



Council Offices, Almada Street  
Hamilton, ML3 0AA

Monday, 04 December 2023

Dear Councillor

## **Planning Committee**

The Members listed below are requested to attend a meeting of the above Committee to be held as follows:-

**Date:** Tuesday, 12 December 2023  
**Time:** 10:00  
**Venue:** Hybrid - Committee Room 1, Council Offices, Almada Street, Hamilton, ML3 0AA

The business to be considered at the meeting is listed overleaf.

Yours sincerely

**Cleland Sneddon**  
**Chief Executive**

### **Members**

Richard Nelson (Chair), Gerry Convery (Depute Chair), Joe Fagan (ex officio), Alex Allison, Ralph Barker, Archie Buchanan, Ross Clark, Margaret Cowie, Maureen Devlin, Colin Dewar, Gladys Ferguson-Miller, Elise Frame, Alistair Fulton, Celine Handibode, Mark Horsham, Ross Lambie, Martin Lennon, Monique McAdams, Lesley McDonald, Davie McLachlan, Norman Rae, John Ross, Graham Scott, David Shearer, Helen Toner, David Watson

### **Substitutes**

Walter Brogan, Robert Brown, Mathew Buchanan, Margaret Cooper, Poppy Corbett, Allan Falconer, Grant Ferguson, Graeme Horne, Martin Hose, Julia Marrs, Ian McAllan, Kenny McCreary, Bert Thomson

## BUSINESS

### 1 Declaration of Interests

- 2 **Minutes of Previous Meeting** 5 - 8  
Minutes of meeting of the Planning Committee held on 14 November 2023 submitted for approval as a correct record. (Copy attached)

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### Item(s) for Decision

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- 3 **Application P/21/0708 for Change of Use of Industrial Unit to Fitness Rehabilitation and Therapy Facility/Gymnasium (Retrospective) at 4 Bairds Crescent, Allanshaw Industrial Estate, Hamilton** 9 - 14  
Report dated 1 December 2023 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 4 **Application P/22/0384 for Demolition of Existing Detached Garage and Erection of Replacement Garage with Attic Room Above at 1 Croftbank Avenue, Bothwell** 15 - 24  
Report dated 1 December 2023 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 5 **Application P/22/0508 for Erection of 5 Holiday Let Cottages with Associated Service Road and Gardens at Briarlea House, Lanark Road, Larkhall** 25 - 32  
Report dated 1 December 2023 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 6 **Application P/22/1234 for Erection of Neighbourhood Centre (Including Classes 1, 2, 3, 11 and Sui Generis) with Associated Access, Parking and Landscaping at Land 100 Metres Northeast of 227 Westburn Road, Grayline Avenue, Newton, Cambuslang** 33 - 44  
Report dated 1 December 2023 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 7 **Application P/23/0288 for Demolition of Extensions and Cottage, Retention of Original Hotel to Form 4 Flats and Erection of 5 Houses with Associated Access Road, Parking, Landscaping and SUDs System (Permission in Principle) at Abington Hotel, 78 Carlisle Road, Abington, Biggar** 45 - 56  
Report dated 1 December 2023 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 8 **Application P/23/0434 for Erection of 6 Dwellings at Butterburn Park, Hamilton** 57 - 66  
Report dated 1 December 2023 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 9 **Application P/23/0507 for Erection of Drive-Through Restaurant (Class 3 and Sui Generis) with Associated Access, Servicing, Car Parking, Landscaping and Other Associated Work at Land 70 Metres South of 28 Beck Avenue, Borland Drive, Larkhall** 67 - 82  
Report dated 1 December 2023 by the Executive Director (Community and Enterprise Resources). (Copy attached)

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### Urgent Business

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## **10 Urgent Business**

Any other items of business which the Chair decides are urgent.

### ***For further information, please contact:-***

Clerk Name:	Stuart McLeod
Clerk Telephone:	07385 370 117
Clerk Email:	stuart.mcleod@southlanarkshire.gov.uk



## PLANNING COMMITTEE

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Minutes of meeting held via Confero and in Committee Room 1, Council Offices, Almada Street, Hamilton on 14 November 2023

### **Chair:**

Councillor Richard Nelson

### **Councillors Present:**

Councillor Alex Allison, Councillor Ralph Barker, Councillor Archie Buchanan, Councillor Ross Clark, Councillor Gerry Convery (Depute), Councillor Margaret Cowie, Councillor Maureen Devlin, Councillor Colin Dewar, Councillor Gladys Ferguson-Miller, Councillor Elise Frame, Councillor Alistair Fulton, Councillor Celine Handibode, Councillor Ross Lambie, Councillor Lesley McDonald, Councillor Davie McLachlan, Councillor Norman Rae, Councillor John Ross, Councillor Graham Scott, Councillor David Shearer, Councillor Helen Toner, Councillor David Watson

### **Councillors' Apologies:**

Councillor Joe Fagan (ex officio), Councillor Mark Horsham, Councillor Martin Lennon, Councillor Monique McAdams

### **Attending:**

#### **Community and Enterprise Resources**

F Carlin, Head of Planning and Regulatory Services; B Darroch, Planning and Building Standards Manager (East); F Jack, Team Leader, Development Management Team, Roads and Transportation Services

#### **Finance and Corporate Resources**

J Davitt, Public Relations Team Leader; S Jessup, Administration Assistant; P MacRae, Administration Adviser

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### **1 Declaration of Interests**

No interests were declared.

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### **2 Minutes of Previous Meeting**

The minutes of the meeting of the Planning Committee held on 3 October 2023 were submitted for approval as a correct record.

**The Committee decided:** that the minutes be approved as a correct record.

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### **3 Application P/20/1657 for Erection of 5 Detached Bungalows with Associated Parking and Formation of Access Road at Land at Main Street, Symington, Biggar**

A report dated 2 November 2023 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/1657 by Pine Valley Homes for the erection of 5 detached bungalows with associated parking and formation of access road at land at Main Street, Symington, Biggar.

There followed a discussion on the application during which an officer responded to members' questions on aspects of the report.

**The Committee decided:** that planning application P/20/1657 by Pine Valley Homes for the erection of 5 detached bungalows with associated parking and formation of access road at land at Main Street, Symington, Biggar be granted subject to the conditions specified in the Executive Director's report.

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**4 Application P/23/0179 for Erection of 3 Houses at Land 20 Metres North of 4 Church Street, Uddingston**

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A report dated 2 November 2023 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/23/0179 by B McMullan for the erection of 3 houses at land 20 metres north of 4 Church Street, Uddingston.

There followed a discussion on the application during which an officer responded to a member's question on an aspect of the report.

**The Committee decided:** that planning application P/23/0179 by B McMullan for the erection of 3 houses at land 20 metres north of 4 Church Street, Uddingston be granted subject to the conditions specified in the Executive Director's report.

*Councillor Frame joined the meeting during consideration of the above item of business*

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**5 Application P/23/0632 for Erection of Extensions to Existing Care Home to Create Additional Floorspace with Associated External Alterations at 60 Wellhall Road, Hamilton**

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A report dated 2 November 2023 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/23/0632 by Balmer Care Homes for the erection of extensions to an existing care home to create additional floorspace with associated external alterations at 60 Wellhall Road, Hamilton.

**The Committee decided:** that planning application P/23/0632 by Balmer Care Homes for the erection of extensions to an existing care home to create additional floorspace with associated external alterations at 60 Wellhall Road, Hamilton be granted subject to the conditions specified in the Executive Director's report.

*[Reference: Minutes of 3 November 2009 (Paragraph 20)]*

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**6 Application P/23/0866 for Re-engineering of Bus Station to Provide 4 Bus Stop Locations, 2 Bus Layover Areas, 4 Bus Shelters, Bike Store, Lighting, CCTV, a Real Time Information Board and New Paving at Lanark Bus Station, St Vincent Place, Lanark**

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A report dated 2 November 2023 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/23/0866 by South Lanarkshire Council for the re-engineering of a bus station to provide 4 bus stop locations, 2 bus layover areas, 4 bus shelters, bike store, lighting, CCTV, a real time information board and new paving at Lanark Bus Station, St Vincent Place, Lanark.

There followed a discussion on the application during which an officer responded to points raised by a member in relation to the proposal.

**The Committee decided:** that planning application P/23/0866 by South Lanarkshire Council for the re-engineering of a bus station to provide 4 bus stop locations, 2 bus layover areas, 4 bus shelters, bike store, lighting, CCTV, a real time information board and new paving at Lanark Bus Station, St Vincent Place, Lanark be granted subject to the conditions specified in the Executive Director's report.

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## **7 Application P/23/1070 for Extension of Existing Feed Bins (Retrospective) at Roadhead Farm, Shieldhill Road, Quothquan, Biggar**

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A report dated 2 November 2023 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/23/1070 by G Hewitt for the extension of existing feed bins (retrospective) at Roadhead Farm, Shieldhill Road, Quothquan, Biggar.

There followed a discussion on the application during which an officer responded to members' questions on aspects of the report.

**The Committee decided:** that planning application P/23/1070 by G Hewitt for the extension of existing feed bins (retrospective) at Roadhead Farm, Shieldhill Road, Quothquan, Biggar be granted subject to the conditions specified in the Executive Director's report.

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## **8 Planning Appeal Decisions – April to October 2023**

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A report dated 2 November 2023 by the Executive Director (Community and Enterprise Resources) was submitted on:-

- ♦ planning application appeal decisions issued by the Scottish Government's Planning and Environmental Appeals Division during the period 1 April to 31 October 2023
- ♦ a decision issued by Scottish Ministers in response to a request for a screening direction during the period 1 April to 31 October 2023

There followed a discussion on the report during which an officer responded to members' questions on aspects of the report.

**The Committee decided:**

- (1) that the decisions issued by the Scottish Government's Planning and Environmental Appeals Division and Scottish Ministers in relation to South Lanarkshire Council during the period 1 April to 31 October 2023 be noted; and
- (2) that it be noted that twice yearly updates on decisions issued by the Scottish Government's Planning and Environmental Appeals Division and Scottish Ministers would be submitted to future meetings of the Planning Committee.

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## **9 Urgent Business**

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There were no items of urgent business.





# Report

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Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>12 December 2023</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

<b>Reference no:</b>	P/21/0708
<b>Proposal:</b>	Change of use of industrial unit to fitness rehabilitation and therapy facility/gymnasium (Retrospective)
<b>Site Address:</b>	4 Bairds Crescent Allanshaw Industrial Estate Hamilton ML3 9FD
<b>Applicant:</b>	Mr Simon Eeles
<b>Agent:</b>	N/A
<b>Ward:</b>	17 Hamilton North and East
<b>Application Type:</b>	Full Planning Permission
<b>Advert Type:</b>	Regulation 20 (Non-notification of neighbours) Hamilton Advertiser 17 June 2021 Schedule 3 (Bad Neighbour): Hamilton Advertiser 17 June 2021
<b>Development Plan Compliance:</b>	Yes
<b>Departures:</b>	N/A
<b>Recommendation:</b>	Grant subject to conditions
<b>Legal Agreement:</b>	N/A
<b>Direction to Scottish Ministers</b>	N/A

## **1. Reason for Report**

- 1.1. This application must be presented to the Planning Committee for determination as it has received more than 5 objections, as detailed in paragraph 3.5 (b) of the approved South Lanarkshire Council Planning Application Decision Making Process April 2015.

## **2. Site Description**

- 2.1. The application site is located at the entrance to Allanshaw Industrial Estate, off Wellhall Road, Hamilton. The site is comprised of one industrial style building which contains 2 units and a private car parking area. Both units currently operate as gyms.

## **3. Description of Proposed Development**

- 3.1. Planning permission is sought in retrospect for a gymnasium / fitness rehabilitation facility which has been in operation since 2018. The applicant has advised that the hours of operation are Tuesday and Thursday 5:30pm-8pm, Friday 6am-10am and Saturday 8am-10am. The gym offers a combination of one to one and group training sessions, with a maximum of ten clients.

## **4. Relevant Planning History**

- 4.1. HM/16/0275 – Change of use from industrial unit to gym. This application was granted to the current applicant and relates to the adjoining unit which operates from Unit 1.

## **5. Supporting Information**

None

## **6. Consultations**

- 6.1. Environmental Services - No objections, subject to conditions relating to amplified noise and its management.  
Response: Noted. Appropriate conditions would be attached to any decision issued.
- 6.2. Roads and Transportation Services (Development Management) – No objection as it is considered that the required spaces can be provided.  
Response: Noted.

## **7. Representations**

- 7.1. Following the statutory period of neighbour notification and advertisement, 15 letters of representation were received objecting to the retrospective application. The issues raised are summarised as follows:-

- ◆ Noise disturbance from loud music
- ◆ Increase in traffic to surrounding streets from people parking for classes
- ◆ Concern that the granting of a Class 11 use would allow changes to other potentially noisy businesses

The above issues are considered in the assessment below and full copies are available to view on the planning portal.

## **8. Development Plan**

- 8.1. Under Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

## 8.2. National Planning Framework 4

National Planning Framework 4 (NPF4) is Scotland's national spatial strategy for Scotland. It sets out spatial principles, regional priorities, national developments, and national planning policy. NPF4 supports the planning and delivery of sustainable places, liveable places, and productive places.

### National Planning Framework 4 Policies

- ◆ Policy 1 - Tackling the climate and nature crises
- ◆ Policy 2 - Climate mitigation and adaptation
- ◆ Policy 26 - Business and industry

## 8.3. South Lanarkshire Local Development Plan 2(2021)

For the purposes of determining planning applications, the Council will, therefore, also assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan 2 (SLLDP2). In this regard the application site and associated proposals are affected by the following policies contained in SLLDP2:-

### SLLDP2 Volume 1 Policies

- ◆ Policy 2 - Climate Change
- ◆ Policy 5 - Development Management and Placemaking
- ◆ Policy 8 - Employment

### SLLDP2 Volume 2 Policies

- ◆ Policy ICD3 – Other Employment Land Use Areas

### South Lanarkshire Council (SLC) Supporting Planning Guidance

None

## 9. **Guidance**

9.1. None.

## 10. **Assessment and Discussion**

### 10.1. Principal of Development

The applicant seeks retrospective planning permission for a change of use from an industrial unit to a gym.

10.2. The site is located within an area designated as “Other Employment Land Use Areas” under SLLDP2 Policies 8 and ICD3. NPF4 Policy 26 Business and industry states that proposals for business uses will be supported where they are compatible with the primary business function.

10.3. In terms of the SLLDP2, Policy 8 - Employment states that Other Employment Land Use Areas are designated in industrial estates where there is an increasing number of non-industrial uses. A flexible approach to development will be taken in these areas, provided they can meet the criteria set out in Policy ICD3.

10.4. The gym does not involve any retail function, it has sufficient car parking and it does not impact on other surrounding uses in Allanshaw Industrial Estate. As such, the use is acceptable in terms of NPF4 Policy 26 and SLLDP2 Policies 8 and ICD3.

### 10.5. Climate Change

NPF4 Policy 1 Tackling the Climate and Nature Crises, NPF4 Policy 2 Climate Mitigation and Adaptation and SLLDP2 Policy 2 Climate Change aim to ensure that proposals for new development must, where possible, seek to minimise and mitigate

against the effects of climate change. It is considered that this retrospective proposal does not undermine the objectives of these policies.

10.6. Layout, Siting and Design

SLLDP2 Policy 5 - Development Management and Placemaking seeks to ensure that development proposals take account of and are integrated within the local context and built form. The change of use has no significant adverse impacts on the surrounding industrial locality and any initial impact on neighbouring residents in terms of noise pollution has been mitigated through changes agreed with Environmental Services.

10.7. It should be noted that all of the representations received in objection to this application make comment on the noise disturbance from loud music, clients talking in the car park and equipment being banged outside. However, these objections were all received during periods of Covid restrictions when the applicant was restarting classes after being closed for the lockdown. As a result, some classes were held in the car park or with doors open for ventilation. All classes are now carried out inside and a condition can be attached to any consent stipulating that no classes shall take place outside of the building. Since classes returned indoors and sound insulation and a new music system were installed, there have been no further noise complaints.

10.8. Technical Matters

There is adequate space at the site to form appropriate car parking. Traffic parking in surrounding streets has not been raised by Roads as a concern, although it was raised by objectors.

10.9. The only other matter raised by representations was a concern relating to future uses of the unit if a class 11 gym was granted consent, since this would allow permitted changes to uses such as a cinema, bingo hall, dance hall and casino. However, it is noted that this application relates to a small industrial unit that is unlikely to accommodate this type of use and such activities would also be controlled under separate licencing legislation.

Conclusion

10.10. In conclusion, the proposal seeks retrospective planning permission for a change of use from industrial unit to gym. The site is considered to be a suitable location for a gym and it has no significant unacceptable impact on the amenity of the surrounding area. Overall, it is considered that the proposals comply with the provisions of the relevant policies within National Planning Framework 4 and the South Lanarkshire Local Development Plan 2.

**11. Recommendation and Conditions**

11.1. The Committee is asked to agree the following recommendation:-

**Grant Full Planning Permission subject to the following conditions:-**

01. No classes shall take place outside of the building in the car parking area.

Reason: In the interest of residential amenity and to ensure sufficient car parking is maintained on site.

02. That noise emissions from the premises where amplified music takes place on a regular basis, shall not be audible inside (or outside where there is deemed to be an external amenity space) at any noise sensitive property at any time.

The following shall be used as an objective guide for the aforementioned requirement:

- (i) The LA10 entertainment noise shall not exceed the representative background noise levels LA90 (without entertainment noise) in any 1/3 octave band between 40Hz and 160Hz
- (ii) The LAeq,15min of the entertainment noise shall not exceed the representative background noise LA90,15min (without entertainment noise).

The above applies both externally and internally at noise sensitive properties.

Reason: To minimise noise disturbance to adjacent occupants.

## **12. Reason for Decision**

- 12.1. The application seeks retrospective planning permission for a change of use from industrial unit to gym. There is no significant adverse impact on the surrounding area and as such the proposal complies with Policies 1, 2 and 26 of National Planning Framework 4 (adopted 2023) and Policies 2, 5, 8 and ICD3 of South Lanarkshire Local Development Plan 2 (adopted 2021).

**David Booth**

**Executive Director (Community and Enterprise Resources)**

**Date: 1 December 2023**

## **Background Papers**

Further information relating to the application can be found online:

[P/21/0708 | Change of use of industrial unit to fitness rehabilitation and therapy facility/gymnasium \(retrospective\) | 4 Bairds Crescent Allanshaw Industrial Estate Hamilton ML3 9FD \(southlanarkshire.gov.uk\)](#)

## **Corporate Considerations**

The report raises no impacts or risks in terms of equalities or financial implications. Any implications in terms of climate change, sustainability or the environment will have been considered above in terms of the relevant national and local policies.

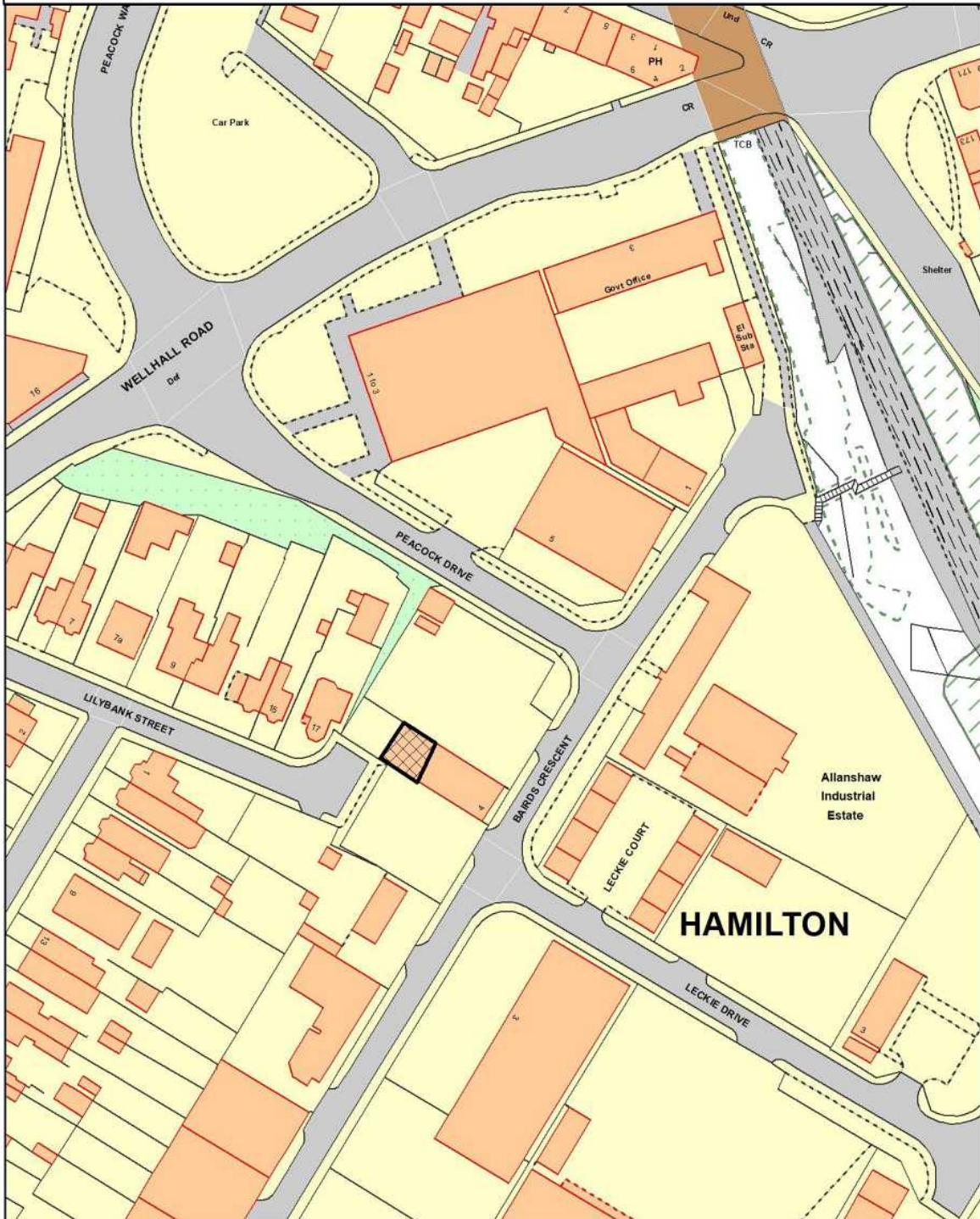
## **Contact for Further Information**

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

Tel: 01698 454867

E-mail: [planning@southlanarkshire.gov.uk](mailto:planning@southlanarkshire.gov.uk)

P/21/0708 4 Baird Crescent, Hamilton



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Scale:  
1:1,250  
Date:  
11/11/2023



**South Lanarkshire Council**  
**Community and Enterprise Resources**  
Planning and Regulatory Services

# Report

4

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>12 December 2023</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

<b>Reference no:</b>	P/22/0384
<b>Proposal:</b>	Demolition of existing detached garage and erection of replacement garage with attic room above
<b>Site Address:</b>	1 Croftbank Avenue Bothwell G71 8RT
<b>Applicant:</b>	JWR Holdings
<b>Agent:</b>	N/A
<b>Ward:</b>	12 - Bothwell and Uddingston
<b>Application Type:</b>	Full Planning Permission
<b>Advert Type:</b>	N/A
<b>Development Plan Compliance:</b>	Yes
<b>Departures:</b>	N/A
<b>Recommendation:</b>	Grant subject to conditions
<b>Legal Agreement:</b>	N/A
<b>Direction to Scottish Ministers</b>	N/A

## **1. Reason for Report**

- 1.1. This application must be presented to the Planning Committee for determination as it has received more than 5 objections, as detailed in paragraph 3.5 (b) of the approved South Lanarkshire Council Planning Application Decision Making Process April 2015.

## **2. Site Description**

- 2.1. The application site relates to a detached dwellinghouse which fronts onto Croftbank Avenue with the rear garden bound by Hamilton Drive. The site is within the general urban area, however, the land to the north and west are within Bothwell Conservation Area.

## **3. Description of Proposed Development**

- 3.1. During the handling of the application, the proposals were revised which resulted in the resubmission of plans. The proposals under consideration relate to a single storey garage with attic accommodation. The design has been altered to have the roof plane sloping away from Hamilton Drive and the gable ends to the side elevations.
- 3.2. To the rear of the proposed garage and facing into the applicant's property, a rear box dormer feature is included to provide additional head space within the attic accommodation. The proposed materials include red sandstone to the front of the proposed garage (fronting Hamilton Drive) with a white smooth render to the side and rear elevations and a slate substitute tile on the roof.

## **4. Relevant Planning History**

- 4.1. Since 2019 there has been 2 submissions proposing a rear extension to 1 Croftbank Avenue, one of which has been withdrawn (P/19/0072) and one approved (P/19/0755) and has since been constructed. An application (P/20/1813) to alter the existing double garage was submitted and later withdrawn.

## **5. Supporting Information**

- 5.1. An Arboricultural Report has been submitted to support the application. The proposed works within the report have been superseded by a further addendum to set out the proposed tree works, consisting of access facilitation pruning and a method to protect roots.

## **6. Consultations**

- 6.1. Roads and Transportation Service - No objections subject to conditions relating to a construction traffic management plan and visibility splay to the front of the site.  
Response: Noted.

## **7. Representations**

- 7.1. Following the statutory period of neighbour notification procedures which was undertaken on two occasions in April 2022 on the initial set of plans and in May 2023 on an amended set of plans, 27 representations were received (27 objections, 0 support, 0 comment). The issues raised are summarised below:-

### Impact on the conservation area

- ◆ Out of character
- ◆ On the road edge, forward of building line
- ◆ The proposal has the appearance of a dwellinghouse
- ◆ Impact on Jean Cadzow memorial



#### Impact on neighbouring properties

- ◆ Loss of light
- ◆ Overshadowing
- ◆ Overlooking
- ◆ Overdevelopment

#### Other matters

- ◆ Inconsistency on plans
- ◆ Damage to trees
- ◆ Neighbourhood notification has not been followed
- ◆ Concerns proposal shall be used as a dwelling
- ◆ Impact on neighbouring driveway

#### Non-material planning matters raised

- ◆ Title burden
- ◆ Cost of works on private road
- ◆ Site safety

- 7.2. The above issues are considered in the assessment below and full copies are available to view on the planning portal.

### **8. Development Plan**

- 8.1. Under Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2. National Planning Framework 4

National Planning Framework 4 (NPF4) is Scotland's national spatial strategy for Scotland. It sets out spatial principles, regional priorities, national developments, and national planning policy. NPF4 supports the planning and delivery of sustainable places, liveable places, and productive places.

#### National Planning Framework 4 Policies

- ◆ Policy 1 – Tackling the climate and nature crises
- ◆ Policy 2 – Climate mitigation and adaptation
- ◆ Policy 6 – Forestry, trees and woodland
- ◆ Policy 7 – Historic assets
- ◆ Policy 16 - Quality homes

8.3. South Lanarkshire Local Development Plan 2(2021)

For the purposes of determining planning applications the Council will, therefore, assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan 2 (SLLDP2). In this regard the application site and associated proposals are affected by the following policies contained in the SLLDP2:-

#### SLLDP2 Volume 1 Policies

- ◆ Policy 2 – Climate Change
- ◆ Policy 3 – General Urban Area
- ◆ Policy 5 – Development Management and Placemaking
- ◆ Policy 14 - Natural and Historic Environment

#### SLLDP2 Volume 2 Policies

- ◆ Policy DM2 - House Extensions and Alterations
- ◆ Policy NHE13 Forestry and Woodland

## **9. Guidance**

### **9.1. None relevant**

## **10. Assessment and Discussion**

### **10.1. Principle of Development**

Planning permission is sought for the demolition of an existing detached garage and erection of replacement garage with attic room above. The site is located in the general urban area of Bothwell, directly adjacent to the Conservation Area.

### **10.2. The addition of a detached garage to a house is generally acceptable provided that the garage would not result in overdevelopment of the plot and that the scale, design, and materiality of the garage is sympathetic to the house and its surroundings.**

### **10.3. Climate Change**

Policies 1 and 2 of NPF4 and Policy 2 of the SLLDP2 relate to the climate crises and identify that all development should seek to minimise and mitigate the effects of climate change. Given the scale and nature of the proposed development, it is not considered that any action is required within the context of the development management process.

### **10.4. Layout, Siting and Design**

Policies 14 and 16 of NPF4 relate to liveable places. Policy 14 sets out that all development should be designed to improve the quality of an area and be consistent with the six qualities of a successful place: healthy, pleasant, connected, distinctive, sustainable, and adaptable. Policy 16 intends to provide quality homes and identifies that householder proposals will be supported where they do not have a detrimental impact on the character of the house or the surrounding area or a detrimental effect on neighbouring amenity by way of physical impact, overlooking or overshadowing. Policies 3 and 5 of SLLDP2 have similar aims to the NPF4 policies. Policy DM2 of the SLLDP2 provides specific guidance on residential alterations and extensions, referring to Development at a Dwellinghouse SPG.

### **10.5. Firstly, in relation overlooking, the proposed garage includes upper floor windows on the northwest and southeast elevations. The northwest elevation faces onto open space, there is no issue of overlooking in this regard. The southeast elevation faces back into the rear garden and dwellinghouse of the applicant. To the west lies the side garden of no.2 Hamilton Drive. Any views from the proposed windows would be at an oblique angle. In addition, there is vegetation and trees along this boundary. There is not considered to be a detrimental impact to neighbouring properties by way of overlooking.**

### **10.6. Secondly, in relation to overshadowing, the worst impact of any overshadowing occurs to the northern side of a building. To the northwest lies the front garden of 2 Hamilton Drive. However, there are tall trees along this boundary which are likely to cause more overshadowing than the proposed garage. Additionally, the proposed garage is a sufficient distance from any properties such that no detrimental loss of light to neighbouring windows shall occur. Therefore, the proposal is not considered to pose a detrimental impact to neighbouring properties by way of overshadowing.**

- 10.7. Furthermore, in relation to physical impact of the proposal, the Development at a Dwellinghouse SPG details careful consideration should be taken in relation to garages positioned to the front of dwellinghouses. Any proposal should not appear out of place or form an intrusive feature in the street. The application site is also directly adjacent to the Conservation Area and it is, therefore, useful to consider the proposals impact given this designation.
- 10.8. Hamilton Drive is dominated by 2 storey sandstone villas, set back from the road. The application site in question already presents an anomaly in the street pattern in that the single storey flat roofed garage is set against the road, forward of the building line established by the adjacent villas. However, it is noted that this is a long-standing situation. The existing garage is well screened by adjacent trees. To the west of the site lies no. 2 Hamilton which sits in large grounds. The proposed garage would be sited adjacent to its front garden area, and the boundary contains several trees and shrubbery.
- 10.9. The position of the existing garage will not be altered and the site is well screened by adjacent trees. The main change as a result of this proposal would be that an existing flat roofed garage would be replaced by a garage with a pitched roof, with its plane sloping away from Hamilton Drive. It is not considered that the proposal results in an intrusive feature within the streetscape, nor does it pose a detrimental impact on the neighbours amenity. The red sandstone proposed on the front elevation shall match the existing on Hamilton Drive and the smooth white render on side and rear elevations, non-public facing, is appropriate. As such the residential amenity of Hamilton Drive and the wider Conservation Area will be preserved.
- 10.10. Trees  
NPF4 Policy 7 Historic assets and places in part (e), details that proposals will ensure features (such as trees) which contribute to the character of the Conservation Area and its setting are retained. SLLDP Policy 14 Natural and Historic Environment directs the reader to Policy NHE13 Forestry and Woodland. Policy NHE13 details that any impact on individual trees should be accompanied by a tree survey, which has been done in this case.
- 10.11. The application site is located directly adjacent to 5 trees. Although these trees sit just outwith the site, they are located within the Conservation Area, within adjacent owners' land and their roots and limbs enter the site. The main trees to consider are those identified as no.1(oak) and no.5 (sycamore).
- 10.12. In order to facilitate the development, minor access facilitation pruning is proposed up to 0.5 metre from the development. This work is considered to be appropriate and would not have a detrimental impact on neighbouring trees. The implementation of the works will be subject to conditions attached to any consent.
- 10.13. In relation to the below ground constraints, the consultant arboriculturist has proposed that a traditional strip foundation would be suitable if no roots more than 25mm were below the existing foundation. The Council Arboriculturist has noted the proposed alternative foundation design of screw piles and supporting ring beam is an acceptable solution. It is considered appropriate to establish the root morphology below the existing garage prior to determining the final foundation design. This can be achieved by conditions requesting a demolition arboricultural method statement.

10.14. Overall, it is considered the proposal can occur with appropriate conditions without adverse impact on the adjacent trees and Conservation Area. The proposal meets the terms of Policy 6 and 7 of NPF4 and 14 and NHE13 of SLLDP2.

10.15. Other matters

In relation to other matters raised by representations. The plans are considered accurate and sufficient for the purposes of determining the planning application. The neighbour notification procedures have been followed in both instances of the application being notified. Roads have raised no concerns with the garage sited in close proximity to Hamilton Drive. The existing garage can be used; therefore it is not considered there is unacceptable conflict with any neighbouring driveway.

10.16. Conclusion

The proposal relates to the demolition of an existing single storey garage and erection of a replacement garage with attic room above. The proposal can be accommodated within the surrounding area without a detrimental impact on the dwelling, neighbouring properties and/or adjacent trees. The proposal complies with the terms of Policies 1, 2, 14, 16 and 7 of National Planning Framework 4 (adopted 2023) and Policies 3, 5, 14 and NHE13 of SLLDP2 (adopted 2021).

**11. Recommendation and Conditions**

11.1. The Committee is asked to agree the following recommendation:-

**Grant Planning Permission Subject to the following Conditions:-**

01. The development to which this permission relates shall be begun no later than the expiration of three years beginning with the date of grant of this decision notice.

Reason: To comply with Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).

02. 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.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

03. Prior to the commencement of the development hereby approved (including all preparatory work), details of all proposed Access Facilitation Pruning (tree pruning which is directly necessary to provide access for operations on site) shall be submitted to and approved in writing by the Council as Planning Authority. The approved tree pruning works shall be carried out in accordance with BS3998:2010 and be limited to pruning twigs and tree branches that shall have no significant adverse effect on tree physiology or amenity (i.e. exclude limbs, stems and trunks). The development shall thereafter be implemented in strict accordance with the approved details.

Reason: To avoid any irreversible damage to retained trees and to protect and enhance the appearance and character of the site and locality.

04. Prior to the commencement of any of the development hereby approved (including any demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and a demolition arboricultural method statement (AMS) shall be submitted to and approved in writing by the Council as Planning Authority. Thereafter the existing garage shall be demolished as per the approved details.

- a) Methods of demolition of the existing garage and foundations
- b) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.

Reason: To ensure that the trees to be retained will not be damaged during demolition and to protect and enhance the appearance and character of the site and locality.

05. That following the demolition of the existing garage and prior to any commencement of works to erect the garage hereby approved, a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and a construction arboricultural method statement (AMS) shall be submitted to and approved in writing by the Council as Planning Authority. Thereafter the garage hereby approved shall be erected as per the approved details.

Specific issues to be addressed in the construction arboricultural method statement are:-

- a) Details of the root morphology.
- b) Detailed foundation design inclusive of cross sectional drawings detailing final height of garage.
- c) Methodology and detailed assessment of root pruning.
- d) Location and installation of services/ utilities/ drainage.
- e) Details of construction within the Root Protection Areas or that may impact on the retained trees.
- f) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
- g) A specification for scaffolding and ground protection within tree protection zones.
- h) Tree protection during construction indicated on a TPP and construction activities clearly identified as prohibited in this area.
- i) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires.
- j) Arboricultural supervision and inspection by a suitably qualified tree specialist.
- k) Reporting of inspection and supervision.

Reason: To ensure that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality.

06. That the use of the garage hereby permitted shall be restricted to private use incidental to the enjoyment of the dwellinghouse on the site and no commercial activity shall be carried out in or from the garage.

Reason: To safeguard the residential amenity of the area.

## **12. Reason for Decision**

- 12.1. It is considered that the proposed garage would not result in a significant detrimental impact on the amenity and character of the house, the streetscape, or any adjacent properties. Consequently, the proposal complies with the provisions of Policies 14 and 16 of the adopted National Planning Framework 4 and Policies 3, 5, and DM2 of the adopted Local Development Plan 2. There are no other material considerations which would justify the refusal of planning permission.

**David Booth**

**Executive Director (Community and Enterprise Resources)**

**Date: 1 December 2023**

## **Background Papers**

Further information relating to the application can be found online:

[P/22/0384 | Demolition of existing detached garage and erection of replacement garage with attic room above. | 1 Croftbank Avenue Bothwell G71 8RT](#)

## **Corporate Considerations**

The report raises no impacts or risks in terms of equalities or financial implications. Any implications in terms of climate change, sustainability or the environment will have been considered above in terms of the relevant national and local policies.

## **Contact for Further Information**

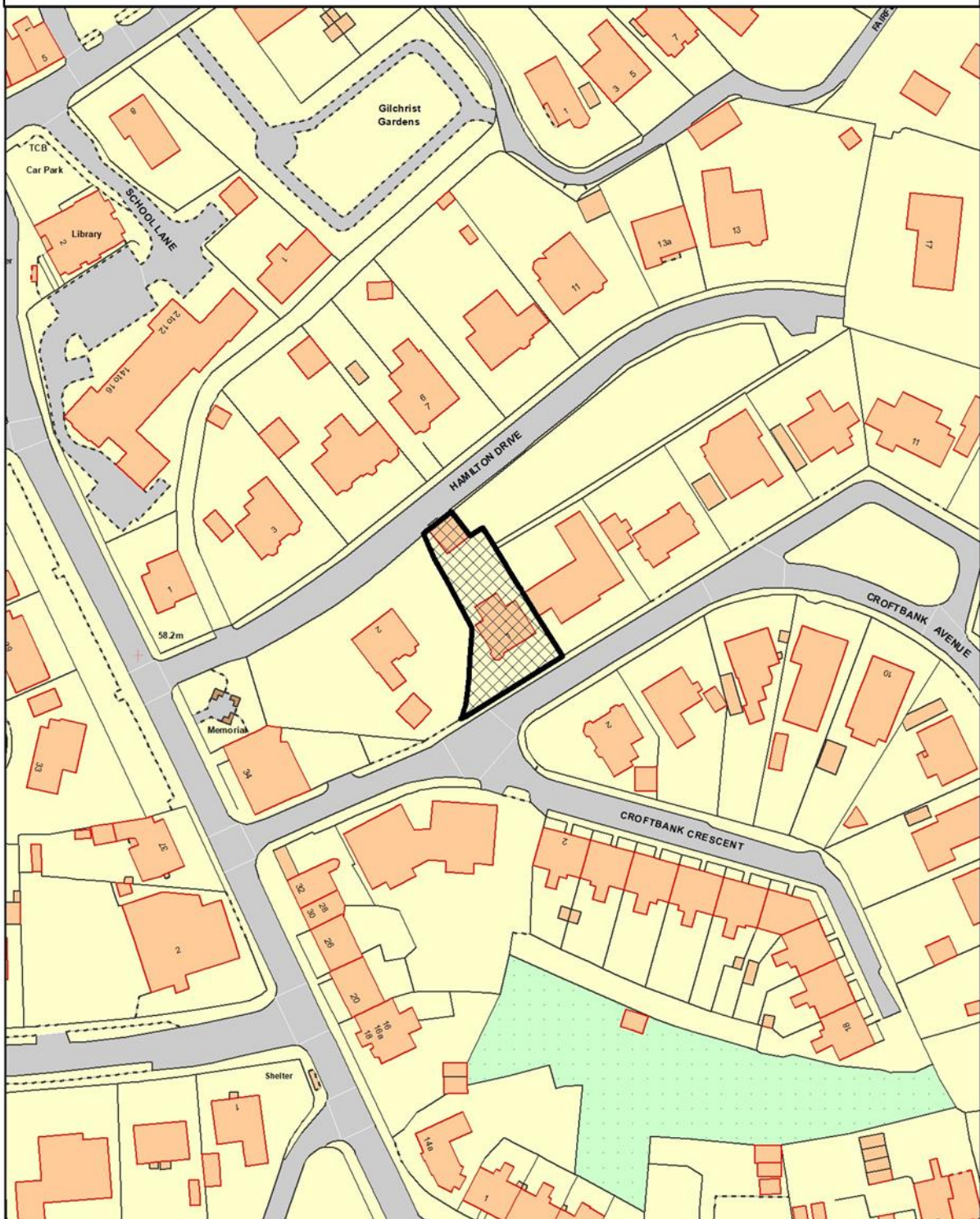
If you would like to inspect the background papers or want further information, please contact:-

Tel: 01698 454867

E-mail: [planning@southlanarkshire.gov.uk](mailto:planning@southlanarkshire.gov.uk)



P/22/0384 1 Croftbank Avenue, Bothwell



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Scale:  
1:1,250  
Date:  
28/09/2023



**South Lanarkshire Council**  
**Community and Enterprise Resources**  
Planning and Regulatory Services





# Report

5

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>12 December 2023</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

<b>Reference no:</b>	P/22/0508
<b>Proposal:</b>	Erection of five holiday let cottages with associated service road and gardens
<b>Site Address:</b>	Briarlea House Lanark Road Larkhall ML9 2UE
<b>Applicant:</b>	Mr Andrew Cummings
<b>Agent:</b>	Anderson Anderson Architect LLP
<b>Ward:</b>	20 Larkhall
<b>Application Type:</b>	Full Planning Permission
<b>Advert Type:</b>	Regulation 20 (2)(a) and 20(2)(d) of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 (As Amended) Hamilton Advertiser 19.05.2022
<b>Development Plan Compliance:</b>	No
<b>Departures:</b>	N/A
<b>Recommendation:</b>	Refuse
<b>Legal Agreement:</b>	N/A
<b>Direction to Scottish Ministers</b>	N/A

## **1. Reason for Report**

- 1.1. This application is presented to Committee within the context of Section 5.2 of the approved South Lanarkshire Planning Application Decision Making Process in that the Head of Planning and Regulatory Services, in consultation with the Chair of the Planning Committee, considered that the application generated policy issues that would merit its consideration by elected members.

## **2. Site Description**

- 2.1. The site formerly known as 'Highlees Farm' is situated along a private road accessed from the A72 Lanark Road within the vicinity of the M74 Junction 7 approximately 1.5 km outside of Larkhall. The converted farm buildings, now known as Briarlea House, sits to the south off the private road, while the applicant's business (Briarlea Landscaping) has an office and outbuildings to the north.
- 2.2. An existing cottage, which is already being used for holiday lets, sits past Briarlea House and the proposal is positioned in a crescent around this cottage. The site is located in the Green Belt as designated in the adopted South Lanarkshire Local Development Plan 2 (SLLDP2).

## **3. Description of Proposed Development**

- 3.1. The proposal is to erect 5, two-bedroom holiday cottages adjacent to Briarlea House on land which currently forms the parking area and garden ground for the existing holiday cottage. The access road also serves a further dwelling located to the east.
- 3.2. The proposed layout would create five new structures that would sit separate from the existing cluster of buildings and suggests single storey units with 2 parking spaces and a garden with patio area.

## **4. Relevant Planning History**

- 4.1. P/22/0287 - Erection of a garden kitchen/pavilion and patio.
- 4.2. P/21/1471 - Amendment to P/21/0131 and HM/17/0574 to install a balcony.
- 4.3. P/21/0131 - Alterations to house design/external finishes approved by consent HM/17/0574 (demolition of main farmhouse along with demolition, conversion and extension of courtyard barns to form dwellinghouse).
- 4.4. P/18/1231 - Amendment to application HM/17/0574 - demolition and rebuild of main farmhouse along with demolition, conversion and extension of courtyard barns to form dwellinghouse and erection of office and sales centre, creation of car park and new access and associated landscaping for landscaping business to increase footprint of sales centre and associated alterations.
- 4.5. HM/17/0574 - Demolition and rebuild of main farmhouse along with demolition, conversion and extension of courtyard barns to form dwellinghouse and erection of office and sales centre, creation of car park and new access and associated landscaping for landscaping business.

## **5. Supporting Information**

- 5.1. Business Plan Supporting Statement - this outlines the proposed siting and design of the development as well as information on the demand for holiday lets within the area.

## **6. Consultations**

- 6.1. Roads and Transportation Services (Development Management) – No objection to the proposal subject to the imposition of standard conditions relating to parking and access.  
Response: Noted
- 6.2. The Coal Authority Planning and Local Authority Liaison – No objection following the submission of a coal risk assessment report.  
Response: Noted
- 6.3. Environmental Services – No objections to the proposal.  
Response: Noted.

## **7. Representations**

- 7.1. Following the statutory period of neighbour notification and advertisement, no representations have been received.

## **8. Development Plan**

- 8.1. Under Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. National Planning Framework 4  
National Planning Framework 4 (NPF4) is Scotland's national spatial strategy for Scotland. It sets out spatial principles, regional priorities, national developments, and national planning policy. NPF4 supports the planning and delivery of sustainable places, liveable places, and productive places.

### National Planning Framework 4 Policies

- ◆ Policy 1 - Tackling the climate and nature crises
- ◆ Policy 2 - Climate mitigation and adaptation
- ◆ Policy 8 - Green belts
- ◆ Policy 30 - Tourism

- 8.3. South Lanarkshire Local Development Plan 2(2021)

For the purposes of determining planning applications the Council will, therefore, assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan 2 (SLLDP2). In this regard the application site and associated proposals are affected by the following policies contained in the SLLDP2:-

### SLLDP2 Volume 1 Policies

- ◆ Policy 2 - Climate Change
- ◆ Policy 4 - Green Belt and Rural Area
- ◆ Policy 5 - Development Management and Placemaking
- ◆ Policy 6 – Visitor Economy and Tourism

### SLLDP2 Volume 2 Policies

- ◆ Policy GBRA1 - Rural Design and Development
- ◆ Policy GBRA2 – Business Proposals within Green Belt and Rural Area
- ◆ Policy VET2 - Visitor Accommodation

## **9. Guidance**

- 9.1. None applicable.

## **10. Assessment and Discussion**

### **10.1. Principle of Development**

Planning permission is sought for the erection of five holiday houses with associated access, garden ground and parking. The site is located within the Green Belt and, as such, the policies relating to the Green Belt should be considered in the first instance.

- 10.2. NPF4 Policy 8 Green Belts seeks to encourage, promote and facilitate compact urban growth and use the land around our towns and cities sustainably. The policy is twofold, part (i) sets out circumstances where various types of development in the Green Belt can be considered acceptable. In this instance, the proposal is for five tourist accommodation units and the policy states that developments and opportunities for outdoor recreation, play and sport, or leisure and tourism uses could be acceptable. However, part (ii) states that reasons must be provided as to why a greenbelt location is essential.
- 10.3. Whilst the applicant has provided justification for the location of the proposed tourist cottages in their business plan, the justification focuses on tourism attractions across the wider region and beyond rather than a specific reason for locating in this part of the green belt. The business plan refers to the location being “an ideal base from which to explore a large area of the country” without setting out why such accommodation needs to be in the Green Belt, rather than the defined Rural Area or within one of South Lanarkshire’s existing settlements. Given the lack of a specific locational requirement for this site the proposed tourist accommodation could be located on an alternative site and this greenbelt location has therefore not been demonstrated as essential in this instance.
- 10.4. In terms of Local Development Plan policy, the application site lies within the Green Belt and is subject to assessment against Policy 4 - Green Belt and Rural Area of the adopted SLLDP2. The policy states that the primary function of the greenbelt is for agriculture, forestry, recreation and other uses appropriate to the countryside. However, much like NPF4 Policy 8, the SLLDP2 states that development that does not require to be located in the greenbelt should be directed to more appropriate sites within the wider rural area or within settlements.
- 10.5. Additionally, SLLDP2 Policy GBRA2 Business Proposals within Green Belt and Rural Area states that it is preferable if existing buildings in the greenbelt are reused, converted or extended to accommodate business proposals and that, where this is not possible, new buildings may be acceptable where it is shown they integrate with an existing cluster of buildings. Specifically, new tourism or holiday accommodation developments can be considered acceptable if they comply with Policy 6 Visitor Economy and Tourism, which will be assessed below. Given there is no essential need for the holiday accommodation to be located within the green belt, it is considered that the proposal does not comply with the relevant National and Local Development Plan policies.
- 10.6. NPF4 Policy 30 Tourism seeks to encourage, promote and facilitate sustainable tourism development which benefits local communities and places through economic, social and cultural benefits and inspires people to visit Scotland. The policy states that development proposals for new or extended tourist accommodation in locations identified in the LDP will be supported. Whilst the applicant has provided a supporting statement expressing why they believe the site to be appropriate, the LDP does not identify this site in the green belt as a suitable location for this type of development as better locations exist elsewhere.

- 10.7. SLLDP2 Policy 6 Visitor Economy and Tourism and Policy VET2 Visitor Accommodation seek to ensure that any new visitor attractions, facilities, activities, infrastructure or accommodation are of a high quality and positively contribute towards the visitor economy. Additionally, proposals will be expected to demonstrate they are sustainable and viable by focussing on the visitor demographic attracted to the area, and showing how this has influenced the proposal. The proposed tourist accommodation takes the form of 5 suburban-styled dwellings in the green belt which fails to respect the existing development pattern in the locality, and which would create a dispersed pattern of development, directly contradicting the wording of VET2. This proposal has been considered against the green belt policies in the Development Plan and the scale and form of the proposal is not considered to be consistent with those policies and, as a consequence of this assessment, it is also considered that the proposals do not accord with Policy VET2 of the Local Development Plan and Policy 30 of NPF4.
- 10.8. As per the assessment above, it is clear that the proposal would generally be acceptable from a tourism aspect if it were not for its location in the green belt. The proposed holiday accommodation does not need to be in the green belt and would be better suited to a location either within a settlement or within the wider rural area within the context of an established recreational use or specific tourist related facility. It is not sustainable to incrementally add additional housing to this Green Belt location whether for permanent residential use or holiday lets and, as such, the proposal is contrary to NPF4 Policy 8 Green Belt, SLLDP2 Policy 4 Green Belt and Rural Area and Policy GBRA2 Business Proposals within Green Belt and Rural Area. The principle of the proposed development is therefore not established on this site.
- 10.9. Climate Change  
NPF4 Policy 1 requires that when considering all development proposals, significant weight will be given to the global climate and nature crises. NPF4 Policy 2 Climate Change and Mitigation expands on this, requiring all new developments to be sited and designed (1) to minimise lifecycle greenhouse gas emissions as far as possible and (2) to adapt to the current and future risks from climate change. The Chief Planner letter (4 February 2023) confirms that at this stage quantitative assessments are not expected for all applications. In the absence of a methodology for measuring the emissions which would result from the emissions of the proposed buildings, it is considered appropriate at this time to instead consider the general sustainability of the proposal in land-use planning terms (whether the use of this site as tourism accommodation is supportable when assessed against other relevant policies in NPF4) and use that as an indicator in whether or not it is likely to minimise emissions and adapt to current and future impacts of climate change. It has been detailed above that the principle of the proposed development at this site is not established or supported.
- 10.10. Policy 2 Climate Change of SLLDP2 seeks to minimise and mitigate against the effects of climate change by considering various criteria including: being sustainably located; reuse of vacant and derelict land; avoidance of flood risk areas; incorporating low and zero carbon generating technologies; opportunities for active travel routes and trips by public transport; electrical vehicle recharging infrastructure and where appropriate connection to heat networks.
- 10.11. The site is not at risk of flooding. If the proposal was considered acceptable, the applicant could be asked to submit further details of low carbon technology; a tree planting scheme and the installation of electric vehicle charging points for the approval of the planning authority. The proposal has not identified opportunities for active travel routes and trips by public transport.

#### 10.12. Layout, Siting and Design

Given that the principle of development is not considered to be acceptable in this location, the design of the proposed dwelling in terms of Policies 5 'Development Management and Place Making' and GBRA1 'Rural Design and Development' of SLLDP2 is not considered to be a determining factor in the assessment of this application.

#### 10.13. Conclusion

In summary, taking all the above into account, it is considered that the proposed development would constitute inappropriate development with regards to the sites Green Belt designation and there are no exceptions to policy, in either NPF4 or SLLDP2, which would justify five units for tourism accommodation in this location. As such, the proposed development fails to adhere to the provisions of the development plan, with specific regard to Policies 1, 2, 8 and 30 of National Planning Framework 4 (adopted 2023) and Policies 4, VET2 and GBRA2 of the South Lanarkshire Local Development Plan 2 (adopted 2021) and there are no material considerations which would outweigh this variance with the development plan. In view of this, it is recommended that the application is refused planning permission.

### 11. **Recommendation and Conditions**

11.1. The Committee is asked to agree the following recommendation:-

#### **Refuse Detailed Planning Permission for the reasons outlined below:-**

01. The proposal would be contrary to Policy 8 – Green belts of National Planning Framework 4 as it does not meet the criteria set out in the policy for green belt development and as such fails to encourage, promote and facilitate compact urban growth and use the land around our towns and cities sustainably.
02. The proposal would be contrary to Policies 4 - Green Belt and Rural Area and GBRA2 of the South Lanarkshire Local Development Plan 2 as it would constitute an inappropriate form of development, that cannot be justified under policy GBRA2 and which adversely affects the character of the Green Belt at this location.
03. The proposal would be contrary to Policy VET2 – Visitor Accommodation of the South Lanarkshire Local Development Plan as it would constitute a form of development that does not respect the existing development pattern within the locality and would introduce an inappropriate form of dispersed development. The form of accommodation proposed is not considered appropriate for the area in which the site is located.
04. The proposal would be contrary to Policy 30 – Tourism of National Planning Framework 4 as the proposal is not located within a site that is identified within SLLDP2 as being appropriate for tourism developments.

**David Booth**

**Executive Director (Community and Enterprise Resources)**

**Date: 1 December 2023**

## **Background Papers**

Further information relating to the application can be found online:

[P/22/0508 | Erection of five holiday let cottages with associated service road and gardens. | Briarlea House Lanark Road Larkhall ML9 2UE \(southlanarkshire.gov.uk\)](#)

## **Corporate Considerations**

The report raises no impacts or risks in terms of equalities or financial implications. Any implications in terms of climate change, sustainability or the environment will have been considered above in terms of the relevant national and local policies.

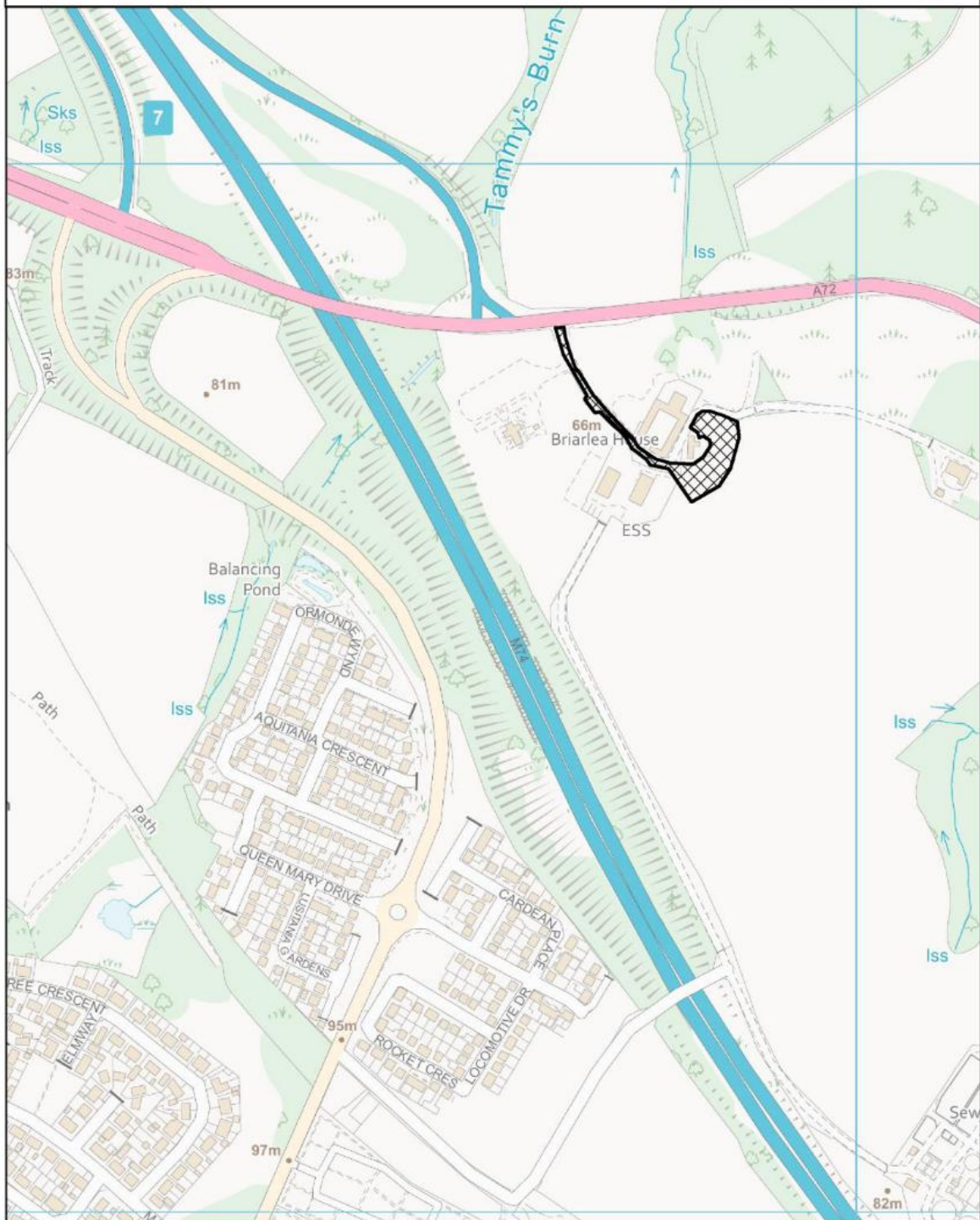
## **Contact for Further Information**

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

Tel: 01698 454867

E-mail: [planning@southlanarkshire.gov.uk](mailto:planning@southlanarkshire.gov.uk)

P/22/0508 Briarlea House, Lanark Road, Larkhall, ML9 2UE



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Date:  
01/11/2023



**South Lanarkshire Council**  
**Community and Enterprise Resources**  
Planning and Regulatory Services



# Report

6

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>12 December 2023</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

<b>Reference no:</b>	P/22/1234
<b>Proposal:</b>	Erection of neighbourhood centre (including Classes 1, 2, 3, 11 and Sui Generis) with associated access, parking and landscaping
<b>Site Address:</b>	Land 100m Northeast of 227 Westburn Road, Grayline Avenue, Newton, Cambuslang
<b>Applicant:</b>	Crucible Developments (Scotland) Ltd
<b>Agent:</b>	North Planning and Development Ltd
<b>Ward:</b>	14 – Cambuslang East
<b>Application Type:</b>	Full Planning Permission
<b>Advert Type:</b>	Schedule 3: Rutherglen Reformer 21 September 2022
<b>Development Plan Compliance:</b>	Yes
<b>Departures:</b>	N/A
<b>Recommendation:</b>	Grant subject to conditions
<b>Legal Agreement:</b>	N/A
<b>Direction to Scottish Ministers</b>	N/A

## **1. Reason for Report**

- 1.1. This application must be presented to the Planning Committee for determination as it has received more than 5 objections, as detailed in paragraph 3.5 (b) of the approved South Lanarkshire Council Planning Application Decision Making Process April 2015.

## **2. Site Description**

- 2.1. The application site extends to approximately 1.7 hectares and is bound to the north by a housing site currently under construction. Residential developments from Phase 1 of the Community Growth Area (CGA) are located to the east; Westburn Road and the railway line are to the south, and the Light Burn with residential properties beyond are situated to the west.

## **3. Description of Proposed Development**

- 3.1. The proposal is for the erection of a neighbourhood centre (including Classes 1, 2, 3, 11 and Sui Generis) with associated access, parking and landscaping on land off Grayline Avenue, Newton, Cambuslang.
- 3.2. This would comprise of three main sections providing 15 separate units made up of a mix of uses including Class 1 (shops), Class 2 (financial, professional and other services) Class 3 (food and drink), Class 11 (Assembly and Leisure) and Sui Generis (uses in a class of their own such as hot food takeaway shops). Access to the site would be via a new access off Grayline Avenue.
- 3.3. The proposal also includes 130 parking spaces - including 17 EV parking spaces. As required by the masterplan, the development will incorporate a Sustainable Urban Drainage (SUDs) system with a SUDS pond located to the rear (west) of the site adjacent to the service yard.

## **4. Relevant Planning History**

- 4.1. Planning permission in principle was granted for the site under CR/09/0139. The first 5 housing pods (2A-E) were granted as per Approval of Matters Specified in Conditions on 28 January 2015 (CR/14/0155) and are complete, other than Pod 2E which is currently under construction. Pods 2H, 2G, 2I and 2J are nearing completion. The final housing site application (Pod 2F) has yet to be submitted. As such, the proposed neighbourhood centre (Pod 2L) is the next stage in the Newton CGA masterplan.

## **5. Supporting Information**

The following information was submitted by the agent in support of the application.

- 5.1. Design Statement – this outlines the site context, proposed siting, design and materials of the development.
- 5.2. Retail Planning Statement – outlines the proposed development including a breakdown of the use class mix, site history and includes a policy assessment in relation to SLLDP2.
- 5.3. Transport Statement – reviews the existing site and surrounding travel opportunities and details the proposed access, parking, servicing arrangements and sustainable travel options in relation to local and national transport planning policies.
- 5.4. Drainage Strategy – reports on any existing drainage and flooding issues at the site including existing surface water and foul drainage systems and includes a drainage strategy.

- 5.5. Ecological Constraints Survey – this presents the findings of an ecological survey carried out at the site.

## **6. Consultations**

- 6.1. Environmental Services - no objections subject to the attachment of conditions and advisory notes.  
Response: Noted.

- 6.2. Roads Development Management – no objections subject to the attachments of conditions including parking, provision of a traffic management plan and extension of a footway to the south of the site.  
Response: Noted.

- 6.3. Roads Flood Risk Management – no objections subject to the attachment of conditions requiring the provision of a SUDS drainage system.  
Response: Noted. Appropriate conditions can be attached to any consent issued.

- 6.4. Scottish Water – no objections to the proposal but advised the applicant must seek Technical Approval for the site to be connected.  
Response: Noted.

## **7. Representations**

- 7.1. Following the statutory period of neighbour notification and advertisement, a total of 161 representations have been received (45 objections, 111 support and 5 comments). The issues raised in the objections are summarised as follows:-

- ◆ Road safety
- ◆ Over-provision of parking
- ◆ Delivery times
- ◆ Pedestrian access
- ◆ Flood risk and drainage issues
- ◆ Impact on air quality
- ◆ Noise pollution
- ◆ Anti-social behaviour
- ◆ Increase in vermin
- ◆ Over-provision of takeaways
- ◆ Loss of open space for wildlife
- ◆ Lack of consultation with residents
- ◆ Totem poles

The points noted in support of the proposal are summarised as follows:-

- ◆ Provision of much needed amenities
- ◆ Reduction in travel to amenities for local residents
- ◆ Encourage local residents to walk to amenities
- ◆ Encourage residents to spend locally
- ◆ Employment opportunities

The above will be considered in the assessment below and full copies are available to view on the planning portal.

## **8. Development Plan**

8.1. Under Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

### **8.2. National Planning Framework 4**

National Planning Framework 4 (NPF4) is Scotland's national spatial strategy for Scotland. It sets out spatial principles, regional priorities, national developments, and national planning policy. NPF4 supports the planning and delivery of sustainable places, liveable places, and productive places.

#### **National Planning Framework 4 Policies**

- ◆ Policy 1 - Tackling the climate and nature crises
- ◆ Policy 2 - Climate mitigation and adaptation
- ◆ Policy 3 – Biodiversity
- ◆ Policy 13 – Sustainable transport
- ◆ Policy 14 - Design, quality and place
- ◆ Policy 15 - Local living and 20-minute neighbourhoods
- ◆ Policy 22 - Flood Risk and Water Management
- ◆ Policy 27 – City, town, local and commercial centres

### **8.3. South Lanarkshire Local Development Plan 2 (2021)**

For the purposes of determining planning applications the Council will also assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan (SLLDP2). In this regard the application site and associated proposals are affected by the following policies:-

#### **SLLDP2 Volume 1 Policies**

- ◆ Policy 2 – Climate Change
- ◆ Policy 3 – General Urban Areas and Settlements
- ◆ Policy 5 – Development Management and Placemaking
- ◆ Policy 10 - New Retail/Commercial Proposals
- ◆ Policy 15 – Travel and Transport
- ◆ Policy 16 – Water Environment and Flooding

#### **SLLDP2 Volume 2 Policies**

- ◆ Policy DM1 – New Development Design
- ◆ Policy SDCC2 – Flood Risk
- ◆ Policy SDCC3 – Sustainable Drainage Systems
- ◆ Policy SDCC4 – Sustainable Transport

## **9. Guidance**

9.1. None applicable.

## **10. Assessment and Discussion**

### **10.1. Principle of Development**

The site is located on an area of land within the Newton Community Growth Area designated for retail development within the masterplan approved under Permission in Principle CR/09/0139.

10.2. NPF4 Policy 27 City, town, local and commercial centres advises that Local Development Plans should identify and support a network of centres that reflect the principles of the 20 minute neighbourhoods vision. Proposals that enhance local centres and increase the mix of uses will be supported. SLLDP2 Policy 10 New

Retail/Commercial Proposals lists a number of criteria that proposals of this nature require to comply with.

- 10.3. At present, there are limited commercial facilities within the Newton CGA and in response to this planning application, a significant number of letters of support have been submitted.
- 10.4. In this respect, while letters of objections noted that Cambuslang town centre and Halfway already provide amenities and services that could be used by residents of Newton, as detailed throughout this report, this site is allocated for this use and there is an identified need for amenities in this area. It is therefore considered the proposal is consistent with Policy 27 of NPF4 and Policy 10 of SLLDP2.
- 10.5. Climate Change  
NPF4 Policy 1 Tackling the Climate and Nature Crises and NPF4 Policy 2 Climate Mitigation and Adaptation aim to ensure that proposals for new development must, where possible, seek to minimise and mitigate against the effects of climate change. The site, designated as part of the masterplan development as part of the CGA, will provide services and facilities within walking distance to many residential properties in Newton. EV charging and cycle parking will be provided, and the site is also within walking distance of train and bus routes. The development will not result in the loss of any trees and will incorporate landscaping as part of the development. It is therefore considered the proposal is consistent with Policies 1 and 2 of NPF4.
- 10.6. NPF4 Policy 3 – Biodiversity, aims to protect and reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. In this case, the proposed development will develop a vacant site within the settlement boundary. It is noted that the applicant has provided an ecological survey which confirms no protected species are present on the site. Moreover, the overall CGA has extensive open space, including wildlife corridors and development exclusion zones.
- 10.7. SLLDP2 Policy 2 Climate Change aims to ensure that developments seek to minimise and mitigate against the effects of climate change and that development does not result in any significant environmental or amenity impacts. The proposed development would provide facilities within walking distance for the residents of Newton and as noted above, would also be served by bus and rail routes. This would reduce reliance on private vehicles and the need to travel out with the local area for amenities. It is therefore considered that the proposal is also consistent with Policy 2 of SLLDP2.
- 10.8. Layout, Siting and Design  
NPF4 Policy 14 Design, Quality and Place aims to encourage, promote, and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle. It sets out six qualities of successful places. The proposal is consistent with these qualities and is consistent with Policy 14.
- 10.9. NPF4 Policy 15 Local Living and 20 Minute Neighbourhoods seeks to create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling, or using sustainable transport options. In this case, the provision of a neighbourhood centre would provide the facilities to allow the residents of Newton the benefit of local living and would create a 20-minute neighbourhood. As such, the proposal is considered to be consistent with Policy 15 of NPF4.

- 10.10. SLLDP2 Policy 5 Development Management and Placemaking and DM1 New Development Design require all planning applications to take fully into account the local context and built form in terms of layout, scale, design and external materials. SLLDP2 Policy 3 General Urban Areas and Settlements advises proposals within or adjacent to residential areas will be assessed on their individual merits, with particular regard to their effect on the amenity and character of the area.
- 10.11. It has been raised through objection that the number of units is larger than that indicated under the masterplan for the site and that the proposal is out of scale with surrounding residential properties. It should be noted that the masterplan was a Permission in Principle which required detailed plans of the neighbourhood development to be submitted and agreed at a later date. As such, the neighbourhood centre shown on the masterplan was only indicative. In terms of the layout, the proposed units have been located centrally within the site with parking to the front which the Council considers minimises the impact on adjacent properties.
- 10.12. In terms of scale and design, the proposed buildings are primarily single storey with some two storey elements which the Council is satisfied will be in keeping with the surrounding area and will form an attractive commercial development. The Council is satisfied the layout, scale and design are acceptable and in keeping with the surrounding residential properties. The proposed finishes are a mix of modern materials which are considered to be acceptable and will integrate with the surrounding residential areas. Should permission be granted, a condition would be attached for samples of all materials to be submitted and approved prior to works commencing on site. As such, the proposal is considered to be consistent with Policies 3, 5 and DM1 of SLLDP2.
- 10.13. Other issues  
An issue raised through objection suggested the applicant did not undertake consultation with local residents prior to submission of the application and that some housebuilders previously advised residents this site was to be retained as open space. Whilst this is noted, there was no requirement for the applicant to carry out consultation prior to application submission. As outlined above, under the masterplan for the Newton CGA, this site has always been designated for a neighbourhood centre.
- 10.14. Another objection has noted that the plans indicate a number of totem poles around the boundary of the site. The Council has advised the applicant that any proposed signage would require to be submitted and assessed under a separate application for Advertisement Consent. As such, no consent is granted for signage as part of this application.
- 10.15. Technical Matters  
NPF4 Policy 22 Flood Risk and Management aims to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding. The proposal includes the provision of a sustainable drainage system. The applicant has submitted a Drainage Strategy and the Council's Flood Risk Management Team have advised that they have no objections to the proposed development subject to conditions in relation to the implementation of a Sustainable Drainage Design designed and independently checked in accordance with the Council's SUDS Design Criteria Guidance. In addition, the applicant has applied for technical approval from Scottish Water as requested under their consultation response. Given the above, and subject to the imposition of the requested conditions, it is considered the proposal is consistent with Policy 22 of NPF4.

- 10.16. SLLDP2 Policy 16 – Water Environment and Flooding is also relevant and advises any development that has an unacceptable impact on the water environment will not be permitted. In determining proposals, consideration shall be given to water levels, flows, quality, features, flood risk and biodiversity within the water environment. Policies SDCC2 – Flood Risk and SDCC3 – Sustainable Drainage Systems also expand on this. The requirement for appropriate drainage provision and concern for increased flood risk have been noted through objections to the proposal. However, as detailed above, flooding and drainage details have been submitted and reviewed by the Council's Flood Risk Management section and have been agreed subject to the attachment of conditions. The proposal is therefore also considered to be consistent with Policies 16, SDCC2 and SDCC3 of SLLDP2.
- 10.17. In terms of road safety and impact on the road network, SLLDP2 Policy 15 – Travel and Transport is applicable and requires all new development proposal to consider the impact of traffic growth. Some of the issues raised through objections refer to increased traffic as a result of the development, road safety, the proximity of the access in relation to nearby roundabouts, lack of visibility, congestion, lack of a Transport Assessment, insufficient turning areas and the possibility of a drive-thru restaurant. A Transport Assessment was submitted and the impact of the proposal on the local road network, formation of a new access, turning space and associated parking provision have been assessed by the Council's Roads Development Management Service who have offered no objections to the proposal subject to the attachment of conditions. It is further noted that the proposal does not include a drive-thru restaurant. The proposal is therefore considered to comply with Policy 15 of SLLDP2.
- 10.18. NPF4 Policy 13 Sustainable Transport also aims to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport or everyday travel and reduce the need to travel unsustainably. SLLDP2 Policy SDCC4 Sustainable Transport requires new developments to be accessible by walking, cycling and public transport, recognising the needs of cyclists, pedestrians and people with disabilities, as well as the provision of cycle parking and storage. Whilst support letters for the application note that this development will encourage locals to walk to it, some objections consider the level of parking provided within the proposal will potentially encourage users to drive instead. The Council would note that parking provision is required for all new development therefore the level of provision in this case is in proportion to the scale of the development. That said, the proposed development includes cycle parking, disabled parking, pedestrian access throughout the site as well as a link to the housing development to the north of the site for those who wish to use them. It is therefore considered the proposal complies with the aims of Policy 13 of NPF4 and Policy SDCC4 of SLLDP2.
- 10.19. Other issues raised in objection was impact of the proposal on air quality, noise pollution affecting the adjacent residential properties, and an increase in vermin. It was also noted that the proposed opening hours of the units have not been provided and a request from local residents is that the car park be closed in the evenings. In terms of air quality and noise, the Council's Environmental Service were consulted as part of the application and have raised no objections to the proposal subject to the attachment of standard conditions. The applicant also confirms the car park would not be closed in the evenings. However, should permission be granted, a condition requiring an operational management plan to be submitted and approved would be attached.

## 10.20. Conclusion

In conclusion it is noted that the principle of this development is supported by the approved masterplan for Newton Community Growth Area. It is considered that the proposal will not result in any significant adverse amenity, environmental or safety impacts, and therefore complies with the relevant policies of the adopted National Planning Framework 4 and the adopted South Lanarkshire Local Development Plan 2. It is therefore considered appropriate for planning permission to be granted subject to the attached conditions.

## 11. **Recommendation and Conditions**

11.1. The Committee is asked to agree the following recommendation:-

### **Grant Full Planning Permission subject to the following conditions:-**

01. The development to which this permission relates shall be begun no later than the expiration of three years beginning with the date of grant of this decision notice.

Reason: To comply with Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).

02. 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.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

03. That before any work commences on the site, a scheme of landscaping 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., including, where appropriate, the planting of fruit/apple trees;
- (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.

Reason: To ensure the appropriate provision of landscaping within the site.

04. 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(s) or completion of the development hereby approved, whichever is the sooner to the satisfaction of the Council.

Reason: In the interests of the visual amenity of the area.

05. 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.



Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

06. 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 5 shall be erected to the satisfaction of the Council.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

07. That before the development hereby approved is brought into use, details of the storage and collection of waste arising from the development shall be submitted to and approved by the Council as Planning Authority.

Reason: To minimise nuisance, littering and pest problems to nearby occupants.

08. That prior to commencing works on site the developer shall submit, for the written approval of the Council as Roads Authority, a Traffic Management Plan (TMP) which shall include construction traffic access/egress arrangements and routes. The TMP should include information such as, but not limited to, construction access routes to/from the site, wheel washing facilities, site car parking for operatives/visitors and any temporary site access arrangements. Once approved, all works shall be undertaken in accordance with the TMP. No construction traffic access shall be permitted on routes not agreed with the Council as Planning Authority as written through the TMP.

Reason: In the interests of road safety.

09. Prior to commencement of the development hereby approved, details of measures to facilitate the provision of full fibre broadband to serve the development, including details of appropriate digital infrastructure and a timescale for implementation, shall be submitted to and approved in writing by the Council as Planning Authority, unless otherwise agreed in writing with the applicant. The approved measures shall thereafter be carried out in accordance with the agreed implementation timescale.

Reason: To ensure the provision of digital infrastructure to serve the development.

10. The SUDS basin and associated infrastructure shall be designed to current industry standards, ensuring appropriate gradients, to the satisfaction of the Council as Roads and Planning Authority.

Reason: These details have not been submitted.

11. That no development shall commence until details of surface water drainage arrangements and maintenance responsibilities have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design Criteria and requirements (Appendices A, B, C, D and E).

Reason: To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.

12. That the development hereby approved shall not be occupied until surface water drainage works have been completed in accordance with the details submitted to and approved by the Council as Planning Authority, under the terms of Condition 13 above.

Reason: To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.

13. Should discharge from the sustainable drainage system be to the Scottish Water system, a copy of the letter from Scottish Water, confirming approval to connect to their system, shall be submitted to the Council.

Reason: This detail has not been submitted.

14. That prior to the development coming into use, an operational management plan including details of proposed opening hours and delivery times for the units, shall be submitted to and approved by the Council.

Reason: These details have not been submitted.

## **12. Reason for Decision**

- 12.1. The proposal will have no significant adverse impact on amenity, public safety or the local environment and complies with the provisions of Policies 1, 2, 3, 13, 14, 15, 22 and 27 of the adopted National Planning Framework 4 (2023) and Policies 2, 3, 5, 10, 15, 16, DM1, SDCC2, SDCC3 and SDCC4 of the adopted South Lanarkshire Local Development Plan 2 (2021).

**David Booth**

**Executive Director (Community and Enterprise Resources)**

**Date: 1 December 2023**

## **Background Papers**

Further information relating to the application can be found online:

[P/22/1234 | Erection of neighbourhood centre development \(including Classes 1, 2, 3, 11 and Sui Generis\) with associated access, parking and landscaping | Land 100M Northeast Of 227 Westburn Road Grayline Avenue Cambuslang \(southlanarkshire.gov.uk\)](#)

## **Corporate Considerations**

The report raises no impacts or risks in terms of equalities or financial implications. Any implications in terms of climate change, sustainability or the environment will have been considered above in terms of the relevant national and local policies.

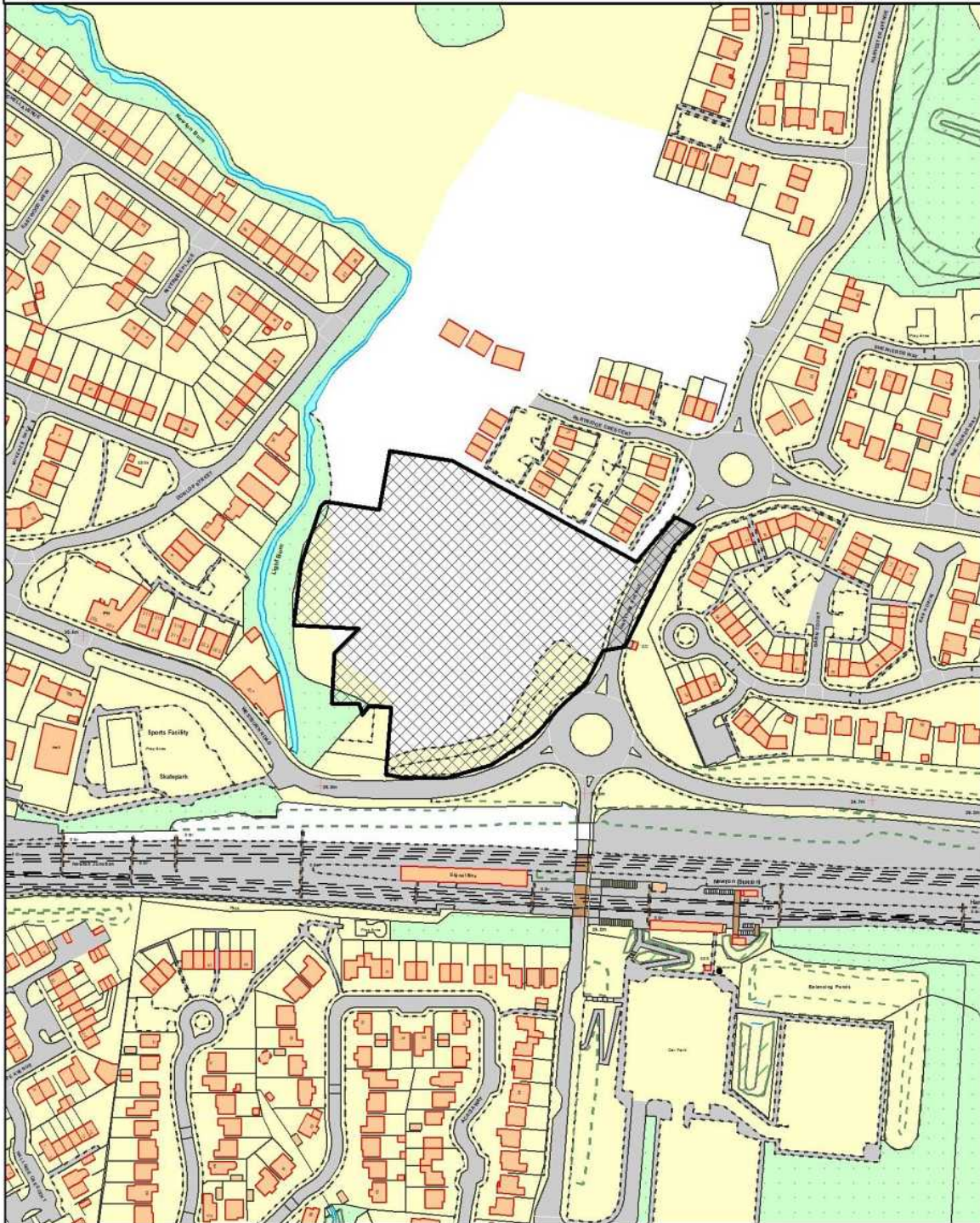
## **Contact for Further Information**

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

Tel: 01698 454867

E-mail: [planning@southlanarkshire.gov.uk](mailto:planning@southlanarkshire.gov.uk)

**P/22/1234 Land 100m Northeast of 227 Westburn Road and East of Grayline Avenue, Cambuslang**



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Scale:  
1:2,500  
Date:  
16/11/2023



**South Lanarkshire Council**  
**Community and Enterprise Resources**  
Planning and Regulatory Services



# Report

7

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>12 December 2023</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

<b>Reference no:</b>	P/23/0288
<b>Proposal:</b>	Demolition of extensions and cottage, retention of original hotel to form 4 flats and erection of 5 houses with associated access road, parking, landscaping and SUDS system (In Principle)
<b>Site Address:</b>	Abington Hotel 78 Carlisle Road Abington Biggar ML12 6SD
<b>Applicant:</b>	Mr Darren Hill
<b>Agent:</b>	Michael Nisbet Architect
<b>Ward:</b>	03 Clydesdale East
<b>Application Type:</b>	Planning Permission in Principle
<b>Advert Type:</b>	Non-notification of neighbours: Lanark Gazette 17 May 2023
<b>Development Plan Compliance:</b>	Yes
<b>Departures:</b>	N/A
<b>Recommendation:</b>	Grant subject to conditions and legal agreement
<b>Legal Agreement:</b>	Yes – to secure financial contributions towards nursery provision
<b>Direction to Scottish Ministers</b>	N/A



## **1. Reason for Report**

- 1.1. This application must be presented to the Planning Committee for determination as it has received more than 5 objections, as detailed in paragraph 3.5 (b) of the approved South Lanarkshire Council Planning Application Decision Making Process April 2015.

## **2. Site Description**

- 2.1. The application site relates to a vacant hotel and associated grounds in the centre of the village of Abington which extends to 0.95 hectares. To the east, the site bounds onto Carlisle Road and beyond by a strip of amenity space and residential dwellings. Colebrook Terrace forms the northern boundary with Abington Village Hall to the south.
- 2.2. The existing hotel fronts onto Carlisle Road and while built in the Victorian/Edwardian era, has a number of extensions which vary in appearance and finishing materials. To the rear of the hotel are extensive grounds including a hotel cottage, finished in pebble dash and slate.
- 2.3. The grounds predominantly consist of grassland, with clusters of trees in the northern corner and a hedgerow along the southern boundary adjoining a footpath to the parish church. A surface water drain and open culvert cross the site and continues through adjoining woodland.

## **3. Description of Proposed Development**

- 3.1. Planning permission in principle is sought to demolish the hotel extensions (including the front conservatory) and cottage, whilst retaining the original hotel. The retained portion of the hotel would be converted to form 4 two bedroom flats. Additionally, five dwellings would be formed on the area previously occupied by extensions and associated grounds.
- 3.2. The indicative layout shows that two semi-detached (two bedroom) single storey dwellings would be situated behind the retained hotel, whilst three single storey detached (three bedroom) dwellings would be located between the culvert and a new access road taken from Colebrooke Terrace. This application, however, seeks Planning Permission in Principle and the final details would be subject to further applications.

## **4. Relevant Planning History**

- 4.1. None

## **5. Supporting Information**

- 5.1. In support of the planning application, the applicant has submitted:-
- ◆ Bat Survey and Report
  - ◆ Supporting Statement
  - ◆ Scottish Water Assets Report
  - ◆ Water and Sewerage Capacity Information

## **6. Consultations**

- 6.1. Roads and Transportation Services – No objection subject to conditions covering footway formation, visibility, parking, driveway gradients and requirement for a Traffic Management Plan.  
Response: Noted. Suitable conditions would be attached to any decision issued.

- 6.2. Environmental Services – No objections, subject to conditions and advisory notes in respect of construction noise, pest control, asbestos, and nuisance.  
Response: Noted. Should planning permission be approved appropriate conditions and informatives would be attached to any decision issued.
- 6.3. Scottish Water – No objection.  
Response: Noted.
- 6.4. Education Resources – No issues with the proposal although developer contributions of £1100 per dwelling (totalling £9900) for nursery provision should be sought.  
Response: The applicant has agreed to making the requested financial contribution and has asked that this is formalised through a section 75 agreement.

## **7. Representations**

- 7.1. Following the statutory period of neighbour notification and advertisement for non-notification of neighbours, a total of 18 objections, 3 representations and one supporting the proposals have been received. The issues raised are summarised as follows:-

### Amenity

- ◆ The proposal will affect the character of the village.
- ◆ The existing building could be saved and redeveloped.

### Impact on Natural and Historic Environment

- ◆ The hotel is not listed but should be as it is a historic building in the village and a focal point.
- ◆ The hotel is an important village asset.

### Roads Related Matters

- ◆ Colebrooke Terrace is in need of repair and does not have a footpath.
- ◆ Additional traffic generated will impact upon public safety.

### Other Matters Raised

- ◆ If demolition goes ahead the site may become an eyesore.
- ◆ The village does not require any further housing but does require a hotel with amenities to serve the local community and passing tourists.
- ◆ New buildings could be affected by flooding.
- ◆ Consultation should have been more extensive.

- 7.2. In addition to the reasons for objecting listed above, a number of non-material concerns were also raised. The above issues are considered in the assessment below and full copies are available to view on the planning portal.

## **8. Development Plan**

- 8.1. Under Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. National Planning Framework 4  
National Planning Framework 4 (NPF4) is Scotland's national spatial strategy for Scotland. It sets out spatial principles, regional priorities, national developments, and national planning policy. NPF4 supports the planning and delivery of sustainable places, liveable places, and productive places.

#### National Planning Framework 4 Policies

- ◆ Policy 1 - Tackling the climate and nature crises
- ◆ Policy 2 - Climate mitigation and adaptation
- ◆ Policy 3 - Biodiversity
- ◆ Policy 6 - Forestry, woodland and trees
- ◆ Policy 9 - Brownfield, vacant and derelict land
- ◆ Policy 14 - Design, quality and place
- ◆ Policy 15 - Local living and 20 minute neighbourhoods
- ◆ Policy 16 - Quality homes

#### 8.3. South Lanarkshire Local Development Plan 2 (2021)

For the purposes of determining planning applications the Council will, therefore, assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan 2 (SLLDP2). In this regard the application site and associated proposals are affected by the following policies contained in the SLLDP2:-

#### SLLDP2 Volume 1 Policies

- ◆ Policy 2 - Climate Change
- ◆ Policy 3 - General Urban Areas and Settlements
- ◆ Policy 4 - Green Belt and Rural Area
- ◆ Policy 5 - Development Management and Placemaking
- ◆ Policy 7 - Community Infrastructure Assessment
- ◆ Policy 14 - Natural and Historic Development

#### SLLDP2 Volume 2 Policies

- ◆ Policy DM1 - New Development Design
- ◆ Policy DM7 - Demolition and Redevelopment for Residential Use
- ◆ Policy NHE9 - Protected Species

#### South Lanarkshire Council (SLC) Supporting Planning Guidance

- ◆ The Community Infrastructure Assessment Supplementary Guidance (2022)

### **9. Guidance**

9.1. None applicable.

### **10. Assessment and Discussion**

#### 10.1. Principle of Development

The adopted SLLDP2 indicates that the application site is within the Settlement boundary of Abington where Policy 3 – General Urban Areas and Settlements advises that residential developments on appropriate sites will generally be acceptable.

10.2. NPF4 Policy 16 – Quality Homes seeks to encourage, promote and facilitate the delivery of high-quality homes, in the right locations. It advises that development proposals for new homes on land not allocated for housing in the LDP will be supported where the proposal is consistent with the spatial strategy and other relevant policies in the Development Plan, and it represents a small-scale housing opportunity within the settlement boundary of a 20 minute neighbourhood. As such, the proposal accords with Policy 16 – Quality Homes of NPF4.

10.3. Policy 9 Brownfield of NPF4 relates to vacant and derelict land and empty buildings. The proposed development will result in the sustainable reuse of brownfield land relating to new build, after demolition of extensions to the original hotel and hotel cottage and use of existing hardstanding and parking areas. In their consultation response Environmental Services did not highlight any contaminated land issues and



therefore the proposal complies with Policy 9 – Brownfield, vacant and derelict land empty buildings of NPF4.

10.4. Climate Change

NPF4 Policy 1 requires that when considering all development proposals, significant weight will be given to the global climate and nature crises. NPF4 Policy 2 Climate Change and Mitigation expands on this, requiring all new developments to be sited and designed (1) to minimise lifecycle greenhouse gas emissions as far as possible and (2) to adapt to the current and future risks from climate change. In the absence of a methodology for measuring the emissions which would result from the proposed building, it is considered appropriate at this time to instead consider the general sustainability of the proposal in land-use planning terms (whether the conversion of existing building and associated new build development is supportable when assessed against other relevant policies in NPF4) and use that as an indicator about whether or not it is likely to minimise emissions and adapt to current and future impacts of climate change.

10.5. SLLDP2 Policy 2 Climate Change seeks to minimise and mitigate against the effects of climate change by considering various criteria including: being sustainably located; reuse of vacant and derelict land; avoidance of flood risk areas; incorporating low and zero carbon generating technologies; opportunities for active travel routes and trips by public transport; electrical vehicle recharging infrastructure and, where appropriate, connection to heat networks.

10.6. There is no evidence that the site is affected by flooding, however if permission is granted, as a precaution, a condition requiring a Flood Risk Assessment will be attached to the Decision Notice. Hedgerow and tree planting is proposed along sections of the site boundary. If permission is granted, conditions will be attached requiring the submission and approval of details for low carbon technology, the installation of electric vehicle charging points, measures to protect retained trees and extensive tree planting in the undeveloped area of the site to compensate for tree loss. The proposal involves the re-use of brownfield land which ties in with the objectives of sustainability. In consideration, the proposals would not undermine the objectives of Policy 2.

10.7. Layout, Siting and Design

NPF4 Policy 14 Design, quality and place states that development proposals will be supported where they are consistent with the six qualities of successful places. The development layout utilises vacant land and buildings contained within the urban fabric of Abington. The locality around the site, along Colebrooke Terrace and Carlisle Road primarily consists of older single storey, and one and a half storey properties from the Victorian/Edwardian era with traditional architectural features and finishes similar to the original hotel which is to be retained and converted into flats.

10.8. In the area behind the hotel, the indicative proposals submitted show a small cluster of 5 single storey dwellings will be positioned on a new access road. A significant area in the western half of the site will be left undeveloped and available for tree planting. Existing trees in the northern corner of the site and on adjoining land within the applicant's ownership will be retained. In consideration the proposed development complies with Policy 14 Design, quality and place of NPF4.

10.9. NPF4 Policy 15 promotes the concept of Local Living and 20 minute neighbourhoods. The application site lies at the centre of Abington and is close to a range of services and therefore the proposal does accord with the aims and intent of Policy 15 of National Planning Framework 4.

- 10.10. SLLDP2 Policy 5 - Development Management and Place Making supports residential developments where they do not have a significant adverse effect on the amenity of the area while SLLDP2 Policy DM7 sets out residential redevelopment proposals involving demolition of existing properties will require to comply with the relevant policies (NHE3 and NHE7), ensure that the design, layout, density, amenity, access/parking and finishing materials are all acceptable.
- 10.11. The application originally sought to demolish and clear the whole site. However, due to the appearance of the original hotel building and its importance to the village, the proposals were amended to ensure that the original building would be retained. The removal of later additions will not detrimentally impact on the appearance or setting of the original hotel building.
- 10.12. In terms of design, these matters are more properly dealt with at the approval of matters specified in condition application stage. However, a small-scale residential development, restricted to single storeys in height can be successfully integrated into the setting of the hotel and surrounding area. The new buildings would be visually contained by the converted hotel building, retained trees and extensive tree planting on the slopes to the west of the culvert.
- 10.13. Adequate access, parking, turning areas and access can be provided. A condition has been attached requiring approval of measures to facilitate the provision of full fibre broadband. The proposal would relate satisfactorily to the character and amenity of neighbouring residential areas which would not be impaired by reason of traffic generation, parking, visual intrusion, overlooking, overshadowing or physical impact. The proposal is therefore satisfactory in terms of Policies 5, DM1 and DM7 of the adopted Local Plan.
- 10.14 Natural and Historic Heritage  
NPF4 Policy 3 Biodiversity states that development proposals should contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats, and building and strengthening nature networks and the connections between them. Policies 14 and 15 of the NPF4 seek to enhance the natural and historic environment.
- 10.15. The site is not designated as a site important for its habitat and biodiversity. However, the demolition of the buildings and removal of trees could potentially impact upon bats which are a protected species. Bat Surveys have been undertaken and a bat licence from NatureScot will be required.
- 10.16. The ecological consultant has advised that the maintenance of the favourable conservation status of the affected bat species requires a robust method statement and compensation measures. The proposed method statement is listed in the Stage 2 Bat Activity Survey Report and compliance with the method statement and mitigation measures will be subject to a condition if consent is granted.
- 10.17. A group of trees will be partially felled along with some individual trees and a section of hedgerow. A condition would be attached to ensure that appropriate replacement planting could be undertaken. In consideration, the proposal complies with Policy 3 of NPF4 and Policies 14 and NHE9 of SLLDP2.
- 10.18 Community Infrastructure Assessment  
SLLDP Policy 7 Community Infrastructure Assessment states where development proposals would require capital or other works or facilities to enable to proceed, financial contributions towards their implementation will be required. Education Resources require a total of £9900 as a contribution towards local nursery provision.

The applicant has agreed to this contribution which will be dealt with through a legal agreement and therefore comply with Policy 7.

#### 10.19 Conclusion

The proposals will allow a historic building that is currently vacant to be redeveloped and the site brought back into use. In view of the above assessment and considering NPF4 and Local Plan policies and supporting information, the proposal represents an appropriate form of residential development for the application site and neighbouring vicinity. It is therefore recommended that planning permission in principle be granted subject to the conditions listed and the conclusion of a legal agreement.

#### 11. **Recommendation and Conditions**

11.1. The Committee is asked to agree the following recommendations:-

**Grant Planning Permission in Principle (subject to conditions listed and the conclusion of a Section 75 agreement for financial contributions towards nursery provision).**

1) Planning Permission in Principle should not be issued until an appropriate obligation under Section 75 of the Planning Act, and/or other appropriate agreement, has been concluded between the Council, the applicant(s) and the site owner(s). This planning obligation should ensure that appropriate financial contributions are made at appropriate times during the development towards the following:-

- Financial contribution towards educational facilities

In accordance with agreed procedure, should there be no significant progress, on behalf of the applicant, towards the conclusion of the Planning Obligation within 6 months of the date of the Committee, the proposed development may be refused on the basis that, without the planning control/developer contribution which would be secured by the Planning Obligation, the proposed development would be unacceptable.

If, however, this matter is being progressed satisfactorily the applicant will be offered the opportunity to enter into a Processing Agreement, if this is not already in place. This will set an alternative agreed timescale for the conclusion of the Planning Obligation.

All reasonable legal costs incurred by the Council in association with the above Section 75 Obligation shall be borne by the applicant.

#### 2) Conditions and Reasons

01. The development to which this permission in principle relates shall be begun no later than the expiration of five years beginning with the date of grant of this decision notice.

Reason: To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

02. Prior to the commencement of development on site, an application(s) for the approval of any matters specified in condition shall be submitted to and approved in writing by the Council as Planning Authority. The application shall detail/provide the following:-

- (a) The layout of the site, including all roads, footways, parking areas and open spaces;
- (b) The siting, design and external appearance of all new buildings and any other structures, including plans and elevations showing their dimensions and type and colour of external materials;
- (c) Detailed cross-sections of existing and proposed ground levels, details of underbuilding and finished floor levels.
- (d) The design and location of all boundary treatments including walls and fences;
- (e) The landscape proposals for the site, including details of existing trees and other planting to be retained together with proposals for new planting specifying number, size and species of all trees and shrubs, including, where appropriate, the planting of fruit/apple trees;
- (f) Details of the phasing of the development (covering all relevant aspects of development detailed in (a) above)
- (g) An Energy Statement;
- (h) A Design Statement prepared in accordance with Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 (As Amended);
- (i) A Traffic Management Plan

Reason: To enable the Planning Authority to consider this/these aspect(s) in detail. The application is in principle only and to comply with section 59(1) of the Town and Country Planning (Scotland) Act 1997 and regulations 12 and 28 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

03. That no consent is hereby granted for the indicative house footprints shown on the site plan.

Reason: Permission is granted in principle only and no approval is given for these details.

04. That no trees, identified on the approved Site Plan as Proposed (Dr no: 0150/22R) for retention, shall be felled, removed or otherwise affected without the prior written consent of the Council as Planning Authority.

Reason: In the interests of amenity and to ensure the protection and maintenance of the existing trees and other landscape features within the site.

05. Any tree identified for removal shall be checked for roosting bats and nesting birds prior to felling. If nesting birds are found no felling shall take place until the chicks have fledged. If bat roosts are found no felling shall take place until necessary mitigation measures have been approved and a bat licence obtained.

Reason: To protect bats and nesting birds.

06. The tree protection measures, and arboricultural recommendations listed in the Survey of Trees Report (Thomson Trees Ltd, 10 September 2023) shall be fully complied with.

Reason: To ensure that the trees to be retained will not be damaged during construction and to protect and enhance the appearance and character of the site and locality.

07. As part of the submission of the first application for matters specified in conditions; full details of a tree planting scheme, in the western area of the site, shaded in a darker green on the Site Plan as Proposed (Dr: 0150/22R), shall be submitted to and approved in writing by the Council as Planning Authority. This will include planting and maintenance specifications (including cross-section drawings, use of guards or other protective measures), phasing in relation to the wider development and confirmation of location, species and sizes, nursery stock type, supplier and defect period. The approved tree planting shall thereafter be carried out in accordance with those details and as per the agreed phasing. All tree planting shall be completed during the first available planting season following completion of the development.

Reason: To enhance the natural heritage of the area.

08. That prior to the commencement of works on site, details of surface water drainage arrangements shall be submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Developer Design Guidance (May 2020) and shall include the following signed appendices: C 'Sustainable Drainage Design Compliance certificate', D 'Sustainable Drainage Design Independent Check Certificate' and E 'Confirmation of Future Maintenance of Sustainable Drainage Apparatus'. The development shall not be occupied until the surface drainage works have been completed in accordance with the approved details.

Reason: To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.

09. Prior to the commencement of works on site, the applicant will require to submit a flood risk assessment for the consideration and approval of the council. Self-certification and independent check certificates appendices A and B (refer to the Council's developer design guidance May 2020, or any subsequently approved document) duly signed by the relevant party are to be submitted.

Reason: To ensure that works proposed are not at risk of flooding and will not increase the likelihood of flooding elsewhere.

10. That the development shall be carried out in accordance and comply with the recommendations set down in the Stage 2 'Bat Activity Survey' Report (David Dodds Associates Ltd, May-June 2023) including requirements for: a bat license from NatureScot; dismantling/demolition works supervised by a licensed bat specialist; avoidance of demolition/dismantling during maternity season if maternity roost is occupied; installation of three woodstone/woodcrete bat boxes and a multi chambered woodstone/woodcrete maternity bat box affixed to nearby trees and; directing artificial light away from bat roosts and replacement bat boxes.

Reason: In the interests of bats.

11 The energy statement required by condition 02 above, shall include:-

- a) the total predicted energy requirements and CO2 emissions of the development, clearly illustrating the additional 15% reduction beyond the 2007 building regulations CO2 standard;
- b) a schedule of proposed on-site zero and low carbon energy technologies to be included in the development and their respective energy contributions and carbon savings;
- c) an indication of the location and design of the on-site energy technologies; and
- d) a maintenance programme for the on-site zero and low carbon energy technologies to be incorporated.

The approved on-site zero and low carbon energy technologies shall be fully installed and operational prior to the occupation of any approved buildings and shall thereafter remain fully operational in accordance with the approved maintenance programme, unless otherwise agreed in writing by the Council as Planning Authority.

Reason: To ensure that the development meets the requirements of the policies within the Development Plan which seek to address the climate emergency.

12. That before commencement of the demolition works, further details/plans shall be submitted which illustrate measures to protect the areas of the building it is proposed to retain. These measures shall include details of any infill and repair works required to the remaining structure, together with details of an appropriate secure boundary fence to prevent unauthorised access to the premises. No work shall commence on this part of the demolition until these details have been agreed in writing with the Council as Planning Authority, and the works shall thereafter be implemented in accordance with the approved further details/plans, under the supervision of a suitably qualified structural engineer.

Reason: In order to retain effective planning control

13. That prior to the commencement of any demolition works, a method statement detailing the process of the demolition and dismantling of the areas of the building it is proposed to remove (including phasing) shall be submitted to, and approved in writing by, the Council as Planning Authority. The method statement shall thereafter be implemented as approved during the demolition and the works overseen by a suitably qualified structural engineer.

Reason: In order to retain effective planning control.

14 That none of the new build dwellings shall be occupied until the retained part of the hotel has been fully restored and converted for residential use to the satisfaction of the Council as Planning Authority.

Reason: In the interests of the heritage and townscape character of Abington.

## **12. Reason for Decision**

- 12.1. The proposal will not adversely impact on townscape character, residential or visual amenity, raises no road safety concerns, conserves the most important part of a historic hotel, a landmark in the centre of Abington and reuses a brownfield site to meet demand for housing. The proposal accords with Policies 1, 2, 3, 6, 9, 14, 15 and 16 of National Planning Framework 4 and policies 2, 3, 5, 7, 14, DM1, DM7 and NHE9 of the South Lanarkshire Local Development Plan 2.

**David Booth**

**Executive Director (Community and Enterprise Resources)**

**Date: 1 December 2023**

### **Background Papers**

[P/23/0288 | Demolition of extensions and cottage, retention of original hotel to form 4 flats and erection of 5 houses with associated access road, parking, landscaping and SUDS system \(In Principle\) | Abington Hotel 78 Carlisle Road Abington Biggar ML12 6SD](#)

### **Corporate Considerations**

The report raises no impacts or risks in terms of equalities or financial implications. Any implications in terms of climate change, sustainability or the environment will have been considered above in terms of the relevant national and local policies.

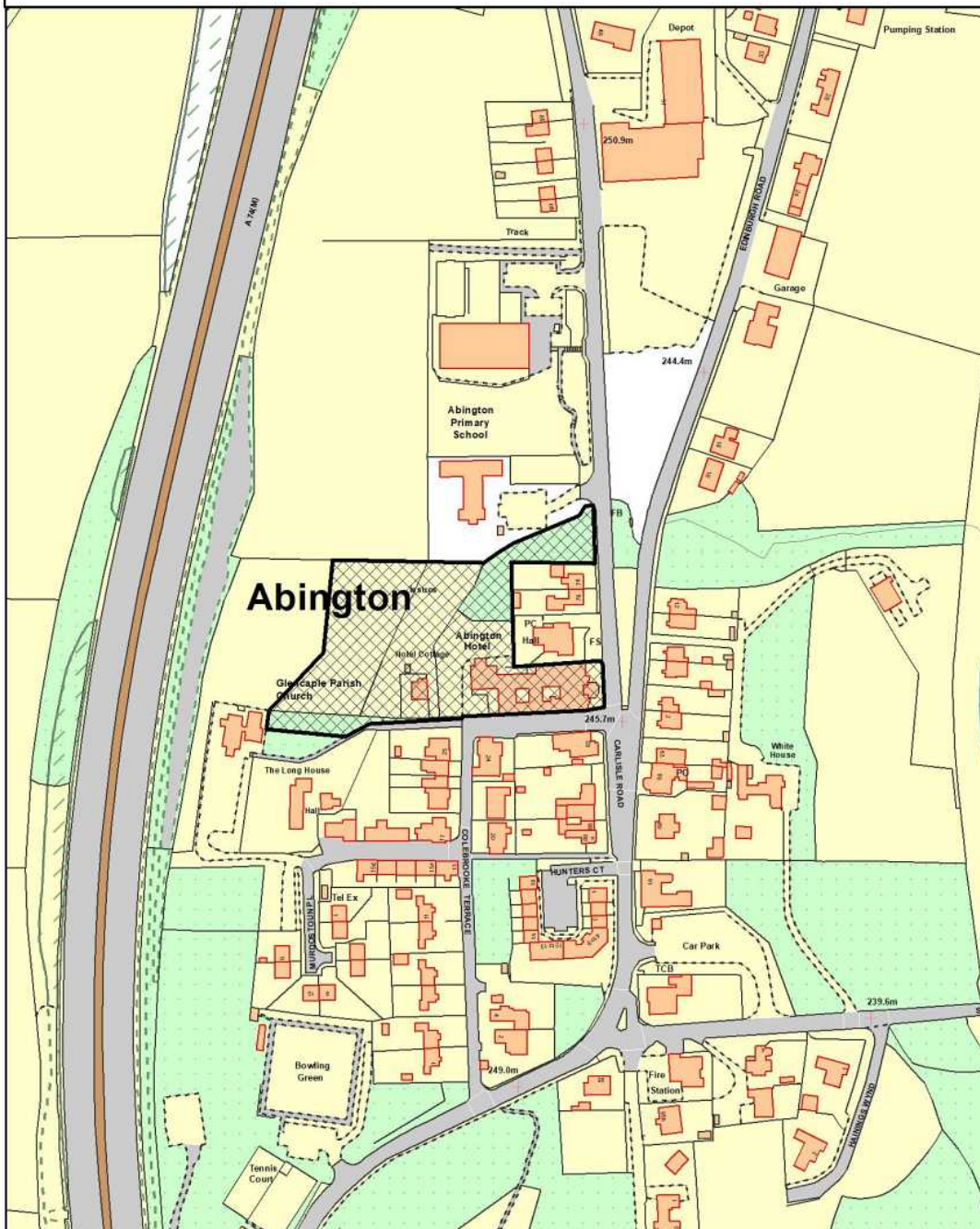
### **Contact for Further Information**

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

Tel: 01698 454867

E-mail: [planning@southlanarkshire.gov.uk](mailto:planning@southlanarkshire.gov.uk)

P/23/0288 Abington Hotel, 78 Carlisle Road, Abington



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1:2,500  
Date:  
11/11/2023



**South Lanarkshire Council**  
**Community and Enterprise Resources**  
Planning and Regulatory Services



# Report

8

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>12 December 2023</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

<b>Reference no:</b>	P/23/0434
<b>Proposal:</b>	Erection of 6 no. dwellings
<b>Site Address:</b>	Butterburn Park Hamilton
<b>Applicant:</b>	Housing and Technical Resources South Lanarkshire Council
<b>Agent:</b>	N/A
<b>Ward:</b>	19 – Hamilton South
<b>Application Type:</b>	Full Planning Permission
<b>Advert Type:</b>	N/A
<b>Development Plan Compliance:</b>	Yes
<b>Departures:</b>	N/A
<b>Recommendation:</b>	Grant subject to conditions
<b>Legal Agreement:</b>	N/A
<b>Direction to Scottish Ministers</b>	N/A

## **1. Reason for Report**

- 1.1. This application must be presented to the Planning Committee for determination as it has received more than 5 objections, as detailed in paragraph 3.5 (b) of the approved South Lanarkshire Council Planning Application Decision Making Process April 2015.

## **2. Site Description**

- 2.1. The site relates to land situated at the corner of Butterburn Park and Morris Street, Hamilton adjacent to residential uses composed mainly of 2-storey post-war semi-detached houses and cottage flats, and a few 1½ storey semi-detached cottages with stone frontages.
- 2.2. The site is enclosed by a wire mesh fence and contains an area of informal hardstanding, with several trees along its roadside boundaries. The site was formerly a playground, however, the play equipment was removed many years ago and has since been used by the Council as an informal storage depot for vehicles and containers.

## **3. Description of Proposed Development**

- 3.1. The proposed development relates to the erection of a 3-storey block of 6no. residential flats (4 x 1-bedroom and 2 x 2-bedroom). The proposed block of flats will have a 186m<sup>2</sup> rectangular footprint; a gable roof finished in slate effect rooftiles, with a ridge height of 10.6m; external walls finished in cream facing brick with anthracite grey mortar joints; vertically emphasised fenestration with anthracite grey frames; and anthracite grey facias, soffits, external doors, and rainwater goods.
- 3.2. The building would be positioned to face Morris Gardens and the rear court would contain a communal drying area, fenced bin storage for 24 wheelie bins, an enclosed sprinkler tank, and an enclosed air-source heat pump. Vehicular access would be taken from Butterburn Park, leading to a parking court with 6 off-street parking spaces including 2no. accessible spaces. Provision is also made for cycle storage.
- 3.3. The application has been revised since initial validation to remove 2 parking spaces to increase the size of the rear court and enhance landscaping.

## **4. Relevant Planning History**

- 4.1. There are no recent planning applications on the site.

## **5. Supporting Information**

- 5.1. In support of the planning application, the applicant has submitted:-

- ◆ Tree Survey Report and Tree Constraints Plan
- ◆ Preliminary Ecological Appraisal

## **6. Consultations**

- 6.1. Roads Development Management - No objections subject to conditions relating to parking.  
Response: Noted.
- 6.2. Scottish Water - There is sufficient water capacity to service the development and connect to the waste water network.  
Response: Noted.

## **7. Representations**

- 7.1. Following the statutory period of neighbour notification and advertisement, a total of 8 representations have been received (8 objections, 0 support). The issues raised are summarised as follows:-

### Design

- ◆ Flats taller than existing dwellings

### Roads

- ◆ Road in state of disrepair
- ◆ Traffic volume and parking

### Amenity Impacts

- ◆ Overshadowing
- ◆ Noise
- ◆ Construction disruption
- ◆ Loss of play area
- ◆ Loss of trees

- 7.2. The above issues are considered in the assessment below and full copies are available to view on the planning portal.

## **8. Development Plan**

- 8.1. Under Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan comprises the South Lanarkshire Local Development Plan 2 and National Planning Framework 4.

8.2. National Planning Framework 4

National Planning Framework 4 (NPF4) is Scotland's national spatial strategy for Scotland. It sets out spatial principles, regional priorities, national developments, and national planning policy. NPF4 supports the planning and delivery of sustainable places, liveable places, and productive places.

### National Planning Framework 4 Policies

- ◆ Policy 1 - Tackling the climate and nature crisis
- ◆ Policy 2 - Climate mitigation and adaptation
- ◆ Policy 3 - Biodiversity
- ◆ Policy 9 - Brownfield, vacant and derelict land and empty buildings
- ◆ Policy 12 - Zero waste
- ◆ Policy 13 - Sustainable transport
- ◆ Policy 14 - Design, quality and place
- ◆ Policy 15 - Local living and 20 minute neighbourhoods
- ◆ Policy 16 - Quality homes
- ◆ Policy 19 - Heating and cooling
- ◆ Policy 21 - Play, recreation and sport
- ◆ Policy 22 - Flood risk and water management

8.3. South Lanarkshire Local Development Plan 2 (2021)

For the purposes of determining planning applications the Council will, therefore, also assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan 2 (SLLDP2). In this regard the application site and associated proposals are affected by the following policies contained in the SLLDP2:-

## SLLDP2 Volume 1 Policies

- ◆ Policy 2 - Climate Change
- ◆ Policy 3 - General Urban Areas and Settlements
- ◆ Policy 5 - Development Management and Placemaking

## SLLDP2 Volume 2 Policies

- ◆ Policy SDCC3 - Sustainable Drainage Systems
- ◆ Policy SDCC7 - Low and Zero Carbon Emissions for New Buildings
- ◆ Policy DM1 - New Development Design
- ◆ Policy DM15 - Water Supply
- ◆ Policy DM16 - Foul Drainage and Sewerage

## South Lanarkshire Council (SLC) Supporting Planning Guidance

- ◆ Residential Design Guide 2011
- ◆ Electric Vehicle Charging Point Supporting Guidance 2022

### **9. Guidance**

9.1. None relevant.

### **10. Assessment and Discussion**

#### **10.1. Principle of Development**

The site is located within the general urban area of Hamilton, as defined by Policy 3 of SLLDP2 and is approximately ½ mile south of Hamilton Town Centre. Consequently shops, services, employment and transportation options are available within a short distance from the site.

10.2. Policy 9 of NPF4 supports the sustainable reuse of vacant land, provided that biodiversity value and contamination are considered. The site has never hosted a permanent building, but it is affected by its previous uses as a playground and storage depot. While the site has greenery, it is fenced off from the street and cannot be considered public greenspace. The site is not known or suspected to be contaminated and as such redevelopment of the site can be supported by Policy 9 of NPF4.

10.3. Policy 3 of the SLLDP2 does not specifically allocate sites for housing, however, the principle of residential development is acceptable in an urban location. Policy 16 of NPF4 seeks to encourage, promote and facilitate the delivery of high quality, affordable and sustainable homes in the right locations.

10.4. 6 dwellings in the context of Hamilton is considered a small-scale opportunity within an existing settlement boundary and, as such, the proposals are consistent with local living and 20-minute neighbourhoods as referred to in Policy 15 of NPF4.

#### **10.5. Climate Change**

Policies 1 and 2 of NPF4 and Policy 2 of SLLDP2 relate to the climate crisis and states that all development should seek to minimise and mitigate the effects of climate change. Policy 13 of NPF4 aims to facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably.

10.6. The site is well located for services and the majority of daily needs could be achieved by sustainable travel means. Provision has been made for electric vehicle charge points and for low and zero carbon energy and heating technologies through solar panels and an air source heat pump. Furthermore, the proposal will redevelop a vacant site without any adverse impact on the water or soil environment, flood risk, air quality, biodiversity and/or green networks. Therefore, on balance, the proposal is

considered to meet the terms of Policies 1, 2, 13 and 19 of NPF4 and Policies 2 and SDCC7 of the SLLDP2.

10.7. Biodiversity

Policy 3 of NPF4 outlines that local developments should conserve, restore and enhance the biodiversity value of a site. A preliminary ecological appraisal accompanying the application does not discourage development of the site but makes recommendations relating to birds and hedgehogs. Three of the nine mature trees on the site would require to be felled, while some crown trimming would occur on remaining trees. Measures to enhance the biodiversity value of the site and implement the recommendations of the ecological appraisal would be secured by condition.

10.8. Layout, Siting and Design

Policies 14 and 21 of NPF4 and Policies 5 and DM1 of the SLLDP2 relate to liveable places, placemaking and the quality of the design of a development. Policy 14 of NPF4 sets out that all development should be designed to improve the quality of an area and be consistent with the six qualities of a successful place: healthy, pleasant, connected, distinctive, sustainable, and adaptable.

10.9. It is considered that in terms of scale, design and materiality that the proposed building will be sympathetic to the character and setting of the locale. The proposed external materials would be original within the locale but be clearly residential in character and add some visual diversity to the streetscape. The 3-storey block of flats will be taller than surrounding 2-storey dwellings, however, this height difference is not considered to be significantly impactful considering its separation from existing buildings. Therefore, while the design is distinctive, the development will not result in a detrimental impact on the character of the area, the streetscape or any adjacent properties.

10.10. The proposed dwellings will introduce new structures to the rear of existing residential properties, however, minimum garden depths (10m) and distances between facing windows (18m) as set out in the Council's Residential Design Guide will be maintained. A degree of overlooking and overshadowing is to be expected in dense residential areas, but it is not considered to be of a significantly detrimental degree in this instance. Representations raised concerns over noise impacts from the construction and occupation of the flats. However, residential use is appropriate in this location and construction noise is temporary and regulated by Environmental Services.

10.11. Overall, it is considered that the proposed development would not have a significant detrimental impact on the amenity and character of the area, the streetscape, or any adjacent properties and will contribute to improving the quality of the site as a liveable and successful place. Furthermore, the site has not been a playground for many years, thus the proposal cannot be considered as the loss of a playground, and the proposed flats will also have a good-sized rear court which will be appropriate for children's play. Consequently, the proposal accords with the considerations of Policies 14 and 21 of NPF4 and Policies 5 and DM1 of the SLLDP2.

10.12. Technical Matters

Policy 12 of NPF4 identifies that proposals which generate waste, including residential, should make provision to maximise the reduction and separation of waste at source and for the storage and convenient access for the collection of waste. Provision has been made within the site for the storage of waste bins including recycling bins.

10.13. Policy 22 of NPF4 and Policy SDCC3 of the SLLDP2 relate to the water environment and sustainable urban drainage systems. These require that development proposals will not increase the risk of surface water flooding to others, or themselves be at risk, that they manage all rain and surface water through sustainable urban drainage systems (SUDS) and seek to minimise the area of impermeable surface. The site is not at risk of flooding and several permeable areas proposed within the site. No details of a SUDS system have been provided, however, considering the site area and scale of development, it is considered that the site can accommodate a suitable SUDS system; details of which would be secured by condition.

10.14. Policies DM15 and DM16 of the SLLDP2 seek to ensure appropriate supply of water and waste water services. Scottish Water have confirmed availability and capacity for a water supply but can only confirm availability but not capacity for waste water services. Therefore, the proposal meets the terms of Policy DM15 and DM16.

10.15. The site plan shows a parking court with 6 spaces. The Planning Service specifically requested this level of parking in order to increase the amenity space for the flats. Considering that the site is a 15-minute walk from the town centre, and that the surrounding streets are wide roads with on street parking, it is not considered acceptable to compromise resident amenity. Each proposed flat will have an off-street parking space. The Roads Authority have not raised any concern regarding traffic volumes and have recommended conditions to ensure the proper formation of the access and that a traffic management plan be submitted prior to commencement of development. This should ensure that any further damage to the road is minimised.

10.16. Conclusion

In conclusion, the proposal seeks planning permission for 6 dwelling flats on a plot of vacant land at the corner of Butterburn Park and Morris Street within the defined settlement of Hamilton. The site is a suitable location for residential use. The proposed flats can be accommodated on the site without significant adverse impact on surrounding amenity and the design is distinctive, while complementing the residential character of the surrounding area. Overall, it is considered that the proposals comply with the provisions of the relevant policies within National Planning Framework 4 and the South Lanarkshire Local Development Plan 2.

**11. Recommendation and Conditions**

11.1. The Committee is asked to agree the following recommendation:-

**Grant Planning Permission Subject to the following Conditions:-**

01. The development to which this permission relates shall be begun no later than the expiration of three years beginning with the date of grant of this decision notice.

Reason: To comply with Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).

02. That no development shall commence on site until the applicant provides written confirmation from Scottish Water to the Council as Planning Authority that the site can be satisfactorily served by a sewerage scheme designed in accordance with Scottish Water's standards.

Reason: To ensure the provision of a satisfactory sewerage system.

03. That no development shall commence until details of surface water drainage arrangements have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design Criteria and shall include signed appendices as required. The development shall not be occupied until the surface drainage works have been completed in accordance with the details submitted to and approved by the Council as Planning Authority.

Reason: To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.

04. That before any development commences on site details of biodiversity measures shall be submitted for the written approval of the Planning Authority. For the avoidance of doubt these details shall include compensatory tree planting and measures to address the recommendations within the Preliminary Ecological Appraisal. The biodiversity measures shall thereafter be implemented prior to occupation of the approved dwellings.

Reason: In order to ensure the provision of biodiversity measures which restore and enhance the site and surrounding area.

05. 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 in writing by the Council as Planning Authority.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

06. 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 05 shall be erected as approved.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

07. That before the development is completed or brought into use, details for the management and operation of the electric vehicle charging points shown on drawing XX-SP-A-102 Rev L of the approved plans shall be submitted for the written approval of the Council as Planning Authority. Prior to the completion of the development the approved charging points shall be installed, and available for use.

Reason: To ensure facilities for recharging electric vehicles are available for the use of the residents.

08. That before the development is completed or brought into use, all of the parking spaces shown on drawing XX-SP-A-102 Rev L of the approved plans shall be laid out and constructed to the specification of the Council as Roads and Planning Authority.

Reason: To ensure the provision of adequate parking facilities within the site.

09. That before the development hereby approved is completed or brought into use, the entire access road serving the development shall be laid out and constructed in accordance with the specification of the Council as Roads and Planning Authority.

Reason: To ensure the provision of satisfactory access to the dwellings.

10. That prior to any works associated with the construction of the development commencing, a Construction Traffic Management Plan shall be submitted to the Council as Roads and Planning Authority for approval. This should provide details of access and parking provision for staff and visitors, intended working hours, how deliveries of materials will be managed and stored and what wheel washing facilities will be provided to prevent mud being carried on to the adopted road.

Reason: In the interests of traffic and public safety as well as to preserve the amenity of the surrounding area.

## **12. Reason for Decision**

- 12.1. The proposed dwellings would redevelop a plot of vacant land which represent a small-scale opportunity within a settlement and is a sustainable location due to the availability of services and infrastructure. The design of the flats respects the local residential character, and the site layout ensures that neighbouring amenity would not be significantly impacted. Technical matters have also been met or could be met through condition. Consequently, the proposal is considered to comply with Policies 1, 2, 3, 9, 12, 13, 14, 15, 16, 19, 21, and 22 of National Planning Framework 4 and Policies 2, 3, 5, SDCC3, SDCC7, DM1, DM15, and DM16 of the South Lanarkshire Local Development Plan 2.

**David Booth**

**Executive Director (Community and Enterprise Resources)**

**Date: 1 December 2023**

## **Background Papers**

Further information relating to the application can be found online:

[P/23/0434 | Erection of 6no. dwellings | Butterburn Park Play Area - Former Butterburn Park Hamilton](#)

## **Corporate Considerations**

The report raises no impacts or risks in terms of equalities or financial implications. Any implications in terms of climate change, sustainability or the environment will have been considered above in terms of the relevant national and local policies.

## **Contact for Further Information**

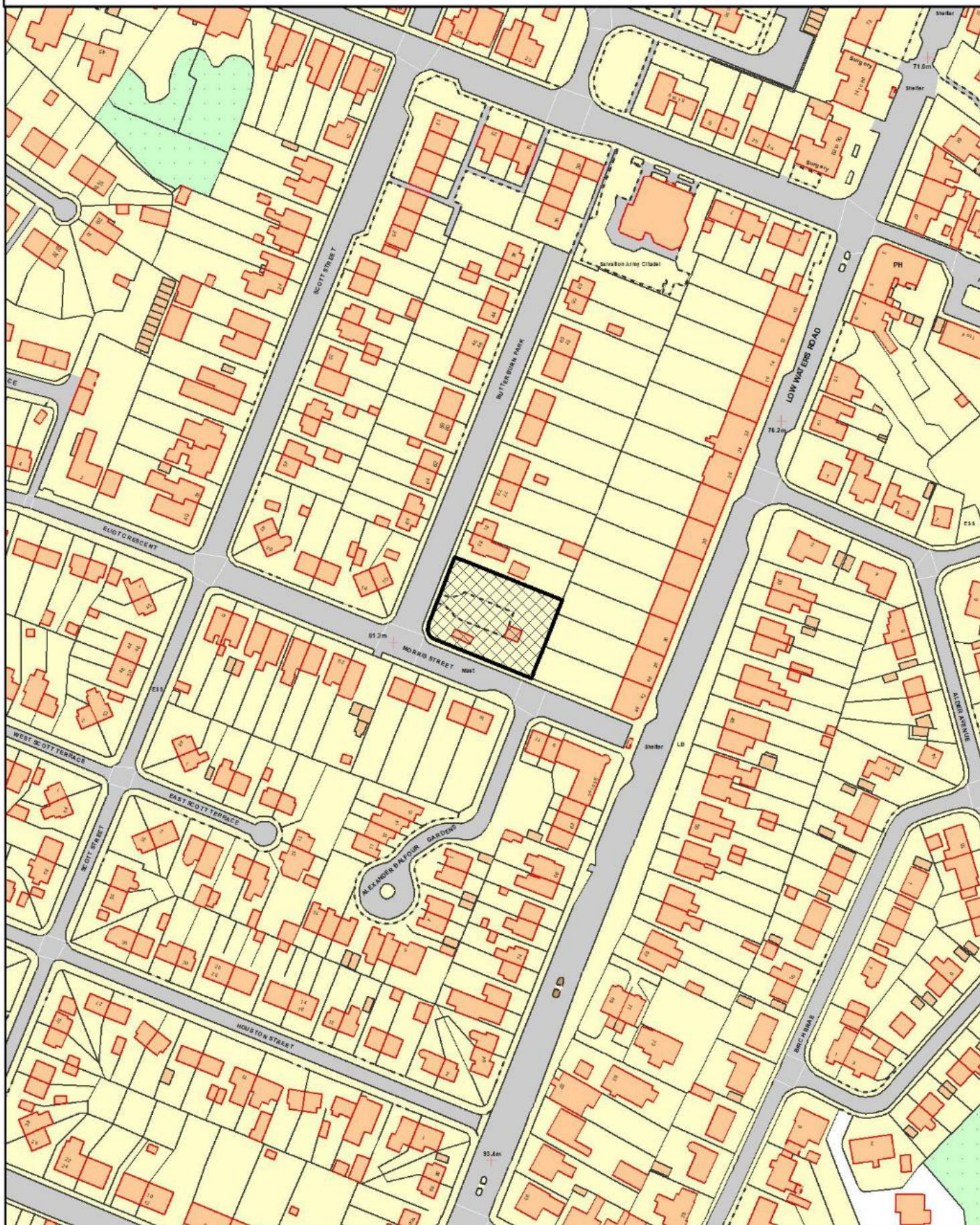
If you would like to inspect the background papers or want further information, please contact:-

Tel: 01698 454867

E-mail: [planning@southlanarkshire.gov.uk](mailto:planning@southlanarkshire.gov.uk)



P/23/0434 former Butterburn Park Play Area, Hamilton



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Scale:  
1:2,000  
Date:  
20/11/2023



**South Lanarkshire Council**  
**Community and Enterprise Resources**  
Planning and Regulatory Services





# Report

9

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>12 December 2023</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

<b>Reference no:</b>	P/23/0507
<b>Proposal:</b>	Erection of drive-through restaurant (Class 3/Sui Generis) with associated access, servicing, car parking, landscaping and other associated work
<b>Site Address:</b>	Land 70m South of 28 Beck Avenue Borland Drive Larkhall
<b>Applicant:</b>	McDonald's Restaurants Limited
<b>Agent:</b>	Lichfields
<b>Ward:</b>	20 - Larkhall
<b>Application Type:</b>	Full Planning Permission
<b>Advert Type:</b>	Non-notification of neighbours, Bad Neighbour and Development Contrary to the Development Plan: Lanark Gazette 18 May 2023
<b>Development Plan Compliance:</b>	No
<b>Departures:</b>	Contrary to Policy 27 of National Planning Framework 4
<b>Recommendation:</b>	Refuse
<b>Legal Agreement:</b>	Not required
<b>Direction to Scottish Ministers</b>	Not required

## **1. Reason for Report**

- 1.1. The application is required to be determined by the Planning Committee within the context of Section 5.2 of the approved Planning Application Decision Making Process (2015).

## **2. Site Description**

- 2.1. The application site extends to 0.5ha and is located 1.6km to the south of Larkhall town centre, at the junction of Borland Drive and Carlisle Road (B7078). The site is currently vacant, comprising hardstanding, grass, scrub, and semi-mature trees and was previously occupied by the Sefton Park Care Home.
- 2.2. The site is bounded to the south by the Lidl retail store and associated parking, to the east by the Strutherhill Industrial Estate, to the north by a residential development currently under construction, and to the west by Carlisle Road. Beyond Carlisle Road is the Strutherhill residential area.
- 2.3. The site is accessed from Carlisle Road via an existing access, Borland Drive, which also serves as an access to the new residential development under construction.

## **3. Description of Proposed Development**

- 3.1. The applicant seeks planning permission for a McDonald's restaurant and drive-through with associated parking and landscaping. The proposed restaurant, 377m<sup>2</sup> in area, reflects the standard design for McDonald's outlets – it will be a single storey flat roof building, externally finished in grey brick and cladding, with a mixture of colour schemes and branded finishes.
- 3.2. The restaurant building and curtilage will incorporate canopies and a patio with outdoor seating and play area. Drive-through customers will be directed to an in/out drive-through lane which runs round the west and south sides of the building.
- 3.3. Internally the restaurant indicates seating for 79 customers (no detailed seating layout has been provided), kitchens, toilets, store, freezer, chiller, and a corral for deliveries. Extractor fans, ventilation vents and condensers will all be located in a plant enclosure on the roof, hidden behind a 2.3m high parapet.
- 3.4. In addition to the 40 parking spaces, there will be 4 electrical charging spaces, 8 cycling spaces, 5 motorcycle bays, two accessible spaces and two reserve bays beside the drive-through lane.
- 3.5. Existing trees along the northern boundary will be retained and a native hedgerow and trees will be established along the eastern boundary to replace a group of overgrown conifers. Elsewhere around the periphery, landscaping will feature amenity grassland with a wildflower mix and spring bulbs, shrub beds and specimen tree planting. Under the canopy of retained trees, existing grass will be enhanced with a shade tolerant grass and wildflower mix.
- 3.6. Vehicular access to the site, for both the car park and drive-through, will utilise the former care home access onto Borland Drive just before it joins Strutherhill Road (the B7078). The application site does not extend to include the surrounding road network which cannot therefore be controlled through this application.

## **4. Relevant Planning History**

- 4.1. Planning Permission in Principle (Ref. HM/15/0422) for a commercial development incorporating supermarket and pub/restaurant with associated access and car park was granted in November 2016 on an area covering the current application site and

the adjacent Lidl retail store. On the approved plans the indicative position of the pub / restaurant was shown to be within the current planning application site.

## **5. Supporting Information**

5.1. In support of the planning application, the applicant has submitted the following information:-

- ◆ Air Quality Assessment
- ◆ Construction Environmental Management Plan
- ◆ Coal Mining Risk Assessment
- ◆ Drainage Maintenance Plan
- ◆ Ecological Appraisal
- ◆ Economic Statement
- ◆ Flood Risk Screening and Drainage Assessment
- ◆ Landscape Maintenance
- ◆ Lighting Impact Assessment
- ◆ Low Zero Carbon Report
- ◆ Noise Assessment
- ◆ Odour Assessment
- ◆ Planning Statement
- ◆ Pre-Application Consultation Report
- ◆ Site Investigation and Risk Assessment
- ◆ Transport Assessment
- ◆ Travel Plan
- ◆ Tree Survey
- ◆ Vertical Light Spill Report
- ◆ Response Statement to Scottish Water/NPF4/objections and sustainability issues

## **6. Consultations**

6.1. Roads and Transportation Services – They advise that there are no means of controlling parking on Borland Drive at present and state that this is likely to pose an issue for other road users.

Response: As Borland Drive is outwith the control of the both the Council and the applicant, and outwith the application site, appropriate traffic restrictions cannot be imposed. The impact of this development has the potential to cause issues for other road users.

6.2. Environmental Services – No objection subject to a condition restricting the hours of deliveries and informatives regarding commercial premises, nuisance, construction noise, pest control and contamination.

Response: Noted.

6.3. Scottish Water – No objection.

Response: The proposed buildings will be set away from the existing surface water and foul sewers. There is no combined sewer. Surface water will be directed into a surface water pipe which is separate from the foul water sewer.

6.4. The Coal Authority – No objection subject to conditions regarding a site investigation to establish coal mining legacy issues and to remediate any issues thus identified prior to the commencement of works on site.

Response: Noted.

- 6.5. Larkhall Community Council – Highlight that the traffic entry via Borland Drive is off an unregulated junction from (Carlisle Road) the B7078. Carlisle Road can become extremely busy at certain times (and worse if anything happens on the M74 or at either the Larkhall or Canderside junctions) and a review of this junction / access should be undertaken to avoid traffic backing up through the development onto Carlisle Road. Response: A Transport Assessment has been submitted. However, as noted above, with no scope to implement a scheme of traffic restrictions on Borland Drive as part of this permission, there is no way to resolve potential issues of overspill parking or waiting on Borland Drive that will likely result from this development.

## **7. Representations**

- 7.1. Following the statutory period of neighbour notification and advertisement for non-notification of neighbours and Bad Neighbour Development in the local press, a total of 244 support letters, 45 objections and one neutral representation have been received. The issues raised are summarised as follows:-

### **7.2. Objections:-**

#### Design and Layout

- ◆ Built too close to existing houses and those under construction at Borland Drive.
- ◆ Does not reinforce the character of area and detrimentally impacts upon adjacent property.
- ◆ Overshadowing and overlooking of adjacent property.

#### Land Use Planning Concerns

- ◆ The site would be better located nearer the motorway so that the McDonald's traffic does not disturb neighbouring residential areas.
- ◆ It was understood that the land was going to be a normal restaurant, not a drive-through since Larkhall needs healthy alternatives.

#### Sustainability

- ◆ The argument for the restaurant reducing traffic to Hamilton is weakened by putting a McDonald's in a location necessitating single vehicle journeys. It is not near other shops within a retail/town centre where shopping and restaurant visits can be combined in one vehicle journey.
- ◆ A standard restaurant would attract much less traffic as customers take time to sit inside and eat.

#### Impact on Natural and Historic Environment

- ◆ Proposal will detrimentally impact upon wildlife.

#### Roads Related Matters

- ◆ Proposal will generate traffic, impacting detrimentally on the wider road network.
- ◆ The submitted information on trip generation has been underestimated.
- ◆ Lack of adequate parking.
- ◆ Drive-through lanes not large enough to accommodate traffic at peak times.
- ◆ Loading and servicing vehicles will impact upon traffic movement.
- ◆ Borland Drive is in a poor state of repair for the levels of traffic proposed.

#### Other Matters Raised

- ◆ Detrimental impact upon amenity from litter, odours, anti-social behaviour and vermin.
- ◆ Noise – 24 hour opening is inappropriate and increased noise levels will impact upon amenity.
- ◆ Detrimental impact upon air quality.
- ◆ New developments should be focused on the town's health and wellbeing and promote healthy living.
- ◆ Locating this use in proximity to local primary schools is detrimental to health.
- ◆ Employment of non-skilled workers and mostly part time jobs will be created rather than full time.
- ◆ Larkhall does not need more fast-food outlets. This proposal will detrimentally impact existing businesses.
- ◆ The applicant has generated support through a Facebook campaign, not from local residents.

#### 7.3. Support:-

##### Economy

- ◆ Proposal will create jobs both during construction and operational phases of development.
- ◆ Increased investment in the area will generate additional business rates.
- ◆ McDonald's would boost the recovery of the town and attract more visitors to our area.

##### Sustainability

- ◆ Drive-through will save fuel, time and money.
- ◆ Having better restaurants and amenities encourages people to stay in villages rather than moving to bigger towns and cities.

#### Other Matters Raised

- ◆ Provides a range of affordable food.
- ◆ Will be a better use than the current vacant land.
- ◆ The applicant has chosen a location far from most schools.
- ◆ Applicant is a sustainable developer that is conscious of its impact on the community.
- ◆ Restaurant would provide a safe and comfortable place for families and friends to enjoy a meal together.
- ◆ Drive-through would offer a convenient and efficient service for customers on the go, with a drive-through lane, mobile ordering and delivery option.

- 7.4. The above issues are considered in the assessment below. These letters have been copied and are available for inspection on the planning portal.

## **8 Development Plan**

- 8.1. Under Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

#### 8.2. National Planning Framework 4

National Planning Framework 4 (NPF4) is Scotland's national spatial strategy for Scotland. It sets out spatial principles, regional priorities, national developments, and national planning policy. NPF4 supports the planning and delivery of sustainable places, liveable places, and productive places.

#### National Planning Framework 4 Policies

- ◆ Policy 1 - Tackling the climate and nature crises
- ◆ Policy 2 - Climate mitigation and adaptation
- ◆ Policy 3 - Biodiversity
- ◆ Policy 9 - Brownfield, vacant and derelict land and empty buildings
- ◆ Policy 13 - Sustainable transport
- ◆ Policy 14 - Design, quality and place
- ◆ Policy 15 - Local living and 20 minute neighbourhoods
- ◆ Policy 27 - City, town, local and commercial centres

#### 8.3. South Lanarkshire Local Development Plan 2 (2021)

For the purposes of determining planning applications the Council will, therefore, assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan 2 (SLLDP2). In this regard the application site and associated proposals are affected by the following policies contained in the SLLDP2:-

#### SLLDP2 Volume 1 Policies

- ◆ Policy 2 - Climate Change
- ◆ Policy 3 - General Urban Areas and Settlements
- ◆ Policy 5 - Development Management and Placemaking
- ◆ Policy 10 - New Retail/Commercial Proposals
- ◆ Policy 15 - Travel and Transport

#### SLLDP2 Volume 2 Policies

- ◆ Policy DM1 - New Development Design
- ◆ Policy SDCC4 - Sustainable Transport

### **9. Guidance**

- 9.1. Chief Planners letter dated 8 February 2023 setting out Transitional Arrangements for NPF4 which specifically addresses the application of Policy 27(d).

### **10. Assessment and Discussion**

#### 10.1. Principle of Development

When considering whether the proposal is acceptable in land-use planning terms, the two primary considerations are whether the site is suitable for development and whether the location is appropriate in land-use planning terms for a drive-through restaurant. The site is brownfield land within the settlement boundary of Larkhall as identified by South Lanarkshire Local Development Plan 2.

- 10.2. NPF4 Policy 9 Brownfield, vacant and derelict land and empty buildings advises that: 'Development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account' and 'Where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use'.

- 10.3. The proposed development will result in the reuse of brownfield land which was last occupied by a care home. The site is within an area of historic mine workings - a Coal Mining Risk Assessment concludes that further intrusive investigations will be necessary, with potential remediation to stabilise the ground. The Coal Authority has not objected subject to conditions requiring further investigations and implementation of remedial works to ensure the structural stability of the development if recommended



in the investigation report. In consideration, the redevelopment of the site complies with Policy 9 of NPF4.

- 10.4. Policy 3 - General Urban Areas and Settlements states that particular consideration will be given to likely impacts on the amenity of the area. This will include locally important greenspace, local services and facilities, proposed servicing, parking arrangements and access. Developments which would be detrimental to the amenity of residents and the wider community or to the character of the surrounding area will not be permitted. This particularly applies to 'bad neighbour' uses which can affect neighbours by virtue of visual impact, noise, smell, air pollution, disturbance, traffic, or public safety.
- 10.5. The site adjoins an industrial area to the east and a retail store to the south. Existing housing is located to the west of the site, with new-build housing currently under construction on the north side of Borland Drive (Ref. P/20/1667). This building is approximately 6m in height and in the context of its surroundings, will be visually contained to the north and east by the retention of mature trees, additional landscaping, and boundary fencing. Sufficient parking can be provided within the site. Submitted assessments on air quality, noise, odour and lighting, conclude that there will be no detrimental impact on nearby residents or the environment. In their consultation responses neither Roads and Transportation nor Environmental Services have objected to the proposals. However, Roads and Transportation have raised concerns that the proposals could lead to traffic issues on Borland Drive (a private road) and detrimentally impact upon road users. Whilst the potential traffic issues on Borland Drive are raised later in this report, on balance the proposal satisfactorily complies with the aims of Policy 3 – General Urban Areas and Settlements of South Lanarkshire Local Development Plan 2.
- 10.6. In terms of the acceptability of the proposed *sui generis* drive through restaurant use, NPF4 Policy 27 City, town, local and commercial centres states:-
- a) Development proposals that enhance and improve the vitality and viability of city, town and local centres, including proposals that increase the mix of uses, will be supported.
  - b) Development proposals will be consistent with the town centre first approach. Proposals for uses which will generate significant footfall, including commercial, leisure, offices, community, sport and cultural facilities, public buildings such as libraries, education and healthcare facilities, and public spaces:
    - i. will be supported in existing city, town and local centres, and
    - ii. will not be supported outwith those centres unless a town centre first assessment demonstrates that:
      - ◆ all centre and edge of centre options have been sequentially assessed and discounted as unsuitable or unavailable;
      - ◆ the scale of development cannot reasonably be altered or reduced in scale to allow it to be accommodated in a centre; and
      - ◆ the impacts on existing centres have been thoroughly assessed and there will be no significant adverse effect on the vitality and viability of the centres.
  - c) Development proposals for non-retail uses will not be supported if further provision of these services will undermine the character and amenity of the area or the health and wellbeing of communities, particularly in disadvantaged areas. These uses include:
    - i. Hot food takeaways, including permanently sited vans;
    - ii. Betting offices; and
    - iii. High interest money lending premises.

- d) Drive-through developments will only be supported where they are specifically supported in the LDP.
- 10.7. The site is not a town or local centre and cannot be considered to improve the vitality and viability of the designated Larkhall Town Centre (indeed several of those businesses objected to the application). As such, 27a) is not applicable in this instance.
- 10.8. With regards to 27b) the applicant has submitted a sequential site assessment rather than submitting a town centre first assessment as required by NPF4 Policy 27. Nevertheless, the submitted sequential site assessment along with the rest of the supporting information considers whether the proposal meets the criteria set out in 27b). In terms of the sequential test, the applicant carried out a desk based review of available sites, ten in total, with the need to accommodate a 377m2 drive-through facility (sui generis) with associated parking and servicing.
- 10.9. Of the 10 sites considered in the sequential test, all were considered inappropriate due to their scale not being able to accommodate the proposed drive-through restaurant. Even the sites within Larkhall town centre and available (i.e. the former Coalyard Tearoom at 1 Caledonia Road which measures 0.18Ha in area) were discounted despite being of a scale which could accommodate a 377m2 drive-through restaurant. No explanation is provided in the submitted information on why this site (which has an additional area of vacant brownfield land directly to the north of it) was discounted as being too small for a McDonald's drive-through restaurant despite being of a comparable scale to other McDonald's locations in South Lanarkshire.
- 10.10. For the purpose of comparison, two existing McDonald's drive-through sites at Hamilton Retail Park and Nerston in East Kilbride measure around 0.2Ha and 0.17Ha respectively so it would appear that a suitably scaled drive through restaurant could have been accommodated on the 0.18Ha site at Caledonia Road if the applicant had not deemed it too small for a drive-through restaurant without any further assessment. The applicant has advised that the surrounding McDonald's restaurants in South Lanarkshire all trade very well so it is clear that a drive-through restaurant use on a site of 0.2Ha or smaller is viable in operational terms. The applicant has therefore neither demonstrated that all centre options have been discounted as unsuitable, nor can they be said to have demonstrated that the scale of development cannot be altered or reduced in scale to allow it to be accommodated in a centre. To reiterate, the submitted sequential approach identifies a town centre location which may have been suitable for a McDonald's drive-through facility but which the applicant chose not to fully explore. As such, the proposal fails to meet the requirements of Policy 27b).
- 10.11. In terms of 27c) the proposed drive-through restaurant, a sui generis use, will share many of the same characteristics as a hot food takeaway (the sale of hot food for consumption off the premises) although it's not clear if this would serve to undermine the character of the area or the health and wellbeing of the community. McDonald's offers a varied hot food menu and the applicant would put forward the view that their menu contains many healthy hot food options that can be purchased for consumption off the premises.
- 10.12. With regards to 27d) the proposed drive-through is not in a location where they are specifically supported in the local development plan, indeed the SLLDP2 does not contain any locational guidance for such uses. Nevertheless, the Chief Planners letter of 8 February 2023 confirmed that Policy 27d) was not a moratorium on such developments and that the intent of the Policy was to ensure that this type of development is considered as an integral part of the wider development plan. The

letter reiterates that decisions will depend on the facts and circumstances of each case and regard should be given to wider policies within NPF4. In the absence of detailed local plan guidance identifying appropriate locations for drive-through developments, the starting position must therefore be to resist them outwith designated centres and in locations where they are likely to increase dependency on car travel, particularly given the focus in NPF4 on the climate emergency and applying spatial strategy to reduce emissions. As such, the proposed drive through restaurant is directly contrary to 27d) of NPF4.

- 10.13. When considering Policy 27 as a whole, it is accepted that there are existing centres within South Lanarkshire where drive-through uses can perhaps be justified even though the local development plan has yet to specifically identify locations for such uses. Section d) is nevertheless considered to currently hold the most weight when considering drive through proposals against Policy 27. In this instance, the failure to meet the requirements of Policy 27b) mean that, irrespective of the slightly more nuanced discussion regarding 27c), the proposed drive-through restaurant at this out of centre location on Borland Drive, is unacceptable in land-use planning terms.

10.14. Climate Change

NPF4 Policy 1 requires that when considering all development proposals, significant weight will be given to the global climate and nature crises. NPF4 Policy 2 Climate Change and Mitigation expands on this, requiring all new developments to be sited and designed (1) to minimise lifecycle greenhouse gas emissions as far as possible and (2) to adapt to the current and future risks from climate change. The Chief Planner letter (8 February 2023) confirms that at this stage, quantitative assessments are not expected for all applications. In the absence of a standard methodology for measuring the emissions which would result from the physical structure and operation of the proposed restaurant and drive-through building, it is considered appropriate at this time to instead consider the general sustainability of the proposal in land-use planning terms (whether the proposed development is supportable when assessed against other relevant policies in NPF4) and use that as an indicator about whether or not it is likely to minimise emissions and adapt to current and future impacts of climate change. It is noted that the proposed drive-through restaurant is specifically designed to encourage private vehicle journeys and that the drive-through element is integral to the proposal rather than an ancillary component.

- 10.15. SLLDP2 Policy 2 Climate Change seeks to minimise and mitigate against the effects of climate change by considering various criteria including: being sustainably located; reuse of vacant and derelict land; avoidance of flood risk areas; incorporating low and zero carbon generating technologies; opportunities for active travel routes and trips by public transport; electrical vehicle recharging infrastructure and, where appropriate, connection to heat networks.

- 10.16. The site is not at risk of flooding, nor will the development exacerbate flooding elsewhere. Electrical charging point and spaces for bicycles could be provided within the parking area. Air heat source pumps and solar panels are proposed. The proposal involves the re-use of brownfield land which ties in with the objectives of sustainability. However, the proposed drive-through use specifically encourages customer journeys in private vehicles to a site which is not located in a town centre and which has not been allocated as a drive-through location in the Local Development Plan.

- 10.17. Whilst the environmental performance of the building as a physical structure is likely to meet sustainability goals, the proposed land use encourages hundreds of vehicle trips a day (140-150 trips per hour at peak times) and the associated emissions that would ensue from such trips raise a significant concern. In terms of Policy 2 of NPF4,

it is evident that a drive-through use that is not located in an existing centre or other area identified as appropriate for traffic generating uses cannot be considered as being sited and designed to minimise greenhouse gas emissions. Similarly, in terms of Policy 2 of SLLDP2, the drive-through is not sustainably located. In consideration, the proposed restaurant and drive-through would therefore undermine the policy intent of NPF4 Policies 1 and 2 and Policy 2 Climate Change of SLLDP2.

#### 10.18. Layout, Siting and Design

NPF4 Policy 14 Design, quality and place states: Development proposals will be supported where they are consistent with the six qualities of successful places. The proposed restaurant and drive-through is a single building proposed on a site with industrial and retail uses to the east and south and mature trees and landscaping providing additional screening to the north. As such, although directly overlooked by residential property, the proposal will be reasonably self-contained in the context of its surroundings. Once the infrastructure, access and parking has been installed, the building and site could be adaptable should they wish to change to a different restaurant/drive-through operator. However, any other land use is likely to require significant redevelopment. The proposed landscaping scheme has been designed to be attractive and ecologically friendly. The site layout will be open and well-lit and being regularly overlooked by staff and customers, could facilitate a safe environment for lone women and vulnerable people.

10.19. By nature of its design and layout, a drive-through restaurant cannot be considered to reduce car dependency and locations are generally chosen to appeal to private vehicle traffic rather than focussing upon existing pedestrian and sustainable transport networks. In terms of creating a sustainable place, whilst the energy performance of the building structure is designed to address the climate emergency and the landscaping seeks to provide enhanced opportunities for biodiversity, the location is outwith the dedicated town centre and instead of strengthening an existing centre, encourages individual car journeys to this single destination. Given the above, the proposed drive-through restaurant is not considered to be consistent with the qualities of a Connected Place, a Sustainable Place or an Adaptable Place and as such is considered contrary to Policy 14 of National Planning Framework 4.

10.20. Many of the objections point to a perception that food consumed at or from McDonald's is not conducive to healthy eating. However, the applicant has highlighted that they offer a varied menu with numerous healthier options available to customers. Whilst the planning system considers the long-term impacts upon health as a result of development proposals, it does not identify specific operators or types of drive-through restaurant or hot food takeaway that would be unacceptable in health terms. Whilst the location of such uses in designated centres is considered desirable in land-use planning terms, there is no evidence that competing restaurants and takeaway uses in town centres and elsewhere necessarily offer a healthier choice than that being put forward by the applicant.

10.21. Policy 5 - Development Management and Place Making, together with the Development Management and Placemaking Supplementary Guidance supports developments where they do not have a significant adverse effect on the amenity of the area. In addition, any new development must relate satisfactorily to adjacent and surrounding development in terms of scale, massing, materials, and intensity of use. The character and amenity of the area must not be impaired by reason of traffic generation, parking, overshadowing, overlooking or visual intrusion. Policy DM1 - New Development Design reiterates these points and adds that modern innovative design can reflect local tradition through scale, massing, siting and colour rather than replicating existing building form.

- 10.22. The redevelopment of vacant derelict land with associated landscaping will result in environmental improvements. The scale and size of the proposed building is smaller in size and scale than the original care home on site. In considering the orientation, scale and position of the proposed restaurant, the separation distance from the nearest dwellings, retained trees, proposed landscaping and boundary fence, the proposal will not compromise privacy, cause overshadowing or be visually intrusive. As it lies at the edge of the Strutherhill Industrial Estate and adjoins the Lidl food store, it won't detract from the mixed use character of the area.
- 10.23. The submitted Noise Assessment concludes that as the background noise level is reasonably high, there is no likelihood of an adverse noise impact from the proposed development at properties to the west and to the north of the site. The Noise Assessment also highlights that the restaurant building will provide acoustic screening to the surrounding residential properties. The submitted Odour Assessment identifies that an extraction system will be installed, and a maintenance programme will be implemented. Based on these measures, it is considered that odour emissions will be controlled, and no adverse effects will be experienced. The site does not fall within an air quality management area and the submitted Air Quality Assessment concludes pollution levels at the site are currently meeting the relevant air quality objective limits. A Lighting Impact Assessment taking account of lighting column height, position, design, and luminosity concludes horizontal light impact upon residential properties will be avoided. Environmental Services have not raised any issues of concern in their consultation response.
- 10.24. With regards to waste and litter, as an operator McDonald's have waste management policies and initiatives that would be implemented at this location. Waste bins will be located outside the restaurant and the applicant has advised that staff will pick up any litter surrounding the premises on a regular basis. Appropriate waste collection and storage arrangement could be secured by condition and the potential for littering by third parties after they have left the site is not something which can be addressed through this application.
- 10.25. In considering supporting information, plans, consultation responses and analysis of the site and neighbouring locality, the proposal is deemed to be satisfactory in terms of Policies 5 and DM1 of the adopted Local Plan.
- 10.26. Natural and Historic Heritage  
NPF4 Policy 3 Biodiversity states that development proposals should contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats, and building and strengthening nature networks and the connections between them. There are existing trees on the northern and eastern boundaries which were retained when the care home was demolished, and the site cleared. The site consists of hardstanding, rough grassland, self-seeded birch, shrubs, and ornamental trees which formed part of the original landscaping for the care home.
- 10.27. An Ecological Appraisal has been undertaken which concludes that the habitats and flora are not considered to be ecologically valuable and are unlikely to support protected or notable species. The report recommends work taking place out with the bird nesting season and if this is not possible, a pre-site check should be carried out prior to the commencement of work. Retained native trees should be protected during construction. If recommended mitigation measures and enhancement planting are implemented, the development will accord with policy objectives for biodiversity protection and ecological enhancement. The landscaping proposals include appropriate replacement planting and will benefit pollinating insects, birds, and other urban wildlife.

10.28. Objections referred to potential impacts upon animals and birds. No protected species have been identified and the species highlighted are commonplace and can easily adapt and relocate to nearby suitable habitats. In consideration, subject to appropriate conditions, the proposal complies with Policy 3 of NPF4.

10.29. Economy

NPF4 Policy 15 Local Living and 20 minute neighbourhoods states that development proposals are to contribute to local living. The application seeks to provide a new restaurant in Larkhall, adding to the variety of food offerings and services available to the local community. With regards to local living opportunities to encourage employment within settlements, the applicant has advised that the proposed drive-through restaurant (which is proposed to operate 24 hours a day 7 days a week) will generate 60 full time equivalent (FTE) jobs and up to 60 further part-time staff roles. There will be a maximum of 20 employees on site during any one shift. Whilst there is no guarantee what proportion of these roles would go to local people, it is safe to assume that a significant proportion of the employees would live locally or within a short commute.

10.30. Although the proposed use is not solely aimed at the local neighbourhood, nor has the decision to locate the use on this site been considered in Place Principle terms, the location itself accords with several of the criteria set out in Policy 15 of National Planning Framework 4.

10.31. Travel and Transport

NPF4 Policy 13 Sustainable Transport states:-

- a) Where a development proposal will generate a significant increase in the number of person trips, a transport assessment will be required to be undertaken in accordance with the relevant guidance; and
- b) Development proposals for significant travel generating uses will not be supported in locations which would increase reliance on the private car, taking into account the specific characteristics of the area.
- c) Development proposals for significant travel generating uses, or smaller-scale developments where it is important to monitor travel patterns resulting from the development, will only be supported if they are accompanied by a Travel Plan with supporting planning conditions/obligations. Travel plans should set out clear arrangements for delivering against targets, as well as monitoring and evaluation.

10.32. SLLDP Policy 15 Travel and Transport advises that the Council expects active travel and the availability and/or provision of public transport facilities and access to be fundamental design and locational elements of new development. New development proposals should promote opportunities for travel by sustainable travel modes in the following order of priority – walking, cycling, public transport and car. Where appropriate, planning applications will be accompanied by an active travel plan that demonstrates this order of priority has been considered and includes proposals to reduce travel by car and encourage walking, cycling and public transport as alternative modes of transport. Proposals should also consider measures to mitigate the impact of increased traffic growth and have regard to the need to reduce air pollution and greenhouse gas emissions.

10.33. SLLDP Policy SDCC4 Sustainable Transport states: New developments that result in a significant increase in traffic and pedestrian movements should be located in areas that are accessible by walking, cycling and public transport. Where appropriate, developers will require to submit a transport assessment, a travel plan and a design and access statement. New developments require to recognise the needs of cyclists,

pedestrians and people with disabilities. New developments should, wherever possible, safeguard and enhance cycle parking and storage. In addition, they should incorporate access to public transport routes and hubs and have regard to the core path plans. In addition, to address climate change and support the use of electric vehicles, the Council will seek the inclusion of electric vehicle charging points within new developments.

- 10.34. The site adjoins Carlisle Road, the main road through Larkhall, which is a designated bus route (the 253 to Coalburn and the 254 to Strathaven/Stonehouse both go along this road) and three bus stops are located within 300m of the site. There is an existing private access (Borland Drive) to the site from Carlisle Road although it is outwith the control of both the applicant and the Planning Authority. Nearby are pedestrian crossings on Carlisle Road and on the Lidl access. Both sides of the carriageway contain lit footpaths allowing safe passage for pedestrians from neighbouring residential and industrial estates. The 5km catchment area representing an accessible cycling distance includes the whole of Larkhall and Stonehouse, Swinhill and Ashgill to the south. The road network in Larkhall is relatively conducive to cycling with a 30mph speed limit on Carlisle Road and 20mph speed limits in residential streets. Spaces for 8 bicycles will be positioned beside the restaurant. The railway station has access to the footpath network, has secure cycle storage facilities and is 1.9km walk from the site.
- 10.35. A Transport Assessment has been prepared by the applicant which concludes that the development will not result in adverse impacts upon the road network. Sufficient parking can be provided including two accessible spaces and 4 electrical charging bays. After considering the supporting documentation, Roads and Transportation concluded that a Traffic Regulation Order was needed to prevent overspill parking on Borland Drive. It has, however, been confirmed that such an Order is outwith the scope of this application since Borland Drive is a private road which is not controlled by the applicant. Consequently, Roads and Transportation have confirmed that for an undefined period (i.e. until Borland Drive can be brought up to an adoptable standard, subsequently adopted and a Traffic Regulation Order (TRO) then promoted) it is likely that parking and waiting traffic on Borland Drive could cause issues for other road users
- 10.36. A Travel Plan has been submitted with the objective of reducing staff car journeys by providing clear information of alternative modes of transport and by encouraging the use of walking, cycling and public transport. A Travel Plan Co-ordinator would be appointed, and the Travel Plan would be subject of regular monitoring and review.
- 10.37. The proposal appears to be compliant with most of the of the criteria listed in the Local and National sustainable transport related policies. However, a drive-through restaurant, by its very nature, is intended to generate significant vehicle usage. A restaurant by itself would not cause as much concern since vehicle trips would be less. Although it is not clear how large a proportion when compared to takeaway customers (both collection and drive-through). The applicant has been asked to estimate the likely proportions of restaurant users compared to take away customers, however, despite the large amount of customer data they evidently hold, they have been unable to confirm such figures from existing drive-through restaurants in South Lanarkshire.
- 10.38. Roads and Transportation have advised that required parking levels can be provided within the confines of the site and that the trip generation rates outlined in the Transport Assessment are acceptable in terms of the existing road junctions. The drive-through lane has been designed to accommodate the maximum anticipated cars (18) at peak

times. No conflict with the drive-through lane or parking facilities are anticipated in respect of loading and refuse facilities.

10.39. The proposed drive-through restaurant is a significant travel generating use (140-150 trips per hour at peak times) and it is very difficult to conclude that, by the very nature of a layout that invites vehicle travel, it would not increase reliance on the private car. Whilst the site falls within a cycling and walking catchment area, is on a bus route and is within relative walking distance of the train station and town centre, all of these travel options are expected to be significantly outweighed by the hundreds (potentially thousands) of customers visiting each day by private car.

10.40. In summary, the proposed development raises significant issues in terms of the number of vehicle journeys it generates and whether it increases reliance on the private car. Whilst there are sustainable travel options to reach the site (bus and cycling) the walking route is quite a distance from Larkhall Centre (1.7km) and the proposal does not pay due regard to the need to reduce air pollution and greenhouse gas emissions and mitigate the impact of traffic growth.

#### 10.41. Conclusion

In summary, taking all the above into account, it is considered that the proposed development would constitute inappropriate development in land-use planning terms with regards to the sites out of centre location and the impact of such a use in terms of emissions, the climate emergency and private vehicle journeys and there are no exceptions to policy, in either NPF4 or SLLDP2, which would justify the creation of a drive-through facility in this location. As such, the proposed development fails to adhere to the provisions of the development plan, with specific regard to Policies 1, 2, 13, 14 and 27 of National Planning Framework 4 (adopted 2023) and Policies 2, 10, 15 and SDCC4 of the South Lanarkshire Local Development Plan 2 (adopted 2021) and there are no material considerations which would outweigh this variance with the development plan. In view of this, it is recommended that the application is refused planning permission.

### 11. **Recommendation**

11.1. The Committee is asked to agree the following recommendation:-

#### **Refuse Planning Permission for the reasons outlined below:-**

01. The proposal would be contrary to Policy 27 - City, town, local and commercial centres of National Planning Framework 4 as the site is not specifically supported as a drive-through location in the Local Development Plan.
02. The proposal would be contrary to Policy 27 - City, town, local and commercial centres of National Planning Framework 4 as a Town Centre First Assessment has not satisfactorily demonstrated that the application site is the most sustainable location for a drive-through covering the Larkhall area after all centre and edge of centre options have been sequentially assessed and discounted as unsuitable.
03. The proposal would be contrary to Policy 10 New Retail/Commercial Proposals of the South Lanarkshire Local Development Plan 2 as the location fails to promote sustainable development or minimise traffic and environmental impacts.



04. The proposal would be contrary to Policies 1 – Tackling the climate and nature crises and Policy 2 Climate mitigation and adaptation of National Planning Framework 4 as the proposed drive through would not be located or designed to reduce emissions or minimise lifecycle greenhouse gas emissions as far as possible.
05. The proposal would be contrary to Policy 2 Climate Change of South Lanarkshire Local Development Plan 2 as the drive through would not be sustainably located to try and minimise and mitigate against the effects of climate change.
06. The proposed drive-through would be contrary to Policy 13 Sustainable Transport of National Planning Framework 4 as it is a significant travel generating use which would increase reliance on the private car.
07. The proposed drive-through would be contrary to Policy 15 Travel and Transport and Policy SDCC4 Sustainable Transport of South Lanarkshire Local Development Plan 2 as the development, by nature of its design and location, is not aimed at promoting walking, cycling or public transport as alternatives to the private car and does not have due regard to the need to reduce greenhouse gas emissions from increased traffic movement.
08. The proposal is contrary to Policy 14 – Design, Quality and Place of National Planning Framework 4 as it is not consistent with the qualities of a Connected Place, a Sustainable Place or an Adaptable Place.

**David Booth**

**Executive Director (Community and Enterprise Resources)**

**Date: 1 December 2023**

### **Background Papers**

Further information relating to the application can be found online:

[P/23/0507 | Erection of drive-thru restaurant \(Class3/Sui Generis\) with associated access, servicing, car parking, landscaping and other associated work. | Land 70M South Of 28 Beck Avenue Borland Drive Strutherhill Industrial Estate Larkhall](#)

### **Corporate Considerations**

The report raises no impacts or risks in terms of equalities or financial implications. Any implications in terms of climate change, sustainability or the environment will have been considered above in terms of the relevant national and local policies.

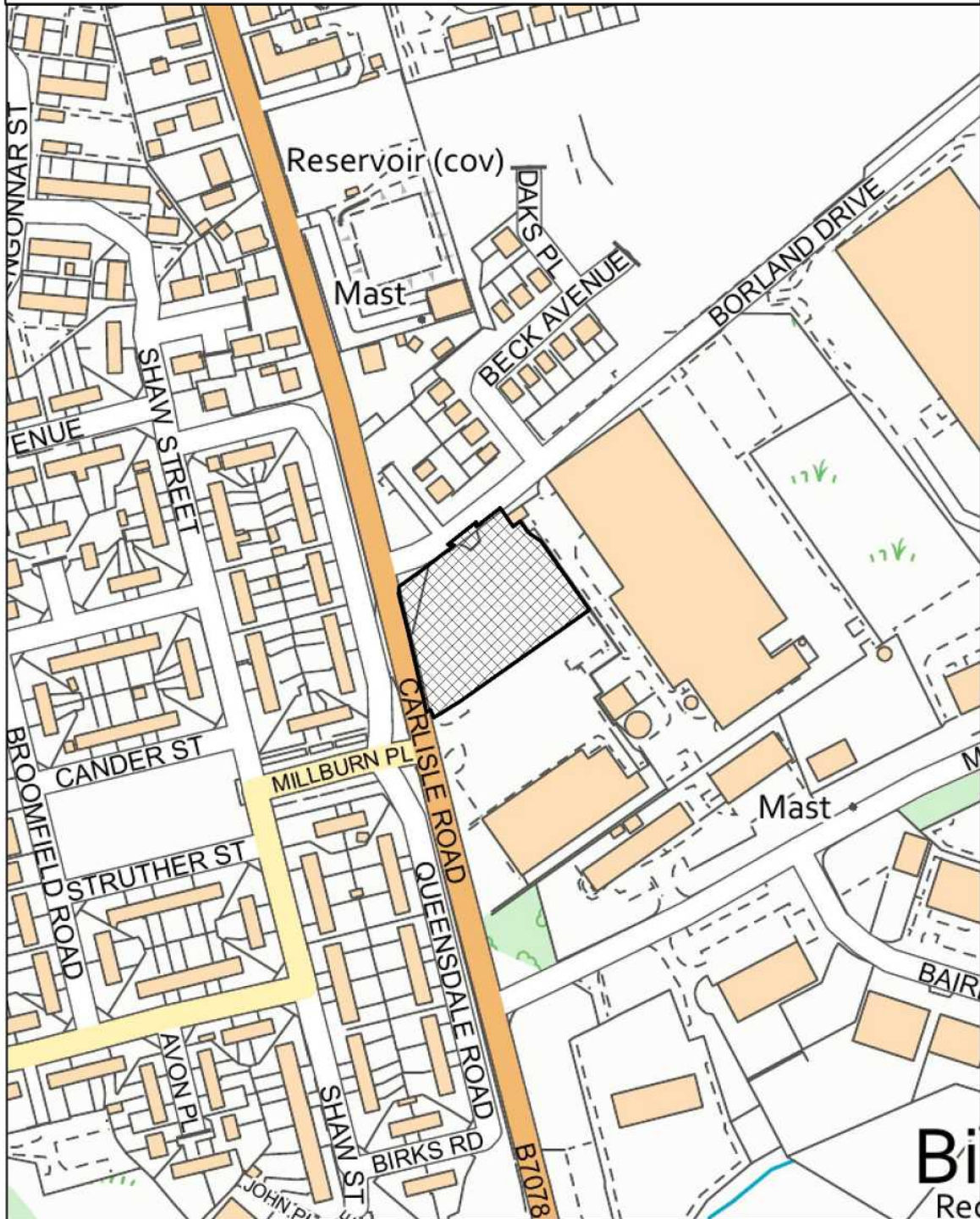
### **Contact for Further Information**

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

Tel: 01698 454867

E-mail: [planning@southlanarkshire.gov.uk](mailto:planning@southlanarkshire.gov.uk)

P/23/0507 Land 70m South of 28 Beck Avenue Larkhall



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Scale:  
1:2,500  
Date:  
23/11/2023



**South Lanarkshire Council**  
**Community and Enterprise Resources**  
Planning and Regulatory Services