

# Report

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>1 May 2018</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Subject:	Appeal Against Non-determination of Application for Conservation Area Consent for the demolition of former office building, dwellinghouse and outbuildings at 1 Hamilton Road, Bothwell
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## 1. Purpose of Report

1.1. The purpose of the report is to:-

- Seek approval to establish the Council's position in dealing with the appeal against the non-determination of an application seeking Conservation Area Consent for the demolition of former office building, dwellinghouse and outbuildings.

## 2. Recommendation(s)

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

- (1) that the Council's position in dealing with the appeal is based on the recommendation to refuse application HM/17/0204 as set out in the attached report (Appendix 1).

## 3. Background

- 3.1 Members will be aware that an application for Conservation Area Consent was submitted, by Balmer Developments Ltd., to demolish the existing buildings at 1 Hamilton Road, Bothwell. The buildings include a former dwelling which was last used as an office, an adjacent dwelling and a number of associated outbuildings. The demolition was proposed to allow the redevelopment of the site for a 60 bedroom care home.
- 3.2 The application for the demolition of the care home was being considered together with a planning application for the erection of the care home on the same site. This application (HM/17/0159) is also the subject of an appeal against non determination.
- 3.3 The application was being considered by officers and correspondence was sent to the applicant's agent in December 2017 requesting amendments to the design of the building to address concerns regarding the scale and design of the proposal. No correspondence was received in response to this request until 21 February 2018 when an amended design was submitted for comment by the Planning Service. Prior to responding with comments on the revised proposal, an appeal against non determination of both the planning application and the application for conservation area consent was lodged with the Directorate for Planning and Environmental Appeals (DPEA) on 27 February. Appeal regulations required the Council to set out its position on the proposal by the 20 March 2018, however, due to the timing of the

appeal and the requirement to report this to the Planning Committee, it was not possible to meet that timescale DPEA has confirmed that it will accept the Council's full submission on the appeal provided that it is received prior to 4 May 2018.

- 3.4 In terms of the appeal regulations, the Council must provide a statement on its view of the proposal. A report setting the Planning Service's assessment and conclusion on the submitted application is attached (Appendix 1). In turn, it is requested that the Committee agree that if it were in a position to take a decision on the application, then it would be in accordance with the recommendation for refusal as set out in the attached report (Appendix 1). The decision will form part of any further statement(s) made in respect of the appeal.
- 3.5 The next steps in relation to the appeal would be, based on the assumption that the Committee endorses the recommendation, that this report is submitted to the Reporter as being the Council's position on the matter. The Council will be advised what, if any, further mechanism the Reporter will use to deal with the appeal i.e. written submissions, hearing, formal inquiry or a combination. The appellant has indicated a preference for the appeal to be dealt with by way of written submissions. Members of the public who submitted a representation have been offered a further opportunity to contribute to the appeal process.
- 3.6 A full assessment of the proposed development is set out in the attached report (Appendix 1) however the reasons for refusal are stated below:
- The proposal is contrary to Policies 4, 6 and 15 of the adopted South Lanarkshire Local Development Plan as it would not relate satisfactorily to adjacent development in terms of its layout and design, it would have a significant adverse impact on the residential and visual amenity of the area and it would fail to preserve or enhance the character of the Conservation Area and its setting.
  - The proposal is contrary to Policy NHE7 of the associated Supplementary Guidance as the character and appearance of the Conservation Area would not be preserved or enhanced by the proposed replacement development within the site.
  - The proposal is contrary to Scottish Planning Policy as the character and appearance of the Conservation Area would not be preserved or enhanced by the proposed replacement development within the site.

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

**19 April 2018**

**Link(s) to Council Objectives/Values/Ambitions**

- Work with communities and partners to promote high quality, thriving and sustainable communities

**Previous References**

- None

**List of Background Papers**

- Application for Conservation Area Consent HM/17/0204

**Contact for Further Information**

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

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Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>1 May 2018</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application No	HM/17/0204
Planning Proposal:	Demolition of former office building, dwellinghouse and outbuildings (Conservation Area Consent)

## 1 Summary Application Information

- Application Type : Conservation Area Consent
- Applicant : Balmer Developments Ltd
- Location : 1 Hamilton Road,  
Bothwell

## 2 Recommendation(s)

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

- (1) Refuse Conservation Area Consent – based on reasons attached.

### 2.2 Other Actions/Notes

- (1) The Planning Committee has delegated powers to determine this application.

## 3 Other Information

- ◆ Applicant's Agent: Turley
- ◆ Council Area/Ward: 16 Bothwell and Uddingston
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**  
Policy 4 - Development Management and Place Making  
Policy 15 – Natural and Historic Environment  
  
**Development Management, Place Making and Design Supplementary Guidance (2015)**  
Policy NHE7 – Conservation Areas

- ◆ Representation(s):
  - ▶ 29 Objection Letters
  - ▶ 0 Support Letters
  - ▶ 1 Comments Letter
- ◆ Consultation(s):

Bothwell Community Council

Historic Environment Scotland (HES)

West of Scotland Archaeology Service (WOSAS)

# **Planning Application Report**

## **1 Application Site**

- 1.1 The application relates to an area of land located off Hamilton Road at the southern edge of Bothwell. Whilst the site fronts Hamilton Road the existing access to the site is via Old Bothwell Road. The site extends to approximately 0.50 hectares and is mainly flat and rectangular in shape. The southern and eastern parts of the site slope down towards Old Bothwell Road and Hamilton Road respectively. The site is currently occupied by a large red traditional sandstone detached dwelling known as Fairleigh House, a detached single storey dwelling and garage located at 10 Old Bothwell Road, a single storey building comprising an annexe to Fairleigh House and two more modern buildings located close to the Old Bothwell Road area of the site. The northern and south eastern areas of the site incorporate groups of large mature and semi mature trees which are protected by the site's designation within the Bothwell Conservation Area. The remainder of the site is a mixture of grassed open space and car parking.
- 1.2 The site is bounded to the north by residential properties, to the south and west by Old Bothwell Road and adjacent residential properties and to the east by Hamilton Road.

## **2 Proposal(s)**

- 2.1 The applicant seeks conservation area consent for the demolition of a former office building, dwellinghouse and outbuildings within the site. As discussed, the site is currently occupied by a large red traditional sandstone detached dwelling known as Fairleigh House, a detached single storey dwelling and garage located at 10 Old Bothwell Road, a single storey building comprising an annexe to Fairleigh House and two more modern buildings located close to the Old Bothwell Road area of the site. The proposed demolition is required to facilitate the redevelopment of the site for the erection of a care home with associated access and infrastructure which is the subject of a separate detailed planning application under reference HM/17/0159.
- 2.2 A Planning Statement, Design Statement, Transport Statement, Heritage Impact Assessment, Bat Survey, Preliminary Ecological Appraisal and Badger Survey were submitted with the application as supporting information.

## **3 Background**

### **3.1 Local Plan Status**

- 3.1.1 In terms of local plan policy, the application site is located within the general urban area and within the Bothwell Conservation Area. The proposal is affected by Policy 4 - Development Management and Place Making and Policy 15 – Natural and Historic Environment. Supplementary guidance relating to conservation areas is provided in Supplementary Guidance 9 - Natural and Historic Environment and in particular Policy NHE7 – Conservation Areas. Additional design guidance is provided in the Development Management, Place Making and Design Supplementary Guidance. The above policies and how they relate to the proposal are discussed in detail in Section 6 of this report.

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

- 3.2.1 Scottish Planning Policy (SPP) states that proposals for development within conservation areas and proposals outwith which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the

conservation area. Proposals that do not harm the character or appearance of the conservation area should be treated as preserving its character or appearance. Where the demolition of an unlisted building is proposed through Conservation Area Consent, consideration should be given to the contribution the building makes to the character and appearance of the conservation area. Where a building makes a positive contribution the presumption should be to retain it.

- 3.2.2 Historic Environment Scotland Policy Statement June 2016 states that, as with listed buildings, there is a presumption in favour of the retention of unlisted buildings in conservation areas where they make a positive contribution to the character, appearance, or history of the area. Proposals for demolition in a conservation area should be considered in conjunction with a full planning application for a replacement development. The key principle in such cases is that the character and appearance of the area should be preserved or enhanced. This allows consideration to be given to the potential contribution that the replacement building may make to the area's character and appearance. Demolition should not begin until evidence is given of contracts let either for the new development or for appropriate long-term treatment as open space where that outcome conforms to the character of the area. Gap sites could be harmful to the character of the area if allowed to lie undeveloped for a significant time between demolition and redevelopment.

### 3.3 **Planning Background**

- 3.3.1 The applicant submitted a detailed planning application for the erection of a 61 bedroom care home with associated car parking and landscaping within the site. This application was registered by the Council on 11 April 2017 and is also under consideration as a separate item at this Planning Committee (HM/17/0159).
- 3.3.2 Conservation area consent was granted for the demolition of the existing dwellinghouse/garage at 10 Old Bothwell Road on 10 August 2015. The land and buildings relating to 10 Old Bothwell Road are located within the northern part of the current application site.
- 3.3.3 Detailed planning permission was granted for the demolition of the existing dwellinghouse/garage and the erection of a replacement dwellinghouse at 10 Old Bothwell Road on 31 July 2015. As discussed, the land and buildings relating to 10 Old Bothwell Road are located within the northern part of the current application site.

## 4 **Consultation(s)**

- 4.1 **Bothwell Community Council** – recognises the concerns of the community regarding the complete removal of the building and all character features and we note the building is specifically identified within the defined Conservation Area. However, we understand that the main building has been subject to intruders resulting in vandalism and internal fires, and we are uncertain of its current condition. We note specific comment (in the associated application HM/17/0159) by local resident and specialist conservation architect Mr George Waterston, who suggests that the existing building could be utilised. We would respectfully request that such professional opinion should be weighed up against a 'do nothing' situation (perhaps resulting in further deterioration) and the practicability of incorporating as much of the existing building as possible into any proposed development, taking into account regulations governing any specialised use.

**Response:** Noted.

- 4.2 **Historic Environment Scotland** – 1 Hamilton Road and its garden ground are an important anchor point at the southern end of Bothwell Conservation Area. It is our view that proposals to demolish the building would detrimentally affect this part of the

conservation area to a significant degree, and therefore that every effort should be made to retain it. The conservation area at this point stretches down in a narrow strip to the A-listed Bothwell Bridge. A cluster of modern houses between 1 Hamilton Road and the bulk of the conservation area mean that 1 Hamilton Road plays a particularly important part in providing coherence and continuity to the historic character of this strip. The building's long elevation to Old Bothwell Road gives it a strong presence that makes it a focal point on the street, particularly when approached from the north. This presence is enhanced by the characterful composition of deep-eaved gables, oriel window and chimney stacks. The view of the house from Hamilton Road is, at present, largely obscured by shrubs, but the prominent hillside location of the site means that the house has the potential to contribute positively to the conservation area in views from the east. The eastern edge of this southern strip of the conservation area forms an important gateway to Bothwell, both in the approach from Hamilton and from the A725 slip road. The grass bank of the garden is a prominent feature at the junction and effectively provides a substantial part of the small but important amount of green space that visually separates Bothwell from Hamilton. Because the house makes such a significant contribution to the character of the Conservation Area, there is a presumption in favour of its retention and, as mentioned above, every effort should be made to do so. We note that the applicant has considered incorporating the existing building into their care home, and we accept that it is not suitable for that purpose. However, it does not appear that other options, for example restoration and conversion to domestic use (either as one dwelling or flats) have been fully explored. We would expect that such an exploration would include a consideration of using enabling development. We, therefore, encourage your Council to ensure that no other options for retaining this building exist.

**Response:** Noted.

- 4.3 **West of Scotland Archaeology Service (WOSAS)** – while WOSAS would not necessarily consider the principle of construction of a care home at this location to be incompatible with the aim of protecting and enhancing the Inventory battlefield, the scale and mass of the buildings proposed under the current application appears likely to have a significant detrimental impact on one of the few remaining sections on the northern bank of the river where it is still possible for the observer to understand the layout of the battlefield. While this consideration may not be of sufficient magnitude for the Council to consider outright refusal of the application, on the basis that a significant proportion of the battlefield has already been substantially altered by modern development, it is suggested that the Council should give consideration to asking the developer to reduce the size and height of the buildings proposed. Should the Council feel that the effect of the development on the visual appearance of the battlefield is acceptable and would intend to grant planning consent, a condition should be attached to this consent requiring the developer to appoint a professional archaeological contractor to undertake a programme of work designed to mitigate the direct impact of construction on physical remains associated with the battle. Although it is acknowledged that construction of the existing building and its associated areas of car-parking will have resulted in a certain amount of disruption to any sub-surface archaeological material that may be present, the socio-cultural, historical, and archaeological significance of the nationally designated battlefield is such that archaeological intervention would be necessary to ensure that any such material affected by the proposal was adequately recorded.

**Response:** Noted. Any consent granted would be suitably conditioned to address the above matters.

## **5 Representation(s)**



5.1 The application was advertised in the Hamilton Advertiser under the heading Conservation Area Consent. Twenty nine letters of representation have been received in relation to the application in addition to one letter of comment. The main grounds of objection are summarised below:

- a) **This sandstone property acts as a gateway entrance to the village from Hamilton and the Raith interchange within the mature garden setting it occupies very much in keeping with its designated conservation status. The House itself is both architecturally and historically significant being the home of Dr James S. Dixon. As noted in Paragraph 3.9 of the Heritage Assessment submitted by the applicant the building in terms of its architectural interest is considered to make a positive contribution to the special character and appearance of the Bothwell Conservation Area. Not enough evidence has been produced to show that the building cannot be renovated and incorporated into the proposed care home.**

**Response:** Paragraph 3.9 of the submitted Heritage Assessment states that the vacant nature and deteriorating condition of the building is negative but the building in terms of its architectural interest is considered to make a positive contribution to the special character and appearance of the Bothwell Conservation Area. Whilst the submitted supporting information has been taken into account in the assessment of this application I am not satisfied that the replacement development proposed has been appropriately designed to be in keeping with the Conservation Area and to a degree that justifies the demolition of the existing sandstone building in the site.

- b) **The reasons given for demolition are based only on the fact that the building has been left to decay due to complete neglect by the owner since the property was purchased in 2015. The building has been broken into, lead has been stolen from the roof and it has also been set on fire without any remedial actions taken by the owner. It is then hardly surprising that the commercial recommendation is for the property to be demolished and replaced with a modern building that has no character and is not befitting of the prominent site location at the entrance to the village.**

**Response:** The supporting information submitted with the application advises that the site has been vacant for several years and that the existing building is at risk of vandalism. It states that the site has been on the market for some time and it has not proved an attractive proposition for any alternative purpose such as retaining it as residential property due to the significant cost involved in the repairs required to the fabric of the building. Whilst the submitted supporting information has been taken into account in the assessment of this application, I am not satisfied that the replacement development proposed has been appropriately designed to be in keeping with the Conservation Area and to a degree that justifies the demolition of the existing sandstone building in the site.

- c) **It is the Council's responsibility to the area and its residents to do everything to retain the heritage of Bothwell, as opposed to determining that the application should be granted resulting in a loss to the village's heritage. This would have only a negative impact on the environment and village as a whole, particularly given where this building is situated, at the entrance to Bothwell, within the conservation area, close to other monuments and structure of historical importance. This is supported by Historic Scotland Environmental Policy Statement (June 2016) concerning Conservation areas.**

**Response:** Whilst the submitted supporting information has been taken into account in the assessment of this application I am not satisfied that the replacement development proposed has been appropriately designed to be in keeping with the Conservation Area and to a degree that justifies the demolition of the existing

sandstone building in the site. The merits of the application are discussed in detail in Section 6 of this report.

- d) **The proximity and the setting of this building to both the Bothwell Bridge and the Covenanter's Monument create the appropriate ambience for our beautiful village and ensure our heritage and the historical significance of the area are retained in a manner befitting the importance of both sites. The adjacent Covenanter's Field which also has such significant historical importance within the village is located within immediate proximity to the existing property.**

**Response:** Whilst the submitted supporting information has been taken into account in the assessment of this application I am not satisfied that the replacement development proposed has been appropriately designed to be in keeping with the Conservation Area and to a degree that justifies the demolition of the existing sandstone building in the site. The merits of the application are assessed in detail in Section 6 of this report.

- e) **The purpose of a conservation village is to preserve the buildings in their current state. Demolishing a red sandstone villa to make way for a modern monstrosity is not in keeping with conservations status. The Scottish Government's policy on conservation areas is "To safeguard them for the enjoyment and benefit of future generations, any new development should preserve or enhance their varied character." The proposed development is completely at odds with this policy.**

**Response:** Whilst the submitted supporting information has been taken into account in the assessment of this application I am not satisfied that the replacement development proposed has been appropriately designed to be in keeping with the Conservation Area and to a degree that justifies the demolition of the existing sandstone building in the site. The merits of the application are assessed in detail in Section 6 of this report.

- g) **In terms of the S.61 Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Fairleigh obviously is "a building that makes a positive contribution to the character of the conservation area". It is situated right at the entrance to Bothwell and as such enhances the environment of the conservation area as described in the above act. We should be guardians of our heritage for future generations and not susceptible to the indiscriminate demolition of an iconic building to the detriment of the conservation village.**

**Response:** It is considered that the character and appearance of the Conservation Area would not be preserved or enhanced by the proposed replacement development within the site. The merits of the application are assessed in detail in Section 6 of this report.

- h) **The developer could find more suitable and accessible sites should this application be refused.**

**Response:** Whilst an alternative site may become available for the proposed care home each application requires to be assessed on its individual merits. On this basis the current application site, as identified in the submitted plans, is being assessed under this application.

- o) **It is the specific character of Bothwell, its conservation status, its plethora of beautiful well preserved red sandstone villas that enticed me to purchase a home here. I have been made aware (by a local expert) that most of the red sandstone properties in Bothwell were erected using sandstone from the same quarry that was used to construct both Bothwell Castle and Bothwell Parish Church. There is therefore a link between these historic buildings and all the other sandstone properties in Bothwell. To demolish such a sandstone property**

**for purely commercial reasons is a travesty, and in my opinion, it is tantamount to vandalism.**

**Response:** Whilst the submitted supporting information has been taken into account in the assessment of this application I am not satisfied that the replacement development proposed has been appropriately designed to be in keeping with the Conservation Area and to a degree that justifies the demolition of the existing sandstone building in the site. This matter is discussed in detail in Section 6 of this report.

- 5.2 A number of representations submitted make reference to the design and merits of the proposed care home building for the site. These matters are addressed in the report for planning application HM/17/0159 which is also under consideration as a separate item at this Planning Committee.
- 5.3 These letters are available for inspection in the usual manner and on the Councils Planning Portal.

## **6 Assessment and Conclusions**

- 6.1 The applicant seeks conservation area consent for the demolition of a former office building, dwellinghouse and outbuildings within the site. The site is currently occupied by a large red traditional sandstone detached dwelling known as Fairleigh House, a detached single storey dwelling and garage located at 10 Old Bothwell Road, a single storey building comprising an annexe to Fairleigh House and two more modern buildings located close to the Old Bothwell Road area of the site. The proposed demolition is required to facilitate the redevelopment of the site for the erection of a care home with associated access and infrastructure which is the subject of a separate detailed planning application under reference HM/17/0159. The determining issues in consideration of this application are its compliance with national and local plan policy and its impact on the character of the Conservation Area.
- 6.2 Scottish Planning Policy (SPP) states that proposals for development within conservation areas and proposals outwith which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character or appearance of the conservation area should be treated as preserving its character or appearance. Where the demolition of an unlisted building is proposed through Conservation Area Consent, consideration should be given to the contribution the building makes to the character and appearance of the conservation area. Where a building makes a positive contribution the presumption should be to retain it.
- 6.3 Historic Environment Scotland Policy Statement June 2016 states that, as with listed buildings, there is a presumption in favour of the retention of unlisted buildings in conservation areas where they make a positive contribution to the character, appearance, or history of the area. Proposals for demolition in a conservation area should be considered in conjunction with a full planning application for a replacement development. The key principle in such cases is that the character and appearance of the area should be preserved or enhanced. This allows consideration to be given to the potential contribution that the replacement building may make to the area's character and appearance. Demolition should not begin until evidence is given of contracts let either for the new development or for appropriate long-term treatment as open space where that outcome conforms to the character of the area. Gap sites could be harmful to the character of the area if allowed to lie undeveloped for a significant time between demolition and redevelopment.

- 6.4 As highlighted above, the key principle in terms of demolition within a conservation area is that the character and appearance of the area should be preserved or enhanced. This allows consideration to be given to the potential contribution that the replacement building may make to the area's character and appearance. The proposed demolition has been considered in conjunction with an associated detailed planning application for the erection of a care home within the site (HM/17/0159). Whilst particular aspects of the proposal's design are considered to be acceptable, overall, the proposed development is considered to be an inappropriate and incongruous form of development at this location as the building would over dominate the street scene on Hamilton Road and detract from the character and appearance of the streetscape to a significant degree when viewed from this part of the Conservation Area. It is, therefore, considered that the proposed care home is an inappropriate form of development which fails to preserve or enhance the character of the Conservation Area and its setting. As the character and appearance of the area would not be preserved or enhanced by the proposed replacement development within the site, the proposed demolition is considered to be contrary to national planning guidance.
- 6.5 In terms of local plan policy, the application site is located within the general urban area and within the Bothwell Conservation Area. The proposal requires to be assessed against Policy 4 - Development Management and Place Making and Policy 15 – Natural and Historic Environment. Supplementary guidance relating to conservation areas is provided in Supplementary Guidance 9 - Natural and Historic Environment and in particular Policy NHE7 – Conservation Areas. Additional design guidance is provided in the Development Management, Place Making and Design Supplementary Guidance.
- 6.6 Policy 4 generally resists development that will be detrimental to amenity and seeks well designed proposals which integrate successfully with their surroundings and make a positive contribution to the character and appearance of the urban environment. In this instance, it is considered that the replacement development proposed for the site following demolition would not relate satisfactorily to adjacent development in terms of its design, layout, scale and massing and would have a significant adverse impact on the visual amenity of the area. I am, therefore, not satisfied that the proposal meets the terms of Policy 4.
- 6.7 Policy 15 states that the Council will assess all development proposals in terms of their effect on the character and amenity of the natural and built environment. The Council will seek to protect important natural and historic sites and features from adverse impacts resulting from development, including cumulative impacts. The application site is located within The Bothwell Conservation Area which is designated as a Category 3 site under the terms of this policy. In Category 3 areas, development which would affect these areas following the implementation of mitigation measures will only be permitted where there is no significant adverse impact on the protected resource. Where possible, any development proposals which affect natural and historic designations should include measures to enhance the conservation value of the site affected.
- 6.8 The above policy is supported by Policy NHE7 – Conservation Areas of the Supplementary Guidance which advises that development and demolition within a conservation area or affecting its setting shall preserve or enhance its character and be consistent with any relevant conservation area appraisal or management plan that may have been prepared for the area. The design, materials, scale and siting of any development shall be appropriate to the character of the conservation area and its setting. Trees which are considered by the Council to have amenity value and contribute to the character and appearance of the conservation area shall be preserved. Given the importance of assessing design matters, planning applications

in principle will not normally be considered appropriate for developments in conservation areas. Where appropriate, consents to demolish buildings within conservation areas will be subject to conditions which prohibit demolition until a contract has been let for the redevelopment of the site in accordance with a development scheme which has been approved by the Council.

- 6.9 The supporting information submitted with the application advises that the site has been vacant for several years and that the existing building is at risk of vandalism. It states that the site has been on the market for some time and it has not proved an attractive proposition for any alternative purpose such as retaining it as residential property due to the significant cost involved in the repairs required to the fabric of the building. The supporting information recognises that the existing building makes a positive contribution to the special character and appearance of the Conservation Area as a result of some of its architectural features.
- 6.10 Whilst the above supporting information has been taken into account in the assessment of this application and the associated application for conservation area consent (HM/17/0159) I am not satisfied that the proposed care home has been appropriately designed to be in keeping with the Conservation Area and to a degree that justifies the demolition of the existing sandstone building in the site. As discussed above, a key principle in terms of demolition in conservation areas is that the character and appearance of the area should be preserved or enhanced. This allows consideration to be given to the potential contribution that the replacement building may make to the area's character and appearance. In terms of visual amenity, the proposed care home would be located in a highly prominent position when viewed from Hamilton Road and the A725 slip road to the east of the site. Indeed, the eastern edge of this southern strip of the Conservation Area forms an important gateway into Bothwell. The site's long frontage onto Hamilton Road gives it a strong presence that makes it a focal point on the street. Whilst it is accepted that an element of screening would be incorporated into the development to help reduce any impact the care home would still be highly visible to anyone approaching the site from the southern end of the Conservation Area. The eastern leg of the building, as designed, appears bulky in terms of its scale and massing and would require to be set back a considerable distance from Hamilton Road to ensure that the building has no adverse impact on the streetscape and the Conservation Area at this particular location. In its current form, it is considered that the proposed building would over dominate the street scene on Hamilton Road and significantly detract from the character and appearance of the streetscape when viewed from this part of the Conservation Area. It is, therefore, considered that the proposed care home is an inappropriate form of development which fails to preserve or enhance the character of the Conservation Area and its setting.
- 6.11 It should also be noted that the northern and southern parts of the site incorporate areas of mature trees which are protected by the site's designation within the Conservation Area and a number of trees require to be felled to accommodate the proposed care home. It is considered that an amended layout could be designed to accommodate more of the existing trees on site in addition to an improved replacement planting scheme to ensure that trees within the site which are considered by the Council to have amenity value and contribute to the character and appearance of the Conservation Area will be preserved or enhanced. However, as the character and appearance of the area would not be preserved or enhanced by the proposed replacement development within the site, the proposed demolition is considered to be contrary to Policy 15 and Policy NHE7 as currently designed.
- 6.12 In summary, whilst the submitted supporting information has been taken into account in the assessment of this application I am not satisfied that the proposed care home

has been appropriately designed to be in keeping with the Conservation Area and to a degree that justifies the demolition of the existing sandstone building in the site. In the absence of an appropriately designed scheme to redevelop the site it is considered that there is insufficient justification for the proposed demolition. Consequently, it is considered that the proposal does not meet the terms of Policies, 4, 15 and NHE3. I would, therefore, recommend that the application be refused.

## **7 Reasons for Decision**

- 7.1 The proposal fails to comply with Scottish Planning Policy (SPP), Policies 4 and 15 of the adopted South Lanarkshire Local Development Plan and Policy NHE3 of the associated Supplementary Guidance as it will have a significant adverse impact on visual amenity and detract from and alter the character and appearance of the Conservation Area.

**Michael McGlynn**

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

**9 April 2018**

### **Previous References**

HM/17/0159

### **List of Background Papers**

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan (2015)
- ▶ Development Management Place Making and Design Supplementary Guidance (2015)
- ▶ Press advertisement, Hamilton Advertiser dated 18.05.2017 & Edinburgh Gazette dated 19 May 2017.

## Conservation Area Consent

PAPER APART – APPLICATION NUMBER: HM/17/0204

### **REASONS FOR REFUSAL**

- 1      The proposal is contrary to Policies 4 and 15 of the adopted South Lanarkshire Local Development Plan as the character and appearance of the Conservation Area would not be preserved or enhanced by the proposed replacement development within the site.
- 2      The proposal is contrary to Policy NHE7 of the associated Supplementary Guidance as the character and appearance of the Conservation Area would not be preserved or enhanced by the proposed replacement development within the site.
- 3      The proposal is contrary to Scottish Planning Policy as the character and appearance of the Conservation Area would not be preserved or enhanced by the proposed replacement development within the site.

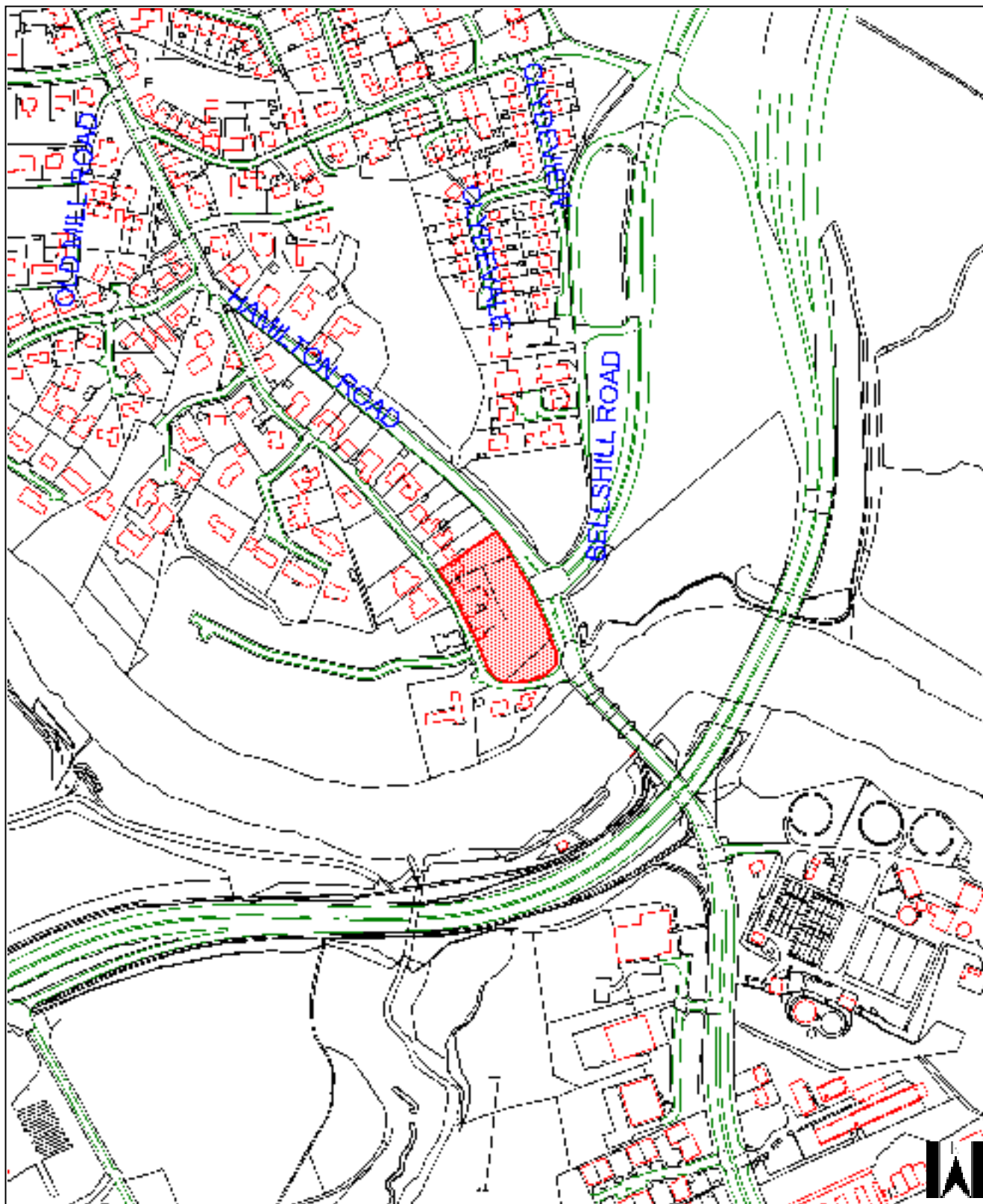
HM/17/0204

1 Hamilton Road, Bothwell

Planning and Building Standards

Scale: 1: 5000

For information only



For information only