

Application No. S/99/00621/OUT
Date registered 10 May 1999
APPLICANT NEW BRANNOCK LTD, 9 CHARLOTTE SQUARE, EDINBURGH,
 EH2 4DR
Agent Gareth Hutchison Architect, 22 Easter Belmont Road, Edinburgh,
 EH12 6EX
DEVELOPMENT RESIDENTIAL DEVELOPMENT (IN OUTLINE)
LOCATION TORRANCE PARK, LEGBRANNOCK ROAD, MOTHERWELL

Ward No. 27
Grid Reference 278265 660285

File Reference S/PL/B/5/62(202)/SP/JM

Site History The general area within the vicinity of the application site has been extensively opencast since the early 1980s. Several different planning permissions for mineral extraction were issued over the period for various parts of the site. Restoration for agriculture or woodland was the approved after use until an outline application (419/94) was approved, on 19 November 1997, following the conclusion of a Section 75 Agreement with the applicant. Approval was granted for the change of use to recreational and mixed uses. The outline consent included a golf course, clubhouse and driving range; sports club and outdoor centre; football centre; indoor (all weather) sports centre; hotel and conference facility and garden centre together with landscaping and alterations to the local road network. Detailed planning permission for the construction of the golf course, roadworks, structure planting and related works was issued on 7 April 1999.

Development Plan Strathclyde Structure Plan - Greenbelt
 Adopted Northern Area Local Plan - Greenbelt
 Southern Area Local Plan, Finalised Draft 1998 - Greenbelt with
 Leisure Development Opportunities

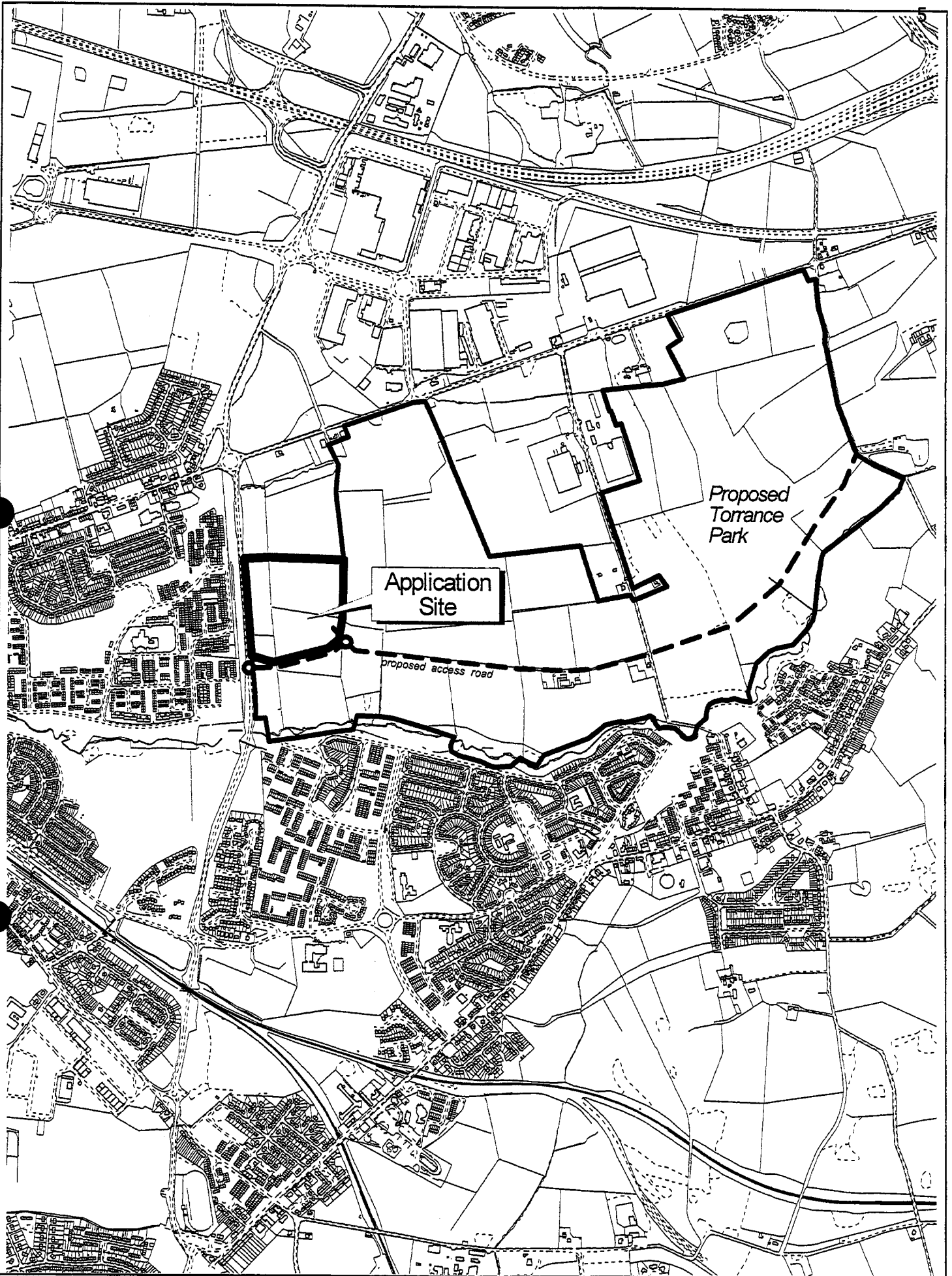
**Contrary to
 Development Plan** Yes

CONSULTATIONS

Objection Scottish Natural Heritage; Glasgow and Clyde Valley Structure
 Plan Joint Committee
No Objection Coal Authority; Scottish Power; Central Scotland Countryside Trust,
 West of Scotland Water; LDA; SEPA
Conditions
No Reply

REPRESENTATIONS

Neighbours No Response
**Newspaper
 Advertisement** No Response



Application Site

Proposed Torrance Park

proposed access road

Produced by
 Department of Planning and Environment
 Southern Division
 303 Brandon Street
 MOTHERWELL
 ML1 1RS
 Telephone 01698 302100 Fax 01698 3021012
 OS Licence LA 09041L

PLANNING APPLICATION No. S / 99 / 00621 / OUT
 RESIDENTIAL DEVELOPMENT (IN OUTLINE)
 TORRANCE PARK, LEGBRANNOCK ROAD, MOTHERWELL



1:15000



NORTH LANARKSHIRE COUNCIL

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COMMENTS

Following the outline consent (419/94) issued on 19 November 1997 and the detailed consent for the golf course, roads and structure planting issued on 7 April 1999, the applicants are now seeking outline consent for residential development.

The entire site, known locally as Legbrannock, lies to the east of Holytown and north of Newarthill. The land was originally in agricultural use but more recently has been worked as an opencast coal mine. The entire site extends to approximately 150 hectares within the Green Belt. The proposed golf course and associated works will occupy approximately 63 hectares. The current outline proposal for housing is located on 8.64 hectares of land to the east of the Carfin Holytown Link Road and to the south of the proposed Holytown Cemetery Extension. The Community Services Department is currently looking for a suitable site for a crematorium and is investigating the cemetery extension as a possible location. The application site has not been the subject of recent opencast coal working.

The proposal is contrary to the GreenBelt and housing policies which cover the site. In addition, there is sufficient housing land to meet the estimated demand over the plan period and, therefore no justification for additional greenfield release for residential development. It is recommended, therefore, that planning permission be refused. If the Committee reject this recommendation, the application will require to be referred to the Scottish Ministers under the relevant Notification Direction. It should be noted that the applicant has requested, by letter, that the application be continued to a site visit and presentation prior to being determined by the Planning and Environment Committee.

RECOMMENDATION

Refuse, on the following grounds:-

1. That the proposal is contrary to the policies of the Adopted Northern Area Local Plan and the Finalised Draft of the Southern Area Local Plan in which the land is zoned for Green Belt.
2. That the proposal is contrary to the Strathclyde Structure Plan Policy STRAT 1 which concentrates on the reuse of infill brownfield sites within the conurbation in preference to further development of peripheral greenfield sites.
3. That the proposal is contrary to the Strathclyde Structure Plan Policy RES 1 which sets the overall context for private housing development and stresses a preference for such development on "brownfield" infill or redevelopment sites within urban areas rather than "greenfield" sites.
4. That the proposal is contrary to the Strathclyde Structure Plan Policy RES 1A which sets the criteria for the justification of greenfield release for residential development.
5. That the proposal is contrary to the Strathclyde Structure Plan Policy GB1 which seeks to limit the spread of built up areas and the encroachment of development into the countryside.

6. That the proposal cannot be justified against the criteria in the Strathclyde Structure Plan policy GB1A which permit exceptions to the general presumption against development in the GreenBelt.
7. That the proposal would set an undesirable precedent in the Green Belt and would weaken the Council's attempts to direct new housing development to vacant and redevelopment sites within existing areas.

Note to Committee

If granted, this application will require to be referred to the Scottish Ministers in accordance with the Town & Country Planning (Notification of Applications) (Scotland) Direction 1997

List of Background Papers

Application form and accompanying plans dated 6/5/99
 Applicant's Supporting Statement dated 6/5/99
 Letter from Agent dated 2/7/99
 Letter from Agent dated 4/8/99
 Adopted Northern Area Local Plan 1986
 Southern Area Local Plan Finalised Draft 1998
 Memo from Transportation Manager South dated 3/6/99
 Memo from Service Manager Planning & Building Control dated 17/6/99
 Memo from Director of Community Services dated 21/6/99
 Letter from The Coal Authority dated 7/6/99
 Letter from Scottish Power dated 7/6/99
 Letter from Central Scotland Countryside Trust dated 8/6/99
 Letter from West of Scotland Water dated 10/6/99
 Letters from Scottish Natural Heritage dated 16/6/99 and 23/7/99
 Letter from Lanarkshire Development Agency dated 30/6/99
 Letter from Scottish Environment Protection Agency dated 29/6/99
 Letter from Glasgow & Clyde Valley Structure Plan Joint Committee dated 22/6/99

Any person wishing to inspect the above background papers should telephone Motherwell 302098 and ask for Shirley Penman.

APPLICATION No. S/99/00621/OUT

REPORT

1.0 DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The applicants seeks outline consent for residential development on a 8.64 hectare site within the Legbrannock leisure development.
- 1.2 To the west of the site lies the Carfin-Holytown Link Road (A723) and to the north is the extension to the Holytown Cemetery. The land to the south and east is not allocated to a particular use at present but comprises part of the approved leisure development at Legbrannock. Further to the east, the construction of the golf course is well underway.
- 1.3 The applicants have submitted a statement in support of the proposed development in which it is claimed that:
 - with the development of the golf course/leisure uses at Legbrannock there is the opportunity for between 700 and 800 houses to be integrated into the setting over the next 7-10 years.
 - the housing land can be developed to assist with North Lanarkshire Housing Strategy in the short term.
 - at the local market level there is demand for additional housing in this part of North Lanarkshire.

The applicants substantiate their claims with further justification which will be examined in more detail later in this report.

2.0 DEVELOPMENT PLAN

- 2.1 The site is covered by policies E1, E2 and E3 of the adopted Motherwell District Northern Area Local Plan, 1986. Policy E1 defines the area as Green Belt. Only development which is clearly required in connection with agriculture, forestry, outdoor sports and open space uses is permitted.
- 2.2 Policy E2 recognises that the site lies within the urban fringe which is subject to pressure for development while policy E3 encourages private landowners to improve derelict and under used areas within the Green Belt through woodland planting and management schemes.
- 2.3 The Southern Area Local Plan Finalised Draft, 1998 takes account of the outline planning permission issued in November 1997 and allocates the site for mixed leisure uses within the Green Belt. Although not yet adopted this plan represents the Council's current view on development in the Southern Area and is, therefore, a material consideration.
- 2.4 Policy L2 outlines the Council's desire to encourage and support the provision of a suitable quality and range of leisure development and recognises the potential of Legbrannock to provide such facilities.

- 2.5 The site is also covered by Policy ENV6 in which the Council seeks to safeguard the character and function of the Green Belt within which there is a presumption against the development or change of use other than that directly associated with and required for agriculture, forestry, outdoor leisure and recreation or other appropriate rural uses.
- 2.6 The proposal must also be viewed against the Regional Development Strategy. The Strathclyde Structure Plan 1995, was approved, with modifications, by the Secretary of State in October 1997. The approved Structure Plan reinforces the key policies contained in earlier Strathclyde Structure Plans, but now recognises the need to take account of principles of sustainable development as an integral part of the Regional Development Strategy.
- 2.7 The proposal requires to be assessed against the Structure Plan policies STRAT 1, RES 1, RES 1A, GB1 and GB1A.
- 2.8 The emphasis of Policy STRAT 1 is to improve the economic, social and environmental well being of the region through a sustained effort to treat derelict and degraded land and by identifying vacant land which should be brought into beneficial use. The Structure Plan's development strategy therefore concentrates on the re-use of infill brownfield sites within the conurbation in preference to further development of peripheral greenfield sites.
- 2.9 The Structure Plan is committed to ensuring that provision is made for an adequate supply of land for private housing. Policy RES 1 sets the overall context for residential development and states a preference for such development on "brownfield" infill or redevelopment sites within urban areas rather than "greenfield" sites.
- 2.10 Policy RES 1A outlines the criteria against which proposals require to be justified if the greenfield supply of housing is to be increased. The criteria are as follows
- a) clear evidence of a shortfall in effective housing land supply in the relevant housing market area.
 - b) the evidence of need for social or rented housing established in the relevant local authority's approved housing plan.
 - c) accessibility to the public transport network and town centres.
 - d) infrastructure implications and
 - e) impact on environmental quality and policy for the Greenbelt, greening the conurbation or the countryside around towns.
- 2.11 The Structure Plan also seeks to maintain Green Belts around cities and towns as a key objective for protecting the environment, limiting urban sprawl and providing recreational opportunities. Policy GB1 aims to limit the spread of built up areas and the encroachment of development into the countryside Policy GB1A requires any exceptions to the general presumption against development in the Greenbelt to be justified against the following criteria
- a) economic benefit
 - b) specific locational need
 - c) infrastructure implications and
 - d) environmental impact.
- 3.0 CONSULTATIONS
- 3.1 The following paragraphs summarise the responses received to consultations on the proposals.

3.2 NLC Community Services

The Landscape Services Manager has no objection to the development provided that the developer provides a strong planting scheme around the perimeter of the site in addition to planting within the development.

The Conservation and Greening Manager has identified a significant orchid colony which the developer has undertaken to translocate to avoid any further damage to these plants.

3.3 Glasgow and the Clyde Valley Structure Plan Joint Committee

The proposal requires to be assessed against the approved 1995 Strathclyde Structure Plan policies STRAT 1, RES 1 and RES 1A.

The Joint Committee is currently undertaking a further roll-forward of the supply and demand for owner occupied housing. Although the figures will not be available until Autumn 1999, provisional figures for the Glasgow and Clyde Valley Structure Plan area indicate there is no requirement for further greenfield/greenbelt release for residential development.

The proposal also requires to be considered in terms of Policies GB1 and GB1A of the approved Structure Plan. Policy GB1 seeks to prevent the encroachment into the Greenbelt and complement urban renewal. The proposal cannot be justified in terms of 'economic benefit' or 'specific locational need'.

3.4 West of Scotland Water

No objections in principle. Major alterations to the water infrastructure may be necessary with all costs being met by the developer.

3.5 Scottish Power

No objections in principle. Scottish Power reserve the right to protect and/or deviate apparatus/cables at the applicants expense.

3.6 SEPA

No objection provided close regard is taken of SEPA's policy with respect to Sustainable Urban Drainage Systems for the treatment and disposal of surface water from the site.

3.7 Central Scotland Countryside Trust

No objection. CSCT advise that should any of the woodland be affected by the development, then compensation may be recovered by the Forestry Commission for grants paid out under the Woodland Grant Scheme.

3.8 Scottish Natural Heritage

SNH objects to the proposal on the grounds that the site is part of the Green Belt which SNH supports because of the landscape setting it provides for the settlements of Holytown and Newarthill. Development of the site would have a significant negative effect on the landscape setting of these settlements by changing the open countryside to a built character.

SNH also objects on the grounds that the proposal would be contrary to the policies ENV6, L2 and HSG 1 in the draft Southern Area Local Plan (1998). It would be contrary to Green Belt

(GB1 & 1) and Housing (RES 1 and RES 1A) Policies in the Strathclyde Structure Plan (1995) and contrary to the National Planning Policy Guidance from which these policies are derived.

In addition SNH states that if consent were to be granted for this application, a precedent would be set for residential development which would lead to further destruction of the character and functions of the Green Belt at this location and, potentially, further implications for nature conservation and constraints on opportunities for informal recreation and enjoyment of the countryside.

3.9 The Coal Authority

The Coal Authority has no objections to the proposal but advises that, in view of the past mining history in the area, the developer should seek appropriate technical advice before works are undertaken on site.

3.10 Lanarkshire Development Agency

The LDA has concerns regarding the release of any further 'greenfield' sites for housing. The concerns relate both to the Derelict Land Strategy and in particular to the Ravenscraig site both of which are being developed in partnership with the Council.

The LDA is also concerned that once the principle of housing is established, should this application be approved, a precedent could be set for a much larger release. Concern has also been expressed regarding the impact of such development on the infrastructure of the area.

4.0 REPRESENTATIONS AND OBJECTIONS

4.1 The proposal was advertised under Article 18 of the Town and Country Planning (General Permitted Development Procedure) (Scotland) Order 1992 and the Development Contrary to Development Plans (Scotland) Direction 1996. Neighbour notification was undertaken by the applicants. No representations have been received.

5.0 PLANNING ASSESSMENT

5.1 The residential development proposed on this 8.64 ha site within the Green Belt at Legbrannock is contrary to the policies in the Local and Structure Plans which cover the area and the current National Planning Guidelines.

5.2 The general emphasis of these policies is the presumption against new residential development unless it is required in relation to agriculture, forestry, tourism, outdoor recreation and landscape improvement. The mainstream private housing proposed in this application cannot be justified against these criteria.

5.3 The policies also presume against the spread of the built up areas, encroachment on the countryside and the importance of maintaining wildlife habitats. Should this proposal be granted it would set an undesirable precedent resulting in the loss of Green Belt land and the coalescence of the existing settlements of Newarthill and Holytown.

5.4 Departures from the development plan can only be justified if there is a strong case in favour of the development which is compatible with the criteria contained in the development plan.

5.5 The applicants have submitted a supporting statement in which they claim that the site was originally zoned for housing in a "Lanarkshire County Council Plan" and that the site is now

brownfield land having been opencast mined. It should be noted, however, that the approved Northern Area Local Plan, adopted by the former Motherwell District Council in 1986, designated the site as Green Belt and superseded any previous plans prepared by Lanark County Council. The previous plan referred to by the applicants was the Central Industrial Area Part Development Plan, 1964, which identified the site as a potential development area for overspill population from Glasgow. This policy was not implemented due to the development and expansion of the New Towns around the city.

- 5.6 In addition the site does not conform to the structure plan definition of a Brownfield site as suggested by the applicants. The Strathclyde Structure Plan (page 350) defines such sites as follows:-

“**Brownfield** sites comprise redevelopment and infill sites.

Redevelopment site: Land which has been, or is expected to be, cleared for development.

Infill site: Vacant or derelict land not in active or beneficial use.”

Therefore, describing the site as ‘Brownfield’ is not appropriate as it has been zoned for mixed leisure use in the Green Belt by virtue of recent planning consents and is not classified as a development site within the development plan which covers the area. The site has not been the subject of recent opencast coal working activity.

- 5.7 The proposal, if approved, would weaken the Council’s attempts to direct new housing development to vacant and redevelopment sites within the existing urban areas and, in particular, could have significant detrimental implications for the redevelopment of Ravenscraig. In addition, it should be noted that within 2 miles to the south of the application site planning permission exists for 352 houses with further potential for 450 on approximately 24 ha (59 acres) of land at the former Carfin Bond and Greyhound Track. It is also anticipated that the site of the former New Stevenston Sewage Works, which is in Council ownership, will be marketed for housing in the near future. Both of these sites are considered to be “brownfield” sites and their development is in accordance with current policy. To the north of the application site there is capacity for 800 houses at Dunalistair of which 273 have been constructed. Consent exists for a further 210 at Chapelhall. The development of these sites for housing has increased the housing land supply and should reduce any need to release further housing land from the Green Belt.
- 5.8 The applicants claim in their supporting statement that there is a demand and need for quality housing sites within the area to serve the new industrial locations at Eurocentral, Bellshill, Dunalistair and Newhouse. The applicants also state that demand from the private sector has clearly demonstrated the viability and desire for housing on the site. However, no statistical information has been put forward to substantiate these claims. It should be noted that the applicant did not object to the leisure related/green belt land use allocated to Legbrannock in the Finalised Draft of the Southern Area Local Plan during the public consultation process which was undertaken during September to November 1998.
- 5.9 In contrast to the applicant’s claims in paragraph 5.8, the Glasgow and Clyde Valley Structure Plan Joint Committee’s provisional figures for the supply and demand for owner occupied housing in the plan area indicate that there is no requirement for further greenfield/greenbelt release for residential development. Therefore, the current proposal, cannot be justified as there will be sufficient existing housing land to meet the estimated demand over the plan period.

6.0 CONCLUSIONS

- 6.1 In concluding, the proposal is contrary to the Greenbelt and Housing Policies contained in the development plans which cover the site. In addition there is sufficient housing land to meet the estimated demand over the plan period and, therefore, no justification for additional greenfield release for residential development. The proposal represents a significant departure from current planning policies and will set an undesirable precedent for the further release of land in this Green Belt area for housing as indicated in the applicant's own letter of support. Therefore, it is recommended that planning permission be refused.

- 6.2 Finally, it should be noted that, should the Council agree to grant consent, the application will require to be referred to the Scottish Ministers in accordance with the "Development Contrary to Development Plans" procedure. The Scottish Ministers have the right to call in the application and determine it following a public local inquiry. The Committee will recall that a similar procedure was followed in respect of Application No. S/97/00231/FUL which related to a golf course and residential development at Murdostoun Castle Estate. The Murdostoun Public inquiry has been held and a decision on the application is awaited from the Scottish Ministers.