

Report

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Report to:	Clydesdale Area Committee
Date of Meeting:	21 June 2011
Report by:	Executive Director (Enterprise Resources)

Application No	CL/11/0151
Planning Proposal:	Erection of Fuel Bay, Associated Canopy and Storage Tanks and Relocation of Parking Area (Amendment to CL/08/0501)

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Tennant Transport Ltd
- Location : Reme Workshop
Hyndford Bridge
Lanark, ML11 8SQ

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

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

3 Other Information

- ◆ Applicant's Agent: John Russell Partnership
- ◆ Council Area/Ward: 02 Clydesdale North
- ◆ Policy Reference(s): **South Lanarkshire Local Plan (Adopted 2009)**
 - Policy STRAT 4: Accessible Rural Area
 - Policy CRE2: Stimulating the Rural Economy
 - Policy DM1: Development Management
 - Policy ENV11: Design Quality
 - Policy ENV34: Development in the Countryside
 - Policy ENV4: Protection of the Natural and Built Environment
 - Policy ENV29: Special Landscape Area

- ◆ Representation(s):

- ▶ 7 Objection Letters
- ▶ 0 Support Letter
- ▶ 0 Comments Letter

- ◆ Consultation(s):

Roads and Transportation Services (Clydesdale Area)
S.E.P.A. (West Region)

Planning Application Report

1 Application Site

1.1 The application site extends to 1.6 hectares and consists of vacant land to the south-east of Lanark. The site which was formerly a Ministry of Defence transport yard and workshop is located on the A70 opposite the former Winston Barracks where construction work has commenced on a residential development. The site is enclosed by a metal palisade fence and consists of a yard area with hardstanding and overgrown grass. The remains of a vacant derelict workshop are located in the centre of the site. A further area of the vacant land also in the applicant's ownership adjoins the site to the north beyond which is the access road leading to Cobblehaugh Farm and a small development of recently constructed dwellings, known as River View. The A70 and the Winston Barracks development bound the site to the west, with open agricultural land to the east and south. A vehicular access has been installed into the site from the A70.

2 Proposal(s)

2.1 Detailed planning permission was granted for the erection of a workshop, office, wash bay, siting of temporary caravan, layout of yard area and parking on this site in November 1997. This application was subsequently amended twice in 2008. The applicant seeks an amendment to the latest consent to allow the inclusion of a fuel bay, associated canopy and storage tank as well as the relocation of the parking area. The development would be accessed directly from the A70 via the existing improved vehicular access. The submitted plans show the installation of a fuel bay on the north-eastern part of the site situated a total of 16.9 metres from the eastern boundary. The fuel bay would be open-sided with a canopy measuring 6.8 metres in height and would have two fuel pumps serving two vehicle bays. An above-ground diesel storage tank would be located adjacent to the fuel bay, 6 metres from the eastern boundary. A landscaping strip is proposed along this boundary. The parking spaces which were proposed to be located in the area of the new fuel tank under the previous consent would now be re-located to the northern boundary. A total number of 44 parking spaces are proposed (an increase of one since the previous consent) and including 3 disabled bays.

3 Background

3.1 Local Plan Status

3.1.1 In terms of local plan policy the site is located outwith the settlement boundary of Lanark in the Accessible Rural Area where Policy STRAT4: Accessible Rural Area of the adopted South Lanarkshire Local Plan applies. Policies CRE2: Stimulating the Rural Economy, DM1: Development Management, ENV11: Design Quality and ENV34: Development in the Countryside are also relevant. The site is located within a Special Landscape Area therefore Policies ENV4: Protection of the Natural and Built Environment and ENV29: Special Landscape Areas also apply.

3.2 Relevant Government Advice/Policy

3.2.1 Scottish Planning Policy (SPP) states that authorities should respond to the diverse needs and locational requirements of different sectors and sizes of businesses and take a flexible approach to ensure that changing circumstances can be accommodated and new economic opportunities realised. Planning authorities should ensure that new development safeguards and enhances an area's environmental quality. The guidance explains that previously developed land is a potential source of sites for new development and planning authorities should support and promote proposals to bring vacant or derelict land back into productive use for development or to create more attractive environments. In terms of rural development the SPP states that the aim should be to enable development in all

rural areas which supports prosperous and sustainable communities whilst protecting and enhancing environmental quality.

3.3 **Planning History**

3.3.1 There are a number of previous planning applications relating to this site which have been listed below:

- Planning permission was granted in November 1997 for the erection of a workshop/office, wash bay and siting of temporary caravan, layout of yard area and parking on the site (CL/97/0238). The application site boundary for this application included the current application site and the land immediately to the north. The approved plans show that the buildings would be concentrated on the southern part of the site (ie the current application site) and conditions were attached to ensure that the land to the north should not be used as a lorry park and that no materials were to be stacked, stored or deposited on this part of the site.
- Planning permission was granted in June 2008 for an amendment to the above consent (CL/08/0236) which involved an increase in height and the footprint of the proposed workshop.
- This consent was further amended by the granting of application CL/08/0501 in September 2008. Again, this involved an increase in size and re-orientation of the proposed workshop.
- In terms of the land adjoining the site to the north, planning permission was granted in August 1998 for the erection of an industrial development with associated landscaping and upgraded vehicular access (CL/98/0003). This application consisted of two nest-style industrial blocks containing 6 units in total located on the land immediately to the north of the current application site. A condition was attached to ensure that no materials were to be stacked, stored or deposited on the land not covered by the units and access/parking area.

It should be noted that the shared vehicular access for the two sites was formed within 5 years of the original consent. As such it is deemed that work has commenced on site and therefore the proposals are still considered to be 'live' and can be completed at any time.

Planning permission was refused in April 2010 for the formation of a yard for the storage of vehicles, plant and machinery, erection of office/vehicle workshop maintenance building, installation of wash bays, fueling bay and associated car parking (CL/09/0294) on the site immediately to the north of the current application site, (ie upon which the application ref CL/08/0003 is situated). The applicant for this site was Tennant Transport Ltd and the proposal was refused as it would have introduced an additional transport yard into an area that has changed over the years to one that will become largely residential in character. It was considered that the cumulative impact of another use of this nature at this location would not fit with the residential and rural character of the area.

In terms of the residential developments in the area, outline planning permission was submitted in 2000 for the residential development of the Winston Barracks site and was granted in 2006 (CL/00/0320). A number of detailed applications for that site have since been approved and development has started on site. The small residential development at River View was granted outline planning permission in March 2006 (CL/05/0596) and subsequently detailed planning permission for 5 dwellinghouses was granted in October 2006 (CL/06/0475).

4 Consultation(s)

4.1 **Roads & Transportation Services (Area Office)** – offer no objection. They note that the site is already accessed by a formal widened road junction with a right hand stacking land which was subject to a Roads Construction Consent. They confirm that the visibility splays which the applicant shows on the submitted plans are acceptable.

Response: Noted. The visibility splay as shown on the submitted drawings can be achieved, however this will require the trimming back of vegetation within the splay. A condition can be placed on any consent granted to ensure that this takes place before the proposal becomes operational.

4.2 **SEPA** – offer no objection. They advise that the proposal is regulated under The Water Environment (Controlled Activities)(Scotland) Regulations 2011 (CAR) and an authorisation has been granted by them.

Response: Noted.

5 Representation(s)

5.1 Neighbour notification notices were not issued for this proposal as there are no premises within 20 metres of the site boundary, therefore the application was advertised in the local press as non-notification of neighbours. Seven letters of objection have been received one of which takes the form of a petition with 6 signatures. The contents of the letters are summarised below:

(a) **Local residents claim that they have not been given appropriate notification of this application.**

Response: There are no premises located within 20 metres of the application site, therefore no local residents or landowners were issued with a neighbour notification notice. However, the application was advertised in the Lanark and Carlisle Gazettes on 28 April 2011 under the non-notification of neighbours procedure. I am therefore satisfied that the statutory notification has taken place.

(b) **The site will be directly adjacent to a residential area and there will be noise and smell pollution created by this type of business with early starts and late finishes. The objectors query whether there are any restrictions on the business operating 24 hours per day.**

Response: It is noted that two residential developments (River View and Winston Barracks) have been granted planning consent and have either been developed or are under construction since the original consent for this facility was approved. However, the application site has the benefit of planning consent for a transport depot so the principle of this use has been established. I consider that the inclusion of the fuel bay and storage tank at this site and the minor amendments to the location of the car parking will not result in any additional noise or smell issues. No restrictions on hours of operation or noise levels were placed on the original planning consent and as the assessment of the current proposal is only focused on the fuel bay and car parking, it is not possible to place such restrictions on any consent granted.

(c) **The past use of this site is no longer in keeping with the present rural and residential area which includes upmarket housing developments.**

Response: As stated above, the site has the benefit of planning consent, therefore the principle of the use of this site as a transport depot is now established. Work has also been deemed to have started on site and therefore

the original consent can be completed at any time despite the fact that residential dwellings have since been developed in the vicinity.

(d) The site is directly adjacent to farmland which is used for food production and animal grazing.

Response: I consider that the inclusion of the fuel bay and storage tank at this site and the minor amendments to the location of the car parking will not result in any health issues in relation to food production.

(e) The objectors are concerned about safety with regard to the large fuel storage facility being located close to residencies.

Response: The safety of the fuel storage facility will be assessed under the Building Warrant for the proposal. The proposed fuel tank is located a considerable distance from existing dwellinghouses.

(f) The proposal will affect the value of my house and the ability of existing homeowners and housebuilders to sell their properties.

Response: This is not a material planning consideration.

(g) The proposal will have an adverse affect on communities in the Hyndford Bridge area and will be a blot on the landscape at the edge of an historical town. The once derelict Winston Barracks is under redevelopment and is attracting people to the area. If the proposal goes ahead this will affect the sale of new houses in the Barracks site which could lead to it becoming derelict again.

Response: As stated above, the site has the benefit of planning consent, therefore the principle of the use of this site as a transport depot is established.

(h) Hyndford Bridge already suffers from heavy traffic, the additional traffic that this proposal will generate will be unacceptable from an environmental and safety point of view. Objector refers to recent accidents in the area and to the inappropriate speed of vehicles regardless of the 40 mph zone.

Response: The use of this site as a transport depot has already been established. The Council's Roads and Transportation Service have been consulted in respect of this amendment and they offer no objections.

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

6 Assessment and Conclusions

6.1 The applicant seeks an amendment to the consent for the transport depot development at Hyndford Bridge, Lanark which was granted planning consent in 1997 and has been subsequently amended by further consents in 2008. The principle of the development of a transport depot facility at this location has already been established and work has started on the development. The determining issue in this case is the impact the installation of the fuel bay, fuel storage tank and alterations to parking layout will have on the amenity of the area.

6.2 The proposal involves the installation of a fuel bay, associated canopy and storage tank as well as the relocation of the parking area within the north-eastern portion of the site. The fuel bay would be situated 16.9 metres from the eastern boundary and the associated fuel tank 6 metres from the boundary. At the present time the nearest dwellinghouses to the site are located at River View located approximately 140 metres to the north of the site. The Winston Barracks residential development site is

situated on the opposite side of the A70 approximately 80 metres from the fuel bay. The proposed fuel bay and associated canopy is not significant in height and the Roads Service have confirmed that the relocation of the parking spaces is acceptable. A landscape buffer is proposed along the eastern boundary of the site and I am satisfied that as the proposal is ancillary to the existing consent at the site it will not in itself cause harm to the amenity of the area.

- 6.3 Objections have been raised regarding road safety. I am of the opinion that the installation of the fuel bay will not cause an increase in traffic over and above the traffic which will be generated by the existing consent. In addition, a right hand storage lane has been formed on the A70 while appropriate sightlines can be provided. The Roads Service have confirmed that they have no objection to the proposal. In terms of concerns over the storage of fuel at the site, this matter is not an issue which can be covered under the planning application. The applicant has submitted a Building Warrant for the proposal and it is through the assessment of the warrant that the Council will ensure the position of the fuel tank is appropriate.
- 6.4 To conclude, the principle of the use of the site as a transport depot has already been established and the amended proposal to install a fuel bay, fuel storage tank and amendment to the parking layout is acceptable and will not have an adverse impact on residential or countryside amenity. In view of this I recommend approval of the application.

7 Reason for Decision

- 7.1 The principle of development of this site has already been established and the inclusion of a fuel bay, fuel storage tank and amendment to parking layout is acceptable and complies with Policies STRAT4, CRE2, DM1, ENV34, ENV11, ENV4, and ENV29 of the adopted South Lanarkshire Local Plan.

Colin McDowall
Executive Director (Enterprise Resources)

7 June 2011

Previous References

- ◆ CL/97/0238
- ◆ CL/08/0236
- ◆ CL/08/0501
- ◆ CL/98/0003
- ◆ CL/09/0294

List of Background Papers

- ▶ Application Form
- ▶ Application Plans

- ▶ Consultations
 - S.E.P.A. (West Region) 06/05/2011
 - Roads and Transportation Services (Clydesdale Area) 03/06/2011
- ▶ Representations
 - Representation from : Residents of River View and Leapark, Lanark, DATED 16/05/2011
 - Representation from : Mr Alan Ross, 3 Hyndford Grange, Hyndford Bridge, Lanark, ML11 8SF, DATED 17/05/2011
 - Representation from : Lesley Shell & Alan Shell, DATED 31/05/2011
 - Representation from : John Coist, DATED 20/5/2011
 - Representation from : William Tippen, 1 Hyndford Grange, Hyndford Bridge, Lanark, ML11 8SF, DATED 19/05/2011
 - Representation from : Margaret Tippen, 1 Hyndford Grange, Hyndford Bridge, Lanark, ML11 8SF, DATED 19/05/2011
 - Representation from : Alistair J Scott, Hyndford Lodge, Hyndford Road, Lanark, ML11 9TA, DATED 24/05/2011

Contact for Further Information

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

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E-mail: Enterprise.lanark@southlanarkshire.gov.uk

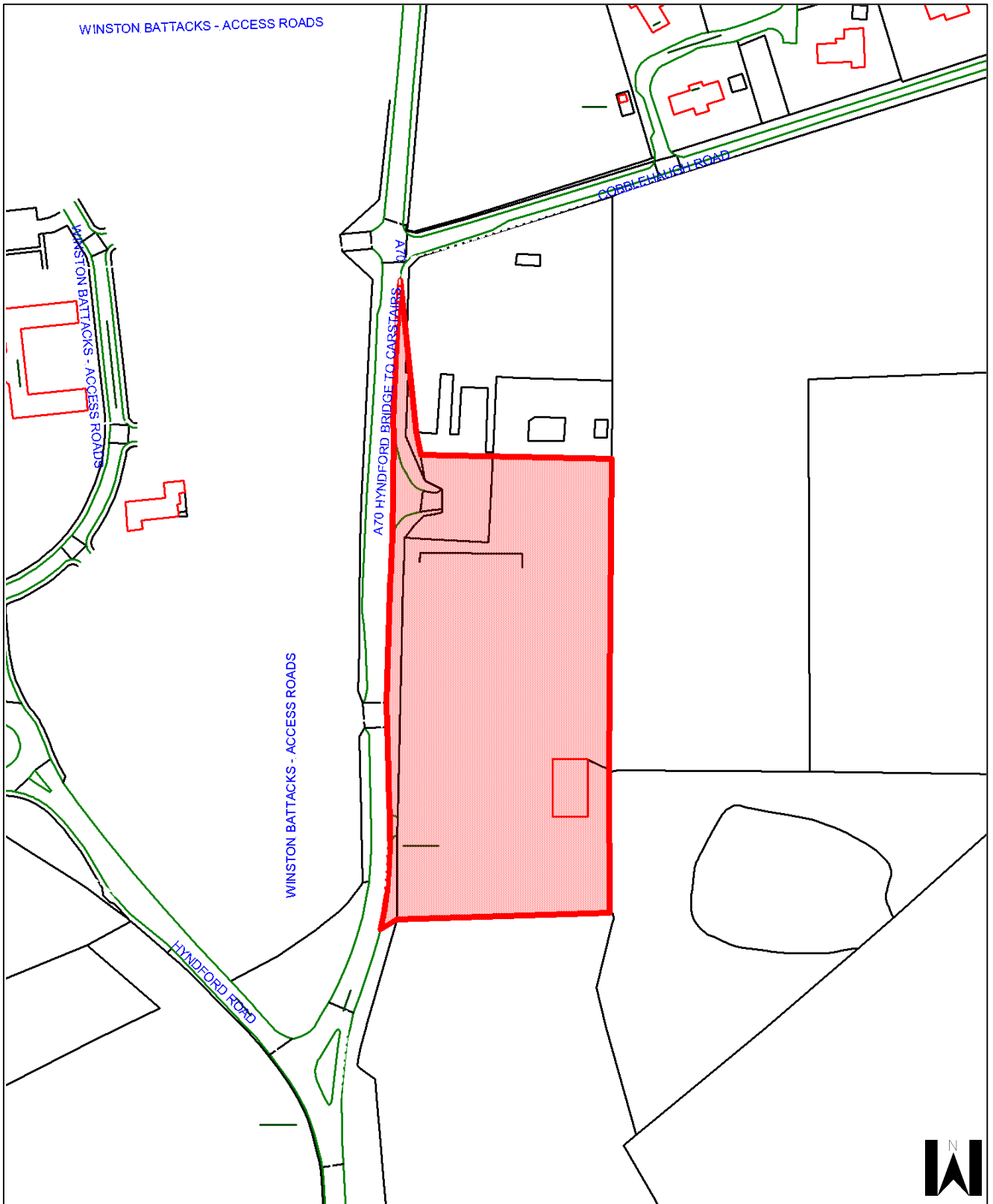
CONDITIONS

- 1 This decision relates to drawing numbers: G40-001E, G40-FB-01, G40-FB-02, G40-015E, G40-003G.
- 2 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.
- 3 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.
- 4 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.
- 5 That before the development hereby permitted is occupied or brought into use, all the fences or walls for which the permission of the Council as Planning Authority has been obtained under the terms of Condition No.4 above, shall be erected and thereafter maintained to the satisfaction of the Council.
- 6 That before any work commences on the site a scheme of landscaping for the area shaded GREEN on the approved plans 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.
- 7 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 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.
- 8 That before the development hereby approved is completed or brought into use, a visibility splay of 4.5 metres by 120 metres measured from the road channel shall be provided on both sides of the vehicular access and everything exceeding 0.9 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.
- 9 Development shall not commence until details of surface finishes to all parking and manoeuvring areas has been submitted for the consideration and written approval of the Council as Planning Authority. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the Council as Planning Authority.

- 10 That within the area hatched Yellow on the approved plans, no material shall be stacked, stored or deposited.
- 11 That details of any proposals for floodlighting the site shall be submitted to the Council for written approval prior to the installation of any such works, to the satisfaction of the Council as Planning Authority.
- 12 That for the avoidance of doubt the fuel bay hereby approved shall be operated as an ancillary facility to the main use of the site as a transport depot.
- 13 That all boundary fencing shall be painted a colour to be agreed by the Council as Planning Authority prior to the occupation of the premises hereby approved to the satisfaction of the Council as Planning Authority.

REASONS

- 1 For the avoidance of doubt and to specify the drawings upon which the decision was made.
- 2 In the interests of amenity and in order to retain effective planning control.
- 3 In the interests of amenity and in order to retain effective planning control.
- 4 These details have not been submitted or approved.
- 5 In the interests of amenity and in order to retain effective planning control.
- 6 In the interests of the visual amenity of the area.
- 7 In the interests of amenity.
- 8 To ensure the provision and maintenance of adequate visibility at the access of the site
- 9 These details have not been submitted or approved.
- 10 In the interests of amenity and in order to retain effective planning control.
- 11 In the interests of amenity and in order to retain effective planning control.
- 12 In the interests of amenity and in order to retain effective planning control.
- 13 In the interests of amenity and in order to retain effective planning control.



For information only

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