

# Report

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>5 December 2006</b>
Report by:	<b>Executive Director (Enterprise Resources)</b>

Application No	CL/06/0720
Planning Proposal:	Erection of Swimming Pool and Fitness Complex, Associated Roadworks and Landscaping (Notice of Intention to Develop)

## 1 Summary Application Information

- Application Type : Notice of Intention to Develop (NID)
- Applicant : South Lanarkshire Council
- Location : Land to south of Yvetot Avenue (Thomas Taylor Avenue), Lanark

## 2 Recommendation(s)

### 2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Grant Notice of Intention to Develop – (Subject to Suggested Conditions – Based on Conditions Listed)

### 2.2 Other Actions/Notes

- (1) The Planning Committee has delegated powers to determine this application.
- (2) The application is contrary to the development plan and objections have been received. In accordance with Council procedures, a hearing may be required prior to determining the application.
- (3) If Committee are minded to grant consent, in terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997, the application must be referred to the Scottish Ministers because the proposed development does not accord with the adopted local plan and the Council has an interest in the land.

## 3 Other Information

- ◆ Applicant's Agent: South Lanarkshire Council
  - ◆ Council Area/Ward: 02 Lanark South
  - ◆ Policy Reference(s): Lower Clydesdale Local Plan (Adopted)
    - Policy LR1: Open Space/Community Facilities
    - Policy RES1: Residential Areas
- South Lanarkshire Local Plan (Finalised Draft)
- Policy RES6: Residential Land Use
  - Policy ENV1: Priority Greenspace Land Use
  - Policy ENV31: Design Statements
  - Policy ENV11: Design Quality

- Policy ENV29: New Development Design
- Policy DM1: Development Management

◆ Representation(s):

- ▶ 1 Objection Letter
- ▶ 1 Comment Letter

◆ Consultation(s):

The Royal Burgh of Lanark Community Council

Education Services

Environmental Services

Roads & Transportation Services

S.E.P.A. (West Region)

Scottish Water

Sportscotland

South Lanarkshire Disability Forum

Housing & Technical Resources

Railtrack

## **Planning Application Report**

### **1 Application Site**

- 1.1 The application site is located to the east of the Lanark Health Centre and the new Dale Centre currently under construction at Thomas Taylor Avenue in Lanark. The site extends to 1 hectare and incorporates the generally flat area of ground situated between the new Dale Centre and the existing sports pitch. Dwellinghouses bound the site to the north and the Lanark Branch railway line bounds the site to the south. The site is in the ownership of the Council

### **2 Proposal(s)**

- 2.1 A Notice of Intention to Develop is sought by the Council for a swimming pool and fitness complex. This facility would replace the existing swimming pool currently situated in South Vennel. Vehicular access to the site would be taken from Woodstock Road, via the existing access road leading to the Lanark Health Centre and the Dale Centre. The submitted plans show the provision of a turning facility, drop off area and disabled parking situated between the Dale Centre and the proposed swimming pool and the provision of car parking to the south and east of the site. A triangular area of landscaping is proposed within the centre of the car parking area and along the rear of the proposed building, along with a tiered landscaping and water feature at the entrance. A curved glazed link would connect the Dale Centre to the proposed swimming pool.
- 2.2 The proposed building is 10.1 metres in height at its tallest point. The external materials include aluminium cladding, render and extensive glazing on the southern elevation. The proposed opening hours of the complex would be 7.30am to 9.30pm (Monday to Friday), 7.00am to 5.00pm (Saturday) and 7.00am to 9pm (Sunday). The facility would include a 6 lane, 25 metre swimming pool with floating floor which can be adjusted to any depth, a steam room, sauna, a dance studio, fitness gym, changing facilities and café. The proposal also includes a self-contained football team changing facility at the eastern end of the building which includes a referee changing room and 2 team changing rooms with direct access to the existing sports pitch. It is intended that work would commence in August 2007 with completion in March 2008.

### **3 Background**

#### **3.1 Local Plan Status**

The majority of the site is covered by Policy LR1: Open Space/Community Facilities of the adopted Lower Clydesdale Local Plan, with the remainder of the site covered by Policy RES1: Residential Areas. The finalised draft South Lanarkshire Local Plan constitutes a material consideration in the determination of this application and this plan identifies the majority of the site as lying within a residential area where Policy RES6: Residential Land Use applies. A small section of the site is covered by Policy ENV1: Priority Greenspace Land Use. Policy ENV31: Design Statements, Policy ENV11: Design Quality, Policy ENV29: New Development Design and Policy DM1: Development Management are also relevant.

#### **3.2 Relevant Government Advice/Policy**

NPPG11 Sport, Physical Recreation and Open Space advises that sport and physical recreation are important components of civilized life and have valuable

social, economic and educational roles. Sports halls, swimming pools, other indoor sports facilities and outdoor synthetic pitches can provide for a wide range of activities fundamental to maintaining individual health and fitness. They can also serve as a focus for the community. It further advises that development proposals affecting open space, especially playing fields, must be considered carefully if they would be likely to adversely affect the community value of the open space. Important issues will include whether there is or would be a surplus or deficiency in open space in the area, the contribution that brownfield, contaminated or derelict land could make either to relocate the proposal or to redress the loss of open space, sports pitches or other facilities, and whether the space is to be replaced with alternative provision giving similar community benefits.

### 3.3 **Planning History**

No previous planning applications exist for this site, however, a Notice of Intention to Develop was granted in December 2004 for the demolition of the existing Dale Centre adult learning facility and replacement with new adult learning facility on the adjacent site (CL/04/0743).

## 4 **Consultation(s)**

### 4.1 **Royal Burgh of Lanark Community Council** – no response to date.

**Response:** Noted.

### 4.2 **Education Resources** – offer no objections.

**Response:** Noted.

### 4.3 **Environmental Services** – have no objections, subject to conditions in relation to ventilation, noise, floodlighting and contamination. They also request that a noise impact assessment be carried out.

**Response:** These issues can be covered by condition. Given the fact that the site is located adjacent to a sports pitch, the Dale Centre, Lanark Health Centre and the railwayline, I do not consider that the proposal will significantly increase noise levels at this location and as such consider the requirement of a noise impact assessment to be onerous. Conditions in relation to noise levels can be attached to any consent granted.

### 4.4 **Roads and Transportation Services (Clydesdale area)** – offer no objections.

**Response:** Noted.

### 4.5 **SEPA** – no response to date.

**Response:** Noted.

### 4.6 **Scottish Water** – offer no objections. They advise that the drainage system should be designed in accordance with the principle of Sustainable Urban Drainage System (SUDS).

**Response:** Drainage proposals designed in accordance with SUDS have been submitted.

### 4.7 **Sportscotland** – offer no objections, however suggest that the car parking spaces nearest the door be redesigned so that users will have an unobstructed passage to and from the pitch to the changing accommodation. In addition, they advise that the side safety margin of 4.5 metres is not met and that a ball stop fence should be erected along the eastern edge of the car park to minimum conflict.

**Response:** The plans have been amended to take cognisance of these points.

4.8 **Disability Forum** – No response to date.

**Response:** Noted.

4.9 **Asset Management, Housing & Technical Resources** – offer no objections.

**Response:** Noted.

4.10 **Railtrack** – offer no objections. However, due to the close proximity to the operational railway, they request certain conditions are attached to any consent granted.

**Response:** Noted. These issues can be covered by conditions.

4.11 **Roads & Transportation Services (Flood Prevention Unit)** – advise that the proposed Sustainable Urban Drainage System is acceptable, but indicate that additional calculations are required.

**Response:** Noted. This issue can be covered by condition.

## **5 Representation(s)**

5.1 The application was advertised under the Notice of Intention to Develop regulations, as a development requiring advertisement due to the nature or scale of operations (Article 12(5)), and Development Potentially Contrary to the Development Plan. Following this publicity and the statutory neighbour notification procedure, one letter of objection was received and the grounds of objection are summarised below.

(a) **Objector wants to draw the Council's attention to the existing drainage arrangements.**

**Response:** The applicant has submitted details of the proposed drainage arrangements for the site which have been designed in accordance with the principles of Sustainable Urban Drainage. The existing drainage arrangements have been taken into account.

(b) **Loss of view.**

**Response:** The loss of a view is not a material planning consideration.

(c) **Concerns about noise from the pool.**

**Response:** The proposed swimming pool if approved, would be situated in an area which includes a Health Centre, an Adult Learning Facility, a Sports Pitch and railway line. Given the existence of these other uses, I do not consider that the proposal will result in significant additional noise levels. For the avoidance of doubt, I intend to attach relevant noise conditions to the consent which will restrict the noise levels emitted from the premises.

(d) **Concerns that objector's garden will be used as a short-cut and request is made for the erection of a fence.**

**Response:** Should Committee agree to grant consent for this proposal it is my intention to attach a condition requiring the formation of a footpath between the north-eastern section of the site, over the adjoining area of open space to meet Smyllum Road. This should avoid any reason for users to seek a short cut through the objector's garden. In terms of the proposed boundary treatment between the dwellings situated on Kenilworth Road and the application site, it is the Council's intention to approach the owners/tenants of these properties with

a view to replacing the existing fencing with a 1.8 metre high timber fence to match the one being installed to the rear of the Dale Centre. This matter can be covered by a condition of any consent granted.

- 5.2 A comment letter was also received from Lanark and District Civic Trust which contained comments on the proposal in respect of the depth of the pool, lack of a toddlers pool, toilet facilities, changing facilities and lockers. These comments relate to detailed matters in respect of the internal arrangements and as such the letter has been forwarded to Housing and Technical Resources in order for them to respond directly to the Trust.

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

## **6 Assessment and Conclusions**

- 6.1 The Council seeks consent for the erection of a replacement swimming pool and fitness complex. I consider the determining issues in this instance to be the proposal's compliance with the adopted and finalised draft local plan policies and impact on the amenity of the area.
- 6.2 Policy LR1: Open Space/Community Facilities of the adopted Lower Clydesdale Local Plan covers the majority of the application site. This policy advises against the loss of open space and that the loss of such facilities for other uses will only be permitted where it can be demonstrated that participation levels and public enjoyment would be unaffected, or a replacement facility of comparable quality and accessibility is to be provided in the locality; or there is a clear long-term surplus in provision. Part of the site is also covered by Policy RES1: Residential Areas. This policy seeks to protect residential amenity and that bad neighbour uses detrimental to environmental quality will be resisted as will the loss of open space. It is however accepted that there will be a loss of open space as a result of this proposal, and therefore the proposal is contrary to the terms of Policy LR1, however, the overwhelming benefit would be the creation of the new swimming pool and fitness complex. It is also important to note in this respect that the attractiveness of the formal sports pitch adjacent to the application site will be considerably improved through the provision of high quality changing facilities. I therefore consider the use of the open space area for this proposal to be acceptable. As stated above the remainder of the site is zoned for residential use, however it is important to note that the application site is sandwiched between the Lanark Health Centre, the new Dale Centre and an existing sports pitch. Given the existing, adjacent uses, I do not consider that this proposal will have an adverse impact on residential amenity.
- 6.3 The finalised draft South Lanarkshire Local Plan identifies most of the site as lying within a residential area where Policy RES6: Residential Land Use applies. This policy states that the Council will resist any development that will be detrimental to amenity and that developments of an ancillary nature may be acceptable. It further advises that each application will be judged on its own merits with particular consideration given to the impact on residential amenity and proposed servicing and parking arrangements and an assessment of the contribution of the proposal to meeting an identified local need. As detailed above, I do not consider the proposal will have an adverse impact on residential amenity. I consider it is compatible with the adjacent community uses and will provide a modern facility to replace the existing, 40 year old swimming pool.

- 6.4 A section of the site is covered by Policy ENV1: Priority Green Space Land Use which resists the loss of such space. The area of ground which this relates to is extremely small, consisting of a thin strip of ground. As detailed above, I consider the benefit to the community in terms of the provision of this new facility far outweighs the loss of the minor strip of open space. It is important to note that the adjacent sports pitch will not be lost as a result of this proposal, and that there are future plans to upgrade this under-used pitch. In addition, the new complex would include changing rooms for the football teams, a facility which is currently lacking.
- 6.5 Policy ENV31: Design Statements require applicants to submit design statements with certain planning applications, and I can confirm that this requirement has been met. Policy ENV11: Design Quality, Policy ENV29: New Development Design and Policy DM1: Development Management, are relevant. These policies all seek to promote quality and sustainability in development design and require that any new development should enhance and make a positive contribution to the character and appearance of the urban environment. The contemporary design of the proposed building acknowledges the adjacent replacement Dale Centre, both in terms of design and materials and the introduction of the glazed link along with the proposed landscaping will create an attractive feature. I am satisfied that this proposal complies with the relevant design and development management policies.
- 6.6 After carefully considering all relevant issues, I am happy to recommend approval of this new community focused leisure facility and consider a departure from the Lower Clydesdale Local Plan in respect of Policy LR1: Open Space/Community Facilities can be justified for the following reasons:
- (a) the majority of the application site is not zoned as open space in the finalised draft South Lanarkshire Local Plan, but as Policy RES6: Residential Land Use, which I consider the proposal complies with;
  - (b) the proposal will result in the provision of a new, modern facility consisting of both a swimming pool and fitness facilities replacing the existing 40 year old facility and will benefit the local community;
  - (c) the proposal complies with the detailed development management and design policies contained in the adopted and finalised draft local plans;
  - (d) the proposal is of a high quality, modern design and use of materials which relates well to the adjacent Dale Centre currently under construction;
  - (e) the proposal will be physically linked to the new Dale Centre and will form an integrated service with this facility; and
  - (f) the proposal will introduce football team changing facilities to support the use of the existing adjacent football pitch, to Sportscotland's standards, with direct access to the pitch.

## **7 Reasons for Decision**

- 7.1 For the reasons stated in Paragraph 6.6 above.

**Iain Urquhart**  
**Executive Director (Enterprise Resources)**

**27 November 2006**

## Previous References

- ◆ CL/04/0743

## List of Background Papers

- ▶ Application Form
- ▶ Application Plans

- ▶ Consultations

Scottish Water	06/11/2006
Education Resources	30/10/2006
Sportscotland	30/10/2006
Railtrack	16/10/2006
Asset Management, Housing & Technical Resources	24/10/2006
Environmental Services	16/11/2006
Roads & Transportation Services (Flood Prevention Unit)	17/11/2006
Roads & Transportation Services (Clydesdale Area)	27/11/2006

- ▶ Representations

Representation from : Mr J Boslem, 48 Kenilworth Road  
Lanark, ML11 7BN, DATED 30/10/2006

Representation from : Dr William W Groves (Chairman), Lanark and District Civic  
Trust, 5 Straikhill, Lanark, ML11 7PW, DATED 09/11/2006

## Contact for Further Information

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

Gail Rae, Planning Officer, South Vennel, Lanark  
Ext. 810 3205 (Tel: 01555 673205)  
E-mail: [Enterprise.lanark@southlanarkshire.gov.uk](mailto:Enterprise.lanark@southlanarkshire.gov.uk)



## Notice of Intention to Develop (NID)

PAPER APART – APPLICATION NUMBER: CL/06/0720

### CONDITIONS

- 1 That the development hereby permitted shall be started within five years of the date of this permission.
- 2 That the development shall be carried out strictly in accordance with the plans hereby approved and no change to the design or external finishes shall take place without the prior written approval of the Council as Planning Authority.
- 3 That before any development commences on site or before any materials are ordered or brought to the site, details and samples of all materials to be used as external finishes on the development shall be submitted to and approved by the Council as Planning Authority.
- 4 That before 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.;
  - (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; andno work shall be undertaken on the site until approval has been given to these details.
- 5 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, and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.
- 6 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.
- 7 That before the facility is brought into use, the site shall be served by a sewerage scheme and public water supply constructed to the specification and satisfaction of Scottish Water as Sewerage Authority.
- 8 That all surface and foul water arising from the development hereby approved shall be collected and diverted away from Network Rail property.
- 9 That all operations being undertaken adjacent to Network Rail property shall at all times be undertaken to the complete satisfaction of Network Rail and the Council as Planning Authority and the security of the railway boundary shall be maintained at all times.

- 10 A method statement relating to the works to be carried out adjacent to the railway boundary shall be submitted to the Council as Planning Authority in consultation with the Network Rail Outside Parties Engineer prior to works commencing on site.
- 11 That prior to completion of the development hereby approved, a 1.8 metre high concrete post and 'Weldmesh' fence shall be erected along the mutual boundary with the railway to the satisfaction of the Council as Planning Authority.
- 12 All smells, noxious fumes or vapours from the premises shall be disposed of by means of a mechanical ventilation system which is ducted to at least 1 metre above eaves level.  
The ventilation system shall:
  - a) incorporate activated carbon filters;
  - b) be capable of achieving at least 20 air changes per hour in rooms where food preparation/cooking takes place;
  - c) be suitably isolated from the structure of the building and fan units positioned in a ducted system shall be suitably isolated from the ducting by means of flexible connections.
- 13 That noise associated with the ventilation system shall not give rise to a noise level, assessed with the windows closed, within any dwellinghouse or noise sensitive buildings in excess of that equivalent to Noise Rating Curve 35 between the hours of 0700 and 2000 hours, and Noise Rating Curve 25 at all other times.
- 14 That between the hours of 0800 and 2000 the measured noise level emitted from the premises [L<sub>aeq</sub> (1hr)] shall not exceed the pre-existing background noise level [L<sub>aeq</sub> (1/2hr)] by more than 4dB(A) when measured in accordance with BS4142: 1997 at buildings where people are likely to be affected. Between the hours of 2000 and 0800 the noise level emitted from the premises [L<sub>aeq</sub> (5mins)] shall not exceed the pre-existing background noise level [L<sub>a90</sub> (1/2hr)] by more than 4dB(A) when measured in accordance with BS4142: 1997 at buildings where people are likely to be affected.
- 15 That before development starts a Phase 1 or Desk Study, to review all currently available information about the historical uses of this site, shall be carried out to determine any types of contamination likely to be encountered and possible pathways to sensitive receptors shall be submitted to and approved by the Council as Planning Authority. If this investigation gives any indication of the potential for contaminants to be present, development shall not begin until a full intrusive survey has been carried out and its findings submitted to and, approved by the Council as Planning Authority. This survey shall clearly document the methodology, findings and results. The risks posed by the presence of pollutants in relation to sensitive receptors shall be assessed to current guidelines and, where appropriate recommendations for further investigations or remediation options to reduce these risks identified.
- 16 That before the development hereby approved is completed or brought into use, remediation/control measures must be fully implemented to the satisfaction of the Council as Planning Authority.
- 17 That any alterations to the remediation plan may only take place with the written approval of the Council as Planning Authority.

- 18 That on completion of all remediation works, a completion report confirming that works have been carried out to the agreed plan shall be submitted to and approved by the Council as Planning Authority.
- 19 That before the development hereby approved is brought into use, a drainage system capable of preventing any flow of water from the site onto the public road or neighbouring land, or into the site from surrounding land shall be provided and maintained to the satisfaction of the Council as Roads and Planning Authority.
- 20 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 requirements.
- 21 That the surface water drainage system, approved under the terms of condition 20 above, shall be implemented simultaneously with the development hereby approved, to the satisfaction of the Council as Planning Authority and SEPA and shall be completed prior to implementation of the facility.
- 22 That prior to work commencing on site, further details in respect of the proposed light fitting/floodlighting shall be submitted to and approved by the Council as Planning Authority and that the light beams shall be directed down onto the face of the building to prevent any glare onto the adjacent roads/railwayline, and shall be maintained in such a position through the working life of the installation.
- 23 That prior to work commencing on site, further plans showing the location and specification of a footpath linking the north-eastern part of the site with Kenilworth Road/Smyllum Road shall be submitted to and approved by the Council as Planning Authority, and thereafter the footpath shall be implemented prior to the facility coming into use.

## REASONS

- 1 To accord with the provisions of the Town and Country Planning (Scotland) Act 1997.
- 2 In the interests of amenity and in order to retain effective planning control.
- 3 In the interests of amenity and in order to retain effective planning control.
- 4 In the interests of the visual amenity of the area.
- 5 In the interests of amenity.
- 6 These details have not been submitted or approved.
- 7 To ensure that the development is served by an appropriate effluent disposal system and water supply.
- 8 In order to protect the integrity of the adjacent rail line.
- 9 In order to protect the integrity of the adjacent rail line.
- 10 In order to protect the integrity of the adjacent rail line.
- 11 In order to protect the integrity of the adjacent rail line.
- 12 In the interests of amenity.
- 13 In the interests of amenity.
- 14 To protect noise sensitive properties from sound levels that will cause a nuisance.
- 15 To ensure the site is free of contamination and suitable for development.

- 16 To ensure the site is free of contamination and suitable for development.
- 17 In order to retain effective planning control
- 18 In order to retain effective planning control
- 19 To ensure the provision of a satisfactory drainage system.
- 20 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.
- 21 To ensure the provision of a satisfactory surface water drainage system
- 22 In the interest of road safety
- 23 To ensure satisfactory pedestrian access facilities to the site.

For information only

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