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**Report to:** Planning Committee

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**Date of Meeting:** 12th June 2014

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**Subject:** Planning Application ref: 14/00059/PPP - Residential Development of Land - South of Woodhead Place, Coalsnaughton, Clackmannanshire

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**Report by:** Grant Baxter, Principal Planner

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## **1.0 Purpose**

- 1.1. This report comprises the Report of Handling on the above noted planning application and provides a recommendation to Members on the application.
- 1.2. The application is being reported to the Committee for determination following a request from a Member for the application to be referred to the Committee for a decision.

## **2.0 Recommendations**

- 2.1. It is recommended that the application is REFUSED for the following reasons:

### **2.2. Reasons for Decision**

1. The proposal is contrary to Policies EN18 (Development in the Countryside) and RES 2 (Brownfield Development) of the Clackmannanshire Local Plan, adopted 2004. These policies and supporting text, indicate that development outwith settlement boundaries will not normally be acceptable unless in exceptional circumstances. The policy is to direct development to appropriate brownfield sites that utilise vacant, derelict or underused land within such settlements. The proposal meets neither of these criteria, and no exceptional circumstances apply in this case.
2. The proposal is contrary to Policies SC 23 (Development in the Countryside - General Principles) and SC 24 (Residential Development in the Countryside) of the Clackmannanshire Local Development Plan Proposed Plan 2013. The application has not demonstrated a need for a countryside location and the proposal is not connected to or integral with an existing countryside business or activity.
3. The proposal lies within a Development High Risk Area in relation to coal mining features and hazards and a Coal Mining Risk Assessment has not been submitted as part of the application. Therefore the Council has

insufficient information with regards to the risk to the proposed development posed by past coal mining activity.

4. The proposed development would constrain road alignment options for the B9140 (Coalsnaughton By-pass), identified as Policy T35 of the Clackmannanshire Local Plan, adopted 2004, and Proposal T25 of the Clackmannanshire Local Development Plan, Proposed Plan 2013. Accordingly, the proposed development is premature pending finalised development proposals for the by-pass road.

## 2.4 Plans Relating to the Decision

- Location Plan
- Revised Proposed Site Plan

## 3.0 Background to the Proposals

- 3.1. This is an application for Planning Permission in Principle (PPP) for residential development of agricultural land on the edge of Coalsnaughton. The site amounts to 0.65Ha of land to the south of Woodhead Place, Coalsnaughton, and adjoining woodland, farmland and a plant nursery. The site is gently sloping and a mix of grass and scrub, and lies outwith but bounded by the settlement boundary of Coalsnaughton, and in an area of countryside, as identified in the Clackmannanshire Local Plan, adopted 2004.
- 3.2. The land is deemed to be agricultural, but is not actively farmed. The application has been accompanied by an indicative layout showing seven houses. The proposed access would be through the adjoining nursery, owned by the applicant, and served off Woodhead Place.

## 4.0 Consultations

- 4.1. Roads: Vehicle access is within the urban area, however as the site is not allocated for development in the Local Development Plan, Roads would not favour residential development.
- 4.2. Scottish Water: No objections. A Development Impact Assessment will be required to be submitted by the developer to assess impact on water and drainage infrastructure. Tillicoultry WWTW has limited capacity, therefore the developer will require to discuss connection with Scottish Water. A SUDs scheme is required.
- 4.3. The Coal Authority: **Fundamental Concern.** Objection as the site falls within the defined Development High Risk Area, and a Coal Mining Risk Assessment (CMRA) is required, but has not been submitted with the application. *Comment: The Service made the applicant's agent aware of this objection, and the need for a CMRA, however, in doing so also indicated that as the application appeared to be contrary to the development plan and may not therefore be recommended for approval, that they may consider if they wished to have a CMRA commissioned at this stage. The applicant's agent decided not to prepare a CMRA to accompany the current application, and therefore in its absence, the objection by the Coal Authority remains in place.*

## **5.0 Representations**

- 5.1 A total of 10 No. neighbouring proprietors were notified of the application and an advert placed in the local press on 12 March 2014. In response, no representations have been received.

## **6.0 Development Plan Position**

- 6.1 The application must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 6.2 In this case, the key Development Plan considerations are as set out in the Clackmannanshire Local Plan, adopted 2004.
- 6.3 Policy EN18 of the Local Plan deals with development in the countryside, and indicates that developments outwith settlement boundaries, such as this, will not normally be acceptable unless specific criteria can be met. These criteria cover the conversion of redundant traditional buildings to housing and where a house is required to serve a rural business. None of the criteria set out in the policy apply to the site or proposed development, and the application is therefore contrary to Policy EN18.
- 6.4 Policy EN2 deals with landscape and ecology and Policy EN11 with enhancing environmental quality. Both policies require that new developments, through design and landscaping, enhance the character of their site and surroundings. The site is relatively low lying compared to surrounding land, enclosed on two sides by buildings, and on one other by mature woodland. Whilst the application is in principle only, in this context, there is no reason to expect that the site could not be developed in a manner that complies with both of these policies.
- 6.5 Policy RES 2 of the Local Plan gives priority to development on brownfield land, such as by re-using existing vacant or underused properties, but only where these lie within settlements. The applicant's agent considers that the site is brownfield land, and this issue is discussed in Section 7.0, below. Notwithstanding this, the site is outwith the settlement boundary, and the policy does not support development on brownfield sites in such locations. The application is not therefore supported by Policy RES 2.
- 6.6 Policy RES 8 deals with amenity standards for residential developments. Although the application is in principle only, it is considered that a development that met the amenity standards set out in this policy could be achieved on the site. No policy conflict arises.
- 6.7 The Local Plan shows the site as affected by Infrastructure Policy T35 - Tullibody By-pass/B9140 (Safeguarding of route for Tullibody By-pass and B9140 for potential realignment/improvement). The proposed development would appear to threaten the safeguarding of the proposed realignment of the B9140 in this location, which would form part of a Coalsnaughton by-pass.
- 6.8 Taking account of the above considerations, the application is contrary the adopted development plan in so far as it proposes residential development in the countryside that is not justified by any of the criteria set out in Policy

EN18. In addition, the proposal would threaten the safeguarding in the Local Plan of the future realignment of the B9140.

## **7.0 Other Material Considerations**

- 7.1 The emerging development plan, in the form of the Clackmannanshire Local Development Plan Proposed Plan (LDP PP), was approved by the Council in October 2013 and has completed a Period for Representations. The site continues to be shown as outwith the settlement boundary of Coalsnaughton and in an area of countryside. The LDP PP also sets out policies on development in the countryside, brownfield development, residential layout and design and transport infrastructure.
- 7.2 The site is not the subject of any representations on the LDP PP, however a representation has been made by a developer, seeking allocation of land to the west, south and east of the site, for residential use. This representation, along with others to the LDP PP will be considered by the Council on 26th June 2014.
- 7.3 Policies SC 23 and SC 24 of the LDP PP deal with development in the countryside (general principles) and residential development in the countryside respectively. Policy SC 23 indicates that new developments will normally be directed to existing settlements, and that proposals outwith settlements will only be supported where the criteria can be met. The first criterion, that the applicant can demonstrate the requirement for a countryside location, has not been fulfilled in this case. The site does however appear capable of meeting the other criteria of the policy, including the need for appropriate scale and design, enhancement of the character of the area and availability of adequate access and infrastructure. Where all criteria are met, Policy SC 23 indicates support for development on suitable sites adjacent to existing groups of buildings where new build could be sympathetically integrated within a cluster of existing buildings. The application site may be capable of complying with this supplementary consideration of Policy SC 23, however the lack of any demonstrable need for a countryside location means that the proposal would fail to comply with this policy. Similarly, there is no rural justification for the proposed housing in relation to the management of a rural business, so the proposals are also not supported by Policy SC 24.
- 7.4 Policy EA25 encourages development on brownfield land within settlements. The proposal therefore derives no support from this policy.
- 7.5 The applicant has made representations in respect of the Service's position that the site is greenfield and agricultural land. The agent contends that the previous use of the site for a plant nursery business confers both a brownfield and business status on the land. This position being supported by evidence of previous buildings on the site and waste material having been deposited, leaving it in a derelict condition.
- 7.6 The Service acknowledges that a horticultural enterprise has previously existed on the site, and that it contained buildings and structures commensurate with that use. There is now no evidence of these buildings on the site. Part of the site is of a somewhat scrubby condition, suggesting material such as soil may have been deposited there, however overall, the

site has the appearance and character of a small field rather than vacant or derelict land.

- 7.7 The applicant's agent describes the former use of the land as for horticulture, and the Council concurs with this interpretation. For the purposes of planning, horticulture falls within the same use class as agriculture. Indeed, previous buildings for the horticultural operation were authorised through the Agricultural Prior Notification procedure, therefore reinforcing the agricultural status of the land. The Service therefore concludes that the established land use of the site has been, and continues to be agricultural.
- 7.8 The glossary of the adopted Local Plan defines Brownfield Land as *"Land which has previously been developed. The term may encompass vacant or derelict land, infill sites, land occupied by redundant or unused buildings, and developed land within the settlement boundary where further intensification of use is considered acceptable"*. The Service considers that the site does not constitute brownfield land, particularly taking account of what is considered to be its previous and established use as agricultural land, and subsequent condition.
- 7.9 The LDP PP continues to identify the Coalsnaughton By-pass as a Transport Proposal (T25), with the Proposals Map showing an indicative line of this route along the southern edge of the site. The LDP PP states; *"A long term aspiration of the Council is to investigate the provision of a bypass to the south of Coalsnaughton to alleviate issues with the volume of through traffic. This is of particular concern in relation to the current alignment of the B9140 at Coalsnaughton. While there are currently no plans, or budget, for the implementation of this improvement, land to the south of Coalsnaughton will be safeguarded from any development which could jeopardise the line of such a bypass route. The route identified in the LDP is indicative only and may be subject to revision as plans progress. Developer contributions from potential longer term new development."*
- 7.10 Taking account of the above provisions, the proposed development would constrain road alignment options, and is therefore premature pending finalised development proposals for the by-pass road.
- 7.11 The objection of The Coal Authority to the absence of a Coal Mining Risk Assessment in this Development High Risk Area remains in place, and their advice is that planning permission should not be granted in the absence of such an assessment. The comments of the other consultees would not present reasons for refusal.

7.4 There are no other material considerations.

## **8.0 Sustainability Implications**

8.1 The proposed development would re-use an existing vacant building for residential use.

## **9.0 Resource Implications**

9.1 *Financial Details*

9.2 The full financial implications of the recommendations are set out in the report. This includes a reference to full life cycle costs where appropriate. Yes

9.3 Finance have been consulted and have agreed the financial implications as set out in the report. Yes

## 10.0 Exempt Reports

10.1 Is this report exempt? Yes  (please detail the reasons for exemption below) No

## 11.0 Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

(1) **Our Priorities** (Please double click on the check box )

The area has a positive image and attracts people and businesses

Our communities are more cohesive and inclusive

People are better skilled, trained and ready for learning and employment

Our communities are safer

Vulnerable people and families are supported

Substance misuse and its effects are reduced

Health is improving and health inequalities are reducing

The environment is protected and enhanced for all

The Council is effective, efficient and recognised for excellence

(2) **Council Policies** (Please detail)

None

## 12.0 Equalities Impact

12.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations? Yes  No

## 13.0 Legality

13.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes

## 14.0 Appendices

14.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

None

### 15.0 Background Papers

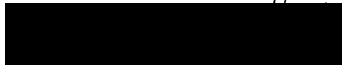
15.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

Yes  (please list the documents below) No

Clackmannanshire Local Plan, 2004

Clackmannanshire Local Development Plan, Proposed Plan 2013


#### Author(s)

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Approved by	Designation	Signature
Julie Hamilton	Development Services Manager	










Date:  
04-Jun-2014

**14/00059/PPP - Land South of Woodhead Place, Coalsnaughton  
Residential Development of Land**

Ward: Clackmannanshire North

OS Grid Ref: NS 91 95 SE

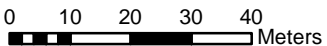
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