

Application No: S/06/01529/FUL

Date Registered: 13th September 2006

**Applicant:** Upton Park Homes  
227 Bonkle Road  
Newmains  
ML2 9AA

Agent: W. H. Dickie Architects  
77 Hamilton Road  
Motherwell  
ML1 3DG

**Development:** Formation of Access Road and 12 House Plots (Phase 2)

**Location:** Land to the Rear of the former Comliebank Hotel  
227 Bonkle Road  
Newmains  
Wishaw

Ward: 16 Newmains Councillor D McKendrick

Grid Reference: 283109 656814

File Reference: S/PL/B/3/50/FM/MM

Site History: No previous planning applications for this site.

**Previous applications on Upper Plateau and Adjacent Wishaw and District Housing Site (rear of Woodside Crescent / Comliebank Hotel):**

Outline Applications:

66/90 - residential development granted 2 August 1990.

Detailed Applications:

60/90A – 39 plots and access granted 3 July 1991.

60/90B – 36 plots and access granted 1 July 1992

60/90C – 7 plots and access granted 11 March 1993

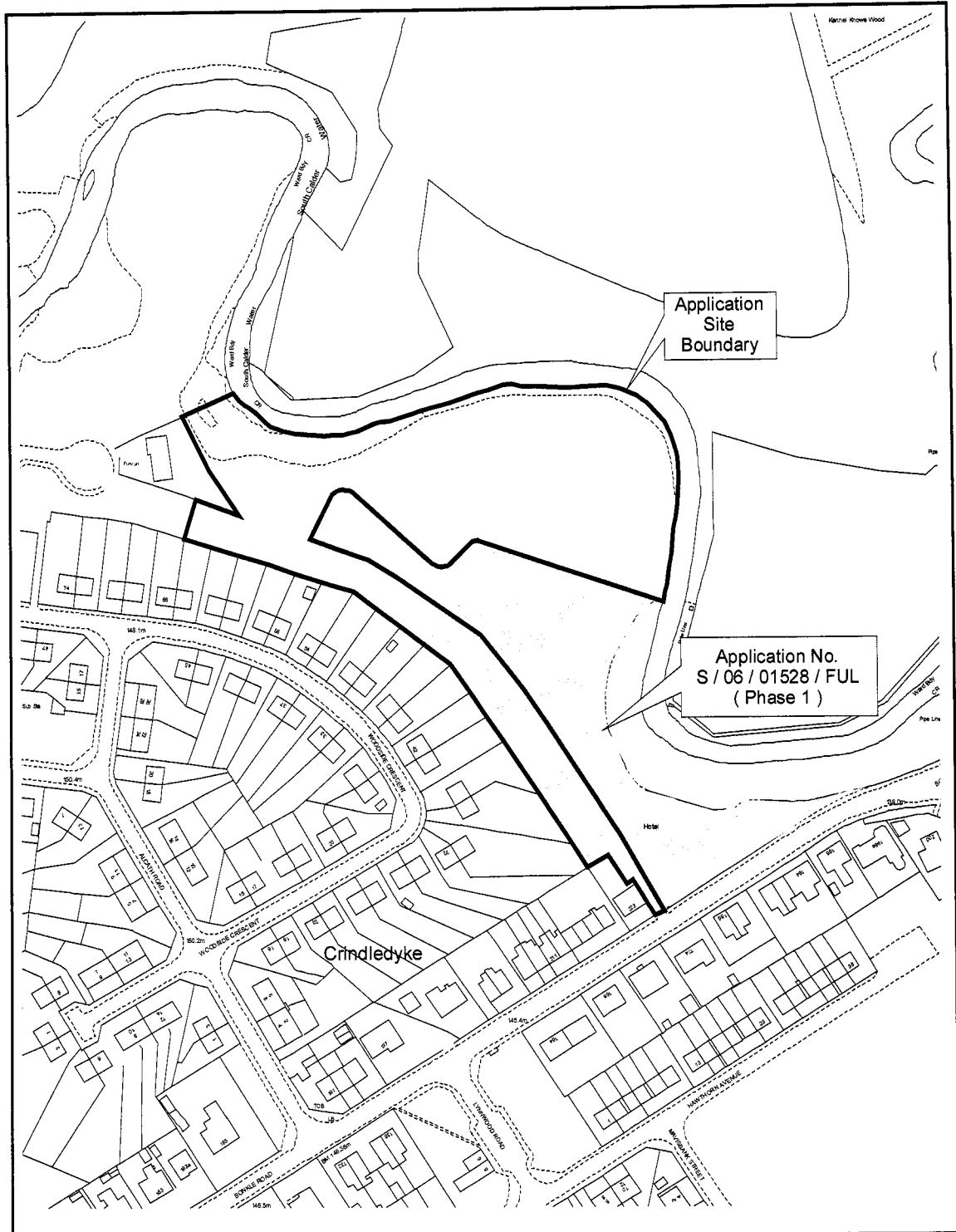
96/521 – 23 houses granted 25 July 1997

S/04/00645/FUL – 14 Flats and 32 houses (Land North of Woodside Crescent). Continued by Committee on 11 October 2006 for a site visit and hearing.

S/06/01528/FUL – Access Road and 13 House Plots (Phase 1) land to the rear of 227 Bonkle Road, Bonkle. Application under consideration.

**Previous Application on Lower Flood Plain Site accessed from Woodside Crescent**

552/92 – 6 plots and access granted for 28 July 1993.



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PLANNING APPLICATION No. S / 06 / 01529 / FUL  
 FORMATION OF ACCESS ROAD AND TWELVE HOUSE PLOTS  
 ( PHASE 2 )  
 LAND TO THE REAR OF THE COMLIEBANK HOTEL,  
 277 BONKLE ROAD, NEWMAINS, WISHAW.  
 Site Area = 1.5 ha.

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Development Plan: The site is zoned ENV6 (Green Belt) and ENV14 (Nature Conservation Sites). Policies HSG12 (Housing in the Green Belt and Countryside), HSG10 (Assessing Applications for Housing Developments), ENV5 (Assessment of Environmental Impact), ENV9 (Flooding), and TR13 (Transportation Implications of Development) are also relevant.

Contrary to Development Plan: Yes

Consultations: NLC Community Services (Comments)  
Scottish Natural Heritage (Comments)  
Scottish Environment Protection Agency (Objections)  
Scottish Water (Comments)

Representations: No letters of representation received

Newspaper Advertisement: Advertised on 27th September 2006

**Recommendation: Refuse for the Following Reasons: -**

1. The proposed development is contrary to policies 1, 7, 9 and 10 of the Glasgow and Clyde Valley Joint Structure Plan 2000 and policies ENV6 (Green Belt) and HSG12 (Housing in the Green Belt) of the Southern Area Local Plan Finalised Draft (Modified 2001, 2004 & 2005) in that it would adversely affect the character of the Green Belt due to its physical and visual impact upon the site and surrounding area and that there no justification to permit a departure from these policies.
2. The applicant has failed to submit an adequate Flood Risk Assessment and SUDS based drainage strategy, and the proposal is therefore contrary to ENV9 (Flooding) of the Southern Area Local Plan Finalised Draft (Modified 2001, 2004 and 2005), as well as to government guidance and advice contained in SPP 7, PAN 61 and PAN 69. It has not been demonstrated that there will be no unacceptable flood risk arising from or affecting the development.
3. It has not been demonstrated that 12 house plots which meet the Council's Guidance to Developers on Open Space, can be accommodated at this site, taking account also of the constraints and requirements for this site as listed in Reason 2 above.

**Note to Committee:**

**If Granted this application will require to be referred to the Scottish Ministers in accordance with the Town and Country Planning (Notification of Applications) (Scotland) Direction 1987 as a significant departure from the Structure Plan.**

**Background Papers:**

Application form and plans received 13th September 2006  
Letter to Upton Park Homes requesting additional information sent 20<sup>th</sup> September 2006.  
Amended plans, Protected Species Survey and Flood Risk Assessment received 2<sup>nd</sup> November 2006.

Memo from NLC Transportation Section received 13<sup>th</sup> October 2006.

Memos from NLC Geotechnical Team Leader received 2<sup>nd</sup> October, 6<sup>th</sup> October and 13<sup>th</sup> November 2006.

Memo from NLC Head of Protective Services received 4<sup>th</sup> October and 10<sup>th</sup> November 2006.

Memo from NLC Conservation and Greening received 13<sup>th</sup> October and 10<sup>th</sup> November 2006

Letter from the Scottish Environmental Protection Agency received 13<sup>th</sup> October and 23<sup>rd</sup> November 2006.

Letter from Scottish Natural Heritage received 13<sup>th</sup> October and 13<sup>th</sup> November 2006.

Letter from Scottish Water received 21<sup>st</sup> September 2006

Glasgow and Clyde Valley Structure Plan 2000

Southern Area Local Plan, Finalised Draft (Modified 2001, 2004 and 2005)

Central Industrial Part Development Plan 1964

SPP3 - Planning for Housing

SPP7 - Planning and Flooding

SPP 15 – Planning for Rural Development

SPP21 - Green Belts

PAN 61 - Planning and Sustainable Urban Drainage Systems

PAN 69 - Planning and Building Standards Advice on Flooding

PAN 72 - Housing in the Countryside

Any person wishing to inspect these documents should contact Mr Fraser Miller at 01698 302087.

Date: 27<sup>th</sup> November 2006

## APPLICATION NO. S/06/01529/FUL

### REPORT

#### 1. Description of Site and Proposal

- 1.1 This application seeks detailed planning permission for the formation of an access road and 12 house plots (phase 2) on land to the rear of 227 Bonkle Road, Bonkle. The application site is largely the lower plateau of the valley and is located to the north of the site of a separate application for a residential development comprising of a further 12 plots (phase 1). The South Calder Water bounds the site to the north, east and west with the valley side beyond. The phase (1) is currently still under consideration.
- 1.2 The application proposes to gain access to the site via the access road proposed under Phase 1 which links onto Bonkle Road in between 227 Bonkle Road and the former Comliebank Hotel. It is proposed to form ten of the proposed twelve house plots on the lower plateau of the valley with the northern boundary of the plot boundaries lying close to the banks of the South Calder Water. The remaining two proposed plots are to be situated on the upper plateau to the west of the application site immediately adjoining the rear boundaries of the dwellings on Woodside Crescent. The plans submitted detail the proposed access road and plot boundaries but there are no plans in respect of indicative house types.
- 1.3 There have been no previous applications which relate specifically to this site, however there has been a history of planning permissions that have been granted on the adjoining land to the south, the south west and the lower flood plain to the west dating back to the early 1990s. Planning permission was granted on 2<sup>nd</sup> August 1990 (ref.: 66/90) for all the land to the rear of Woodside Crescent/Comliebank, including the upper plateau. However this consent has never been implemented and has subsequently lapsed. On the 3<sup>rd</sup> July 1991 detailed planning permission for 39 plots on the upper plateau was granted subject to a condition requiring control to be obtained over the visibility splay at Bonkle Road before the development started. This consent has also not been implemented and has subsequently lapsed. On the 1<sup>st</sup> July 1992 planning permission was granted for 36 plots on the western part of the upper plateau accessed from Woodside Crescent. The condition was duly met and construction work on the road commenced. On the 28<sup>th</sup> July 1993 planning permission was granted for 6 plots and access from Woodside Road (ref.: 552/92), on the lower flood plain to the west of the application site. No work was started on site and the consent has now lapsed. An application by Wishaw and District Housing Association for that land was reported to the Planning and Environment Committee on the 11<sup>th</sup> October 2006 but has been deferred for a site visit and hearing.

#### 2. Development Plan

- 2.1 The proposed development is of strategic significance in terms of the Glasgow & Clyde Valley Joint Structure Plan 2000 Strategic Policy 1 'Strategic Development Locations' and Strategic Policy 7 'Strategic Environmental Resources'. SP1 seeks to protect and enhance the Green Belt and includes a presumption against the spread of built up areas and the encroachment of development into the countryside. SP7 requires that particular regard be had to safeguarding Strategic Environmental Resources including undeveloped flood plain areas.
- 2.2 Strategic Policies 9 (Assessment of Development Proposals) and 10 (Departures from the Development Plan) are also relevant. SP9 sets out various criteria against which proposals must be considered to determine if they are a departure from the Development Plan. SP10 states that any proposal which fails to meet the relevant criteria in SP9 will be regarded as a departure from the development plan and consideration requires to be given to the appropriateness of the development with regard to justification in terms of economic, social and environmental benefits and any other material considerations.

- 2.3 The site is zoned as Green Belt in the adopted Central Industrial Area Part Development Plan 1964. The same zoning applies in the up to date Southern Area Local Plan Finalised Draft (Modified 2001, 2004 & 2005) and is covered by policies ENV6 (Green Belt) and ENV14 (Nature Conservation Sites). Policy ENV6 (Green Belt) indicates that the Council will safeguard the character and function of the Green Belt within which there will be a presumption against development or change of use other than that directly associated with specific rural uses. Policy ENV14 states that the Council will not permit development proposals, which would adversely affect Local Nature Reserves.
- 2.4 Policies HSG12 (Housing in the Green Belt and Countryside), HSG10 (Assessing Applications for Housing Developments), ENV5 (Assessment of Environmental Impact), ENV9 (Flooding), ENV13 (Biodiversity) and TR13 (Transportation Implications of Development) are also relevant.

### **3. Consultations and Representations**

- 3.1 My Transportation Section have recommended that the application be refused. The reasons being that a road width of 5 metres as shown on the submitted plans is unacceptable and should be 5.5 metres in width. In addition there is a considerable difference in levels within the site, which would present access problems to the housing in adverse weather to the detriment of road safety. Furthermore the proposed access road and site layout, in terms of access and parking, do not comply with NLC guidelines in terms of horizontal geometry or traffic calming. In addition the geometry and location of the new road where it connects with Bonkle Road does not comply with the previously approved access and should be amended accordingly.
- 3.2 My Geotechnical Team Leader originally advised that a Flood Risk Assessment and drainage proposals are required and that there is potential for flooding, riverbank erosion and that the ground conditions at this location may not be suitable for the proposed development. An indicative flood risk assessment has been submitted however it has been confirmed by the Geotechnical Team Leader that this does not contain adequate information and that a more detailed Flood Risk Assessment is required.
- 3.3 NLC Protective Services have advised that a Site Investigation report is required for the site. It is also recommended that construction operating hours be restricted and that dust emissions from construction be limited.
- 3.4 NLC Community Services Conservation and Greening Section had originally advised of the need for Protected Species Surveys for Badgers, and that development within 100 metres of the river will require an ecological survey for Otters. The Protected Species Survey Report has now been submitted for the site and the Conservation and Greening Section have confirmed that they now have no objections to the proposals subject to various conditions. The recommend that it may be necessary to translocate orchids from the site. They have also recommended the incorporation of a Sustainable Urban Drainage Scheme. They have recommend that detailed landscaping proposals should be submitted and include a landscaped buffer zone between the development site and the SINC using native tree and shrub species. They note the requirement to treat Japanese Knotweed at the site in accordance with legislation. They also recommend that public access proposals be incorporated, to tie in with existing and proposed access plans for the area. The Landscape Section have advised that they cannot comment due to the lack of details included with the application.
- 3.5 Scottish Natural Heritage had originally advised that a Protected Species Survey required to be submitted prior to the determination of the application in accordance with recent advice from the Scottish Executive. The Protected Species Survey Report has now been submitted for the site and SNH have confirmed that they have no objections to the proposals subject to conditions to minimise impacts from the development. Including further works to ensure adequate protection

of otters and that any shrub and tree removal or cutting takes place outwith the bird-breeding season.

- 3.6 Scottish Water have advised that the Daer Water Treatment Works and Swinstie Waste Water Works Currently have sufficient capacity to serve this proposed development but there are constraint issues in the waste water network. In addition Scottish Water have advised that a separate drainage system will be required for surface water and surface water should be treated by a scheme of Sustainable Urban Drainage Systems (SUDS) scheme.
- 3.7 The Scottish Environmental Protection Agency advised that although SEPA hold no record of the site being flooded, a section of the site lies within the SEPA Indicative River and Coastal Flood Map (Scotland) 200 year flood event and could be at risk of flooding. Given the proximity of the watercourse SEPA have recommended that the applicant undertakes a flood risk assessment to quantify the risk to the site and demonstrate compliance with SPP7. An indicative flood risk assessment has been carried out, however SEPA have maintained their objection to the application on the grounds that it has not been demonstrated that the site will not be flooded placing buildings and persons at a flood risk contrary to the provisions of national planning policy guidance and advice, particularly SPP7 and PAN69. SEPA have stated that their position may be reconsidered depending on the provision of further information. In the event that flood issues can be resolved, SEPA have advised that foul drainage from the site must be connected to the public sewer. In relation to surface water SEPA have advised that surface water from the site should be treated by a scheme of Sustainable Urban Drainage Systems (SUDS) scheme and that suitable pollution prevention measures must be adopted during the construction phase due to the proximity of the watercourse.
- 3.8 There have been no letters of representation received following the press advertisement and neighbour notification procedures.

#### **4. Planning Assessment and Conclusions**

- 4.1 In accordance with Section 25 of the Town and Country Planning (Scotland) Act 1997, planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise.
- 4.2 The application raises issues of a strategic nature and must be considered in terms of the Structure Plan. The aims of the Structure Plan which are relevant are the safeguarding and enhancement of the Green Belt and Strategic Environmental Resources as advocated in strategic policies 1 and 7. The proposal would constitute an encroachment of development of strategic significance into the countryside and the loss to development of an area of undeveloped flood plain. Consequently the proposal is contrary to Strategic Policy 1 and 7.
- 4.3 The Criteria listed within Strategic Policy 9 includes: giving preference to brownfield urban land rather than greenfield land or open spaces, safeguarding the Green Belt, avoid isolated and sporadic development in the Green Belt, safeguarding strategic environmental resources, avoid the risk of flooding and appropriate provision has been made for SUDS. The proposals clearly do not satisfy these criteria and must be regarded as a departure from the Structure Plan. In terms of Structure Plan Policy SP10 (Departures from the Structure Plan), there is no specific quantitative, qualitative or specific locational need for the dwellinghouses proposed. Neither would there be any economic, social or environmental benefit as listed in Policy SP10 that would justify the proposal. While each application is considered on its individual merits, I consider that granting permission in this instance could encourage similar applications, which would have serious cumulative impacts and would harm the integrity of Green Belt.
- 4.4 The application site is within land zoned as green belt within the adopted Central Industrial Area Part Development Plan 1964. The proposal is therefore considered contrary to this local plan.

- 4.5 With respect to local plan policies, the site is covered by Policy ENV6 (Green Belt) in the Southern Area Local Plan Finalised Draft (Modified 2001, 2004 and 2005). Policy ENV 6 presumes against any development that will affect the character and function of the Green Belt, within which there will be a presumption against development other than that directly associated with an appropriate rural use. In this instance it is considered that the proposed development would be significantly detrimental to the Green Belt. The proposal would have a significant visual impact on the rural setting. The applicant has provided no justification in terms of operational need for the dwellinghouses at this particular location. The application is therefore clearly contrary to the provisions of Policy ENV6.
- 4.6 Policy HSG12 (Housing in the Green Belt and Countryside) of the Southern Area Local Plan Finalised Draft indicates that new houses will only be permitted where there is a proven operational need in accordance with Policy ENV6. This policy also sets criteria for assessing new housing applications, including visual prominence of the site, design issues, vehicular access and site drainage. The current application fails to satisfy the criteria of Policy HSG12. A more detailed assessment against the various criteria is given in paragraphs 4.8 and 4.10 to 4.13 below.
- 4.7 Policy ENV5 (Assessment of Environmental Impact) details criteria against which applications for development will be assessed in respect of the likely impact on the environment. These include (a) the suitability of a proposal to the character of the area in which it is set; (b) the landscape and visual impact of the proposal; (c) the extent of traffic generation, flooding risk and interference; (d) the loss of natural habitats, protected species and areas designated for their natural heritage value. On assessing the proposals against Policy ENV5 it is considered that (a) the proposal significantly adversely affect the character of the Green Belt at this location by virtue that it will displace a natural greenfield site and trees with significant ground clearing, levelling and development works. The proposed development would have a visual impact at the site and from the wider area: (b) a grouping of twelve dwellings at this location would not fit into the surrounding landscape and would adversely affect the landscape and visual setting of the site and surroundings to the detriment of the green belt openness of the area: (c) traffic generation and flooding risk and interference are discussed in paragraphs 4.10 to 4.13 below: (d) the applicant has not demonstrated the potential impacts on nature conservation matters. It is considered that the use of conditions or modification of the proposal cannot lessen the impact of the development and that the current application fails to satisfy the criteria of Policy ENV5.
- 4.8 Local Plan Policy HSG10 (Assessing Applications for Housing Development) details criteria against which new housing sites will be assessed. These include (a) impact on the existing built and natural environment; (b) measures to reduce energy consumption and promote efficiency; (c) environmental conditions; (d) risk of flooding; (e) density/layout/mix; (f) detailed design elements; (g) design and layout; (h) landscaping, open space and play areas; and (i) provision of roads, access and parking. On assessing the detailed proposals against the relevant policy and guidance, the proposed layout is not found to satisfactorily achieve current standards. (a) The impact of the proposals on the existing built and natural environment have been discussed in paragraphs 4.2 to 4.7 above b) The site is located close to Bonkle Road and as such would have links with public transport. (c & d) Environmental conditions and drainage/flooding issues are addressed in paragraph 4.11 to 4.13 below, (e, f & g) in general terms there are a number of plots that would fall short of the Council's minimum open space standards around dwellings in relation to useable garden ground. This is particularly unacceptable at such a green belt edge location. No elevational details or finishing materials have been provided with the application as the application seeks detailed permission only for the formation of the access and plot boundaries. These matters would be addressed by a reserved matters application in the event that the application were to be approved. (h & i) Transportation and landscaping issues are addressed in paragraph 4.10 below.
- 4.9 Local Plan Policy ENV13 (Biodiversity) and ENV14 (Nature Conservation Sites) are also



material considerations in the assessment of this application. Policy ENV13 states that the Council will seek to maintain and enhance the nature resources of the Plan area by the protection of habitats, species and natural features. Policy ENV14 states that the Council will not permit development proposals, which would adversely affect Sites Importance for Nature Conservation. It is considered that, although the application site is identified as a Site of Importance for Nature Conservation, the applicant has submitted the required protective species survey and SNH and Community Services do not object to the proposed development. It must therefore be concluded that the application meets the criteria of Policies ENV13 and 14.

- 4.10 In assessing the transportation implications of a development, Policy TR13 is a material consideration and states that the Council will take account of criteria including: the impact of the development on road traffic circulation/road safety and the provision made for access, parking and vehicle manoeuvring. My Transportation Section has recommended that the application be refused due to the substandard geometry of the proposed junction at Bonkle Road and the internal access; inadequacies in parking and provision made for vehicle turning within the site and in relation to the access problems that would be generated for the differing site levels. It is considered that some of these points could be addressed through the submission of amended plans, or the submission of additional details to date however, no such information has been submitted. It is therefore considered that the proposals are contrary to the transportation requirements of policies HSG10, HSG12 and TR13.
- 4.11 Policy ENV9 indicates that where development is proposed in areas with a history of, or potential for flooding, the Council will require a statement from the applicant showing measures to ameliorate the effects of flooding, both within the site and in other areas where flooding is likely to be aggravated by the development. This statement is required prior to the granting of planning permission for the development. Development will not normally be permitted where it would create or intensify an unmanageable risk from flooding. In assessing this proposal against policy ENV9, this site lies on the banks of the South Calder Water, and it is considered that flooding is an issue that requires to be assessed at this stage. Despite requests by the Planning Authority and the submission of an indicative flood risk assessment the applicant has not submitted a full comprehensive flood risk assessment or drainage details.
- 4.12 In terms of national planning policy SPP 7 – 'Planning and Flooding' in addition to ENV9, states that Planning authorities must take the probability of flooding from all sources and the risks involved into account when determining planning applications. Prospective developers also have key responsibilities, including: taking flood risk into account before committing themselves to a site or project; undertaking flood risk assessments and drainage assessments where required; and implementing agreed measures to deal with flood risk. Flood risk is a material planning consideration for a wide range of sites including those adjacent to a watercourse. Careful consideration must be given to development proposals for which a flood would have especially serious adverse consequences. Furthermore, SPP7 states that flooding is one of several material considerations where the applicant and occupier also have responsibilities for safeguarding their property. The planning authority's responsibility is to have regard to the risk of flooding in determining the planning application.
- 4.13 In assessing this proposal against the provisions of policy ENV9 and SPP7, it is considered that the applicant has not comprehensively assessed the risk of flooding at this potentially sensitive location. With regards to the SUDS issue raised by Scottish Water and my Geotechnical Team Leader, the applicant has not submitted any details of a proposed SUDS based drainage system. Although the requirement to provide SUDS schemes has been conditioned in certain previous planning applications, it is not always considered appropriate to do so. In this instance it is considered that the location of this application site adjacent to the South Calder Water is particularly sensitive and that the submission of a drainage strategy/SUDS scheme and a comprehensive Flood Risk Assessment are imperative prior to approving this application. Therefore, the proposal is contrary to the provisions of Policy ENV9, and SPP7.

- 4.14 With regards to other national planning policy, SPP21 (Green Belts), states that there will be a strong presumption against inappropriate development in the green belt. Where a proposed use would not normally be consistent with green belt designation, exceptionally it may still be considered appropriate, either as a national priority or to meet an established need. No such justification has been submitted and it is therefore considered the application does not meet the requirements of SPP21 "Green Belts". Furthermore SPP 15 "Planning For Rural Development" also states that Green Belts will continue to presume against most new development and play a key role in maintaining the setting and separation of towns and cities. Any proposals to release land for development, which is currently designated as Green Belt, should be part of a longer-term strategic policy and set out in the development plan. The proposed development does not fall within the criteria set out in SPP15 and as such is considered contrary to this national planning policy.
- 4.15 Further planning policy which is relevant to this application is contained in SPP3 "Planning for Housing", which states that housing requirements should be met within existing towns and villages, in order to prevent sprawl and coalescence of settlements. The current application is therefore in conflict with this national policy guidance.
- 4.16 PAN 72 "Housing in the Countryside" is relevant to this proposal and considers amongst other things: design, quality and location. With respect to location, the proposal is situated within a river valley. PAN 72 considers the location within the landscape and topography of the site to be important. The development involved only two plots at the upper plateau of the valley, the remaining ten plots would be formed in the "flood plain" area below with access formed down the relatively steep valley side. The southern edge of the application site slopes down from south to north. Any dwelling would be visible from Bonkle Road and would significantly impact on this rural setting. PAN 72 states that most new developments should try to fit or nestle within the landscape, and where sites are less visible they still require a significant level of skill to assimilate buildings into the landscape. However a grouping of twelve dwellings at this location would not fit into the surrounding landscape and would adversely affect the landscape and visual setting of the site and surroundings to the detriment of the green belt openness of the area. As such, the dwellings would be detrimental to the character of the surrounding area. The proposal is contrary to the location and landscape considerations detailed in PAN 72.
- 4.17 In terms of consultation responses the recommendations of SNH and NLC Community Services relating to mitigation measures, tree removal and landscaping could be addressed by imposing appropriate conditions if permission were to be granted.
- 4.18 In response to the comments received from Scottish Water and the Scottish Environmental Protection Agency it is considered that insufficient information has been submitted in relation to a drainage strategy/SUDS scheme and Flood Risk Assessment, both of which are imperative prior to approving this application as indicated at paragraph 4.13 above.

## **5. Conclusions**

- 5.1 The proposed development is considered contrary to both development plan policy and relevant national planning guidance and advice. The proposal is considered to be an unacceptable development which would adversely impact upon the character and amenity of this Green Belt location and Strategic Environmental Resource and would set a precedent for other developments within the Green Belt. Furthermore the applicant has failed to provide adequate information relating to flood risk and drainage, the required hydrological and engineers reports including detailed contours of the proposed site and the required cross sections. Therefore in this instance the development cannot be deemed to be acceptable and is contrary to Policies ENV5, ENV6, HSG10, HSG12 and ENV9 of the Southern Area Local Plan, Finalised Draft (Modified 2001, 2004 and 2005) as well as to SPP 1, SPP 3, SPP 21, PAN 61, PAN 69 and PAN 72. It is therefore recommended that planning permission be refused.