- 5.1 Statutory neighbour notification was undertaken and the proposal was advertised in the local press due to non notification of neighbours and as Development Contrary to the Development Plan. No letters of representation have been received.

6 Assessment and Conclusions

- 6.1 The determining issues that require to be addressed in respect of this application for planning permission in principle are the proposals compliance with the adopted local plan, the impact on the Green Belt, the visual amenity of the area and any infrastructure implications. Other material considerations must also be taken into consideration. In this instance government guidance is considered relevant.
- 6.2 In terms of compliance with local plan policy, the application site is located in the Green Belt where Policy STRAT3 - The Green Belt and Urban Settlements in the Green Belt of the adopted South Lanarkshire Local Plan. This policy states that there shall be a general presumption against all development except where it can be shown to be necessary for the furtherance of agriculture, horticulture, forestry, recreation, or where development forms part of a larger proposal for the rehabilitation or change of use of disused or redundant traditional buildings where this consolidates such groups. Any housing development should comply with Policy CRE1.

- 6.3 The proposed use does not fall within any of the categories listed under Policy STRAT3 as it is not necessary for the furtherance of agriculture, horticulture, forestry or recreation and does not constitute a rehabilitation of existing buildings. In view of this I consider the proposal does not comply with Policy STRAT3.
- 6.4 In terms of policy CRE1 – Housing in the Countryside, this sets out the circumstances where new houses will be acceptable and includes agricultural dwellings, houses in association with existing or proposed businesses, the conversion of existing buildings or replacement houses. None of these circumstances apply and therefore the proposal cannot be justified under the terms of Policy CRE1.
- 6.5 The application should also be assessed against Policies ENV4 and ENV29 as the garden centre lies within an Area of Great Landscape. These policies state that development will only be permitted if it can be accommodated without adversely affecting the overall quality of the landscape, and which preserves those features which contribute to the area's distinctiveness. It is considered that a proposal of this nature could safeguard and maintain the visual attractiveness of the area. The site is largely self-contained and could be well screened through substantial boundary planting. Although the proposals are merely in principle at this stage, the imposition of restrictions to any consent granted, relating to the mass, design and scale of development, would ensure that the attractiveness of the area could be safeguarded. The footprint of the proposed dwellings will be less than that of the existing vacant buildings on the site and if the height is restricted to a storey and half, this would reflect the buildings on site and minimize any visual impact. If left to fall into a state of disrepair the degradation through decay and vandalism of the existing buildings (as evidenced elsewhere in the valley) the site would make no positive contribution to the environment. It is therefore considered that the re-development of this redundant garden centre presents an ideal opportunity to safeguard and improve the visual amenity of the immediate area. The proposal therefore raises no issues in regard to satisfying the criteria of the above policies providing that appropriate conditions be attached to any consent granted.
- 6.6 Policy DM9 - Demolition and Redevelopment for Residential Use, supports the redevelopment of sites for residential use provided the specific criteria identified in section 3.1.5 are complied with. In this regard the site does not lie within a Conservation Area nor does it affect a Listed Building. The new development will not exceed the footprint of the existing building and hardstanding area and will introduce a style of development in keeping with the character of the rural area. The proposal will be of a one and a half storey design and it is considered that the scale of the new development is acceptable in this location given that it reflects an appropriate interpretation of the existing building. It is further considered that through the use of sensitive boundary treatments and quality materials the proposal will improve the visual character of this area. In addition the existing vehicular access to the site will be utilised with the site being capable of providing adequate curtilage parking. Given the above it is considered that the proposal complies with Policy DM9.
- 6.7 In terms of design and layout there are a number of other policies identified in the South Lanarkshire Local Plan that could be regarded as relevant to the development of the site. These policies generally require all development to take into account the local context and built form of the area and provide guidance as to the criteria to be adhered to. Such criteria however are not immediately relevant in respect of the assessment of this proposal as this is an application for planning permission in principle and these details are more appropriately addressed during the determination of a detailed application. It should be noted however that any

subsequent detailed planning application would be required to comply with the adopted Local Plan policies, the Council's Residential Development Guide and be in keeping with the sites Green Belt setting and development in the surrounding area.

- 6.8 As the proposal challenges the provisions of Policies STRAT 3 and CRE1 the Council must consider whether there are other material considerations that outweigh the above policies in this instance. Government Guidance relating to this application has been summarised under section 3.2 of this report. Advice on development in the Green Belt in the SPP which post dates the adopted Local Plan, states that the Green Belt designation should not prevent development from happening. Government guidance also 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 previously been 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 the opportunities for the economic re-use of such land.
- 6.9 The applicants, who have owned and operated the garden centre for a substantial period of time, submitted supporting information which demonstrates that in recent years the previous use of the site as a Garden Centre/Nursery was no longer financially viable and had encountered significant financial decline eventually forcing its closure. Previous to its closure the applicants had attempted to diversify the core activities of the site by installing 4 indoor bowling alleys in an attempt to make the business financially viable. In addition they also marketed the business as a going concern, but without success. I am therefore satisfied that as the site is now occupied by redundant buildings it can be classified as brownfield. As such the site is considered acceptable for development under current government guidance.
- 6.10 Originally the applicant was seeking planning permission in principle for 8 dwellings. However the proposed application site exceeded the footprint of the disused nursery buildings and car park. Following discussions with the applicant the site has been amended to correspond with the footprint of the disused nursery buildings and car park with the number of proposed dwellings reduced to 6. The site is located on a comparatively modest area of ground which is now considered to have little agricultural value. If left to fall into a state of disrepair the degradation of the existing buildings through decay and vandalism (as evidenced elsewhere in the valley) the site would make no positive contribution to the wider environment. It is therefore considered that the re-development of this redundant garden centre which will reduce the building mass of the existing structures and will incorporate a requirement to reinforce the sites boundary by means of substantial structure planting presents an ideal opportunity to safeguard and improve the visual amenity of the immediate area. In addition it is considered that the planting of substantial structure planting along the boundary of the site will provide the formation of a defensible boundary with the Greenbelt and will improve the sites integration with the local environment.
- 6.11 I am further satisfied that the sites dimensions are sufficient to accommodate six dwellings of a reasonable scale, that will be consistent with the sites Green Belt setting. As previously stated the site area is modest, and relatively isolated therefore it is proposed that any consent will be conditioned with a requirement to reinforce the site boundary by means of substantial structure planting. As such I am satisfied that the proposal will improve the quality and appearance of the local environment. I am further satisfied that the loss of the garden centre at this location can be sustained and the proposed dwellings integrated into its rural location without adverse impact

on the function and role of the Green Belt. Accordingly I consider the principle of residential development an appropriate use for this land.

6.12 In addition there are no known constraints to developing the site. The existing infrastructure is suitable for the proposed development without change in respect of access arrangements and servicing. Statutory consultees raised no objection to the proposal subject to the imposition of a number of conditions which I am satisfied can be achieved. No third party representations were received in respect of the proposal

6.13 In summary the applicant proposes redeveloping a brownfield site which is considered acceptable under current government guidance. The proposal provides a unique opportunity to provide a small scale, quality development with appropriate landscape screening on a previously developed site which is currently falling into a state of disrepair. This will visually enhance the immediate area without adverse impact on the Green Belt setting. After carefully considering all relevant issues, I am of the view that the proposal is acceptable and a departure from the adopted South Lanarkshire Local Plan can be justified in this instance for the following reasons:

- (i) The site is considered a brownfield site, and the scale of development would be less than that of the previous built form.
- (ii) The proposal will result in the positive regeneration of a vacant site and the visual enhancement of the immediate area.
- (iii) The site is self-contained and can be additionally screened from the wider countryside through further planting;
- (iv) The consent can be suitably conditioned to ensure that the proposed houses will respect the scale and setting of the sites greenbelt location.
- (v) The overall objectives of Green Belt policy would not be compromised.
- (vi) There are no infrastructure implications relating to the development.

I therefore recommend that planning consent be granted.

7.0 Reasons for Decision

7.1 For the reasons set out in 6.12 above.

Colin McDowall

Executive Director (Enterprise Resources)

28 September 2010

Previous References

- ◆ None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ Adopted South Lanarkshire Local Plan 2009
- ▶ Neighbour Notification letter dated 03 February 2010
- ▶ Press Advertisement, Hamilton Advertiser dated 11 February 2010
- ▶ Scottish Planning Policy, February 2010

- ▶ Consultations

S.E.P.A. (West Region)	10/02/2010
Scottish Water	10/02/2010
Roads and Transportation Services (Hamilton Area)	18/02/2010
Roads & Transportation Services H.Q. (Flooding)	17/08/2010
Environmental Services	14/04/2010

Contact for Further Information

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

Christina Laird, Planning Officer, Brandon Gate, Hamilton
 Ext 3513 (Tel : 01698 453513)
 E-mail: Enterprise.hamilton@southlanarkshire.gov.uk

Permission in principle

PAPER APART – APPLICATION NUMBER : HM/10/0040

CONDITIONS

- 1 This decision relates to drawing numbers:1.2 and 3
- 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 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.
- 4 That the total number of dwellinghouses within the site shall be no more than 6.
- 5 That the further application(s) required under the terms of Condition 3 above, shall make reference to and incorporate the criteria specified within the approved South Lanarkshire Council 'Residential Development Guide'.
- 6 That the further application required under the terms of Condition 3 above shall include a detailed scheme for surface water drainage and the disposal of foul water. Such schemes must accord 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 shall be agreed in writing with the Council as Planning Authority in consultation with SEPA.
- 7 That the further application required under the terms of Condition 3 above shall include written confirmation from Scottish Water to the Council as Planning Authority that the foul drainage arising from the site can be accommodated within the public sewerage system without causing detriment to the operational capabilities of the receiving sewage treatment facility or the associated sewerage infrastructure. The developer shall be responsible for all costs involved in upgrading the existing public sewerage system to serve the residential development at this site. The dwellinghouse shall not be occupied until the upgrading works have been completed to the specification and satisfaction of

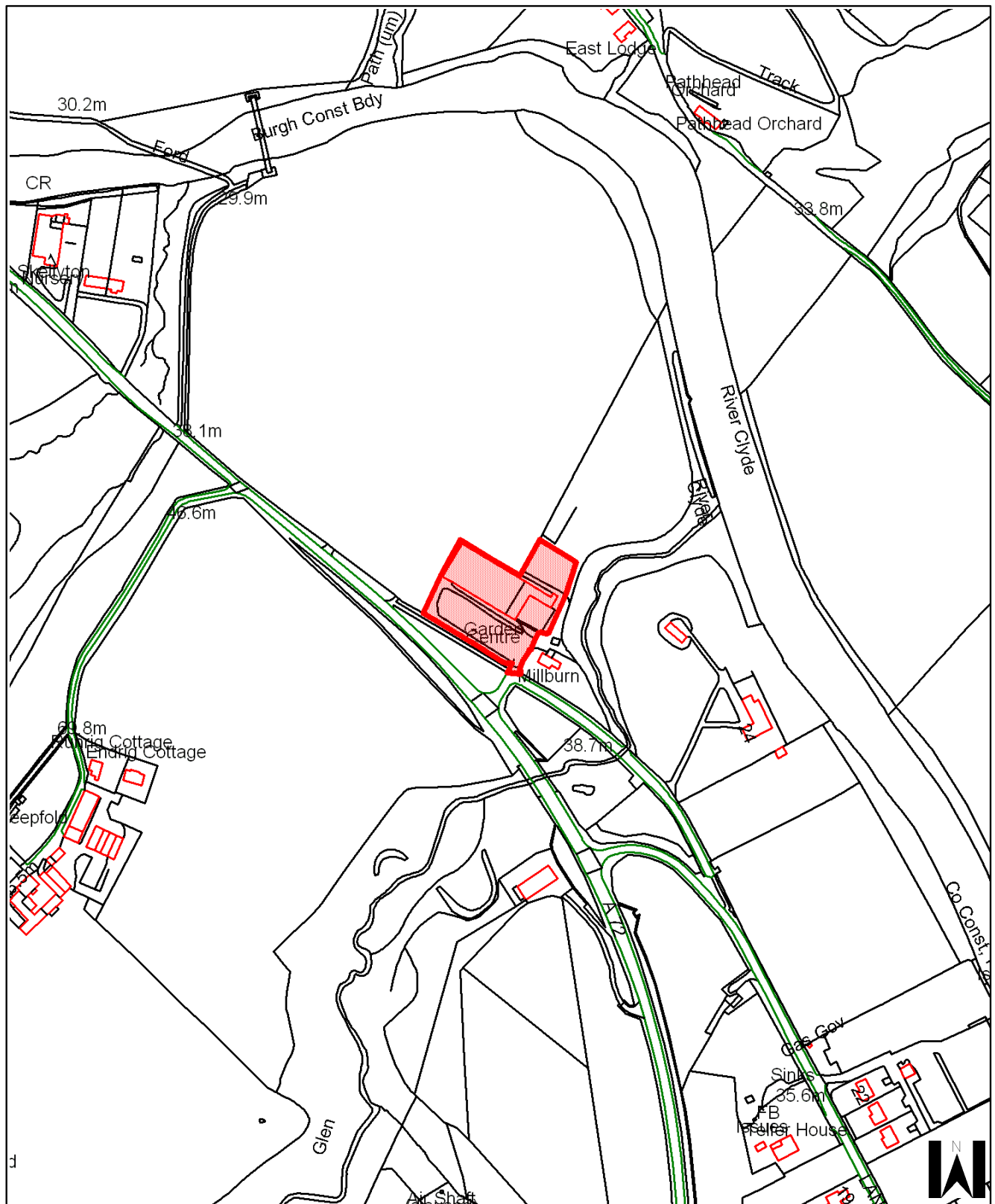
Scottish Water as the Water and Sewerage Authority.

- 8 That the further application required under the terms of Condition 3 above shall clearly identify the planting screen of at least 10 metres in depth along the boundaries of the site.
- 9 That no building to be erected on the site shall exceed one and half storey in height.
- 10 That notwithstanding the terms of Condition 3 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.

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 In the interests of amenity and in order to retain effective planning control.
- 5 In the interests of amenity and to ensure that the Council's key residential development standards are met.
- 6 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.
- 7 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.
- 8 These details have not been submitted or approved.
- 9 In the interests of amenity.
- 10 In the interests of amenity and in order to retain effective planning control.

For information only



For information only