

# Report

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>25 September 2018</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	EK/17/0237
Planning proposal:	Creation of themed garden on existing open space

## 1 Summary application information

Application type:	Detailed planning application
Applicant:	Rotary Club Of Strathaven
Location:	Allison Green Strathaven ML10 6AW

## 2 Recommendation(s)

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

- (1) Grant detailed planning permission (subject to conditions) based on conditions attached

### 2.2 Other actions/notes

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

## 3 Other information

- ♦ Applicant's Agent: William Cooper
- ♦ Council Area/Ward: 05 Avondale And Stonehouse
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**

Policy 4 – Development Management and Place Making  
Policy 14 – Green network and greenspace  
Policy 15 – Natural and historic environment

Supplementary Guidance  
Development Management, Place Making and Design  
Green Network and Greenspaces  
Natural and historic environment

**South Lanarkshire Local Development Plan 2 (Proposed Plan 2018)**

Policy 5 – Development Management and  
Placemaking  
Policy 13 – Green Network and Greenspace  
Policy 14 – Natural and historic environment  
Policy DM1 – New Development Design

◆ **Representation(s):**

▶	7	Objection Letters
▶	0	Support Letters
▶	1	Comment Letters

◆ **Consultation(s):**

Countryside And Greenspace

Roads Development Management Team

Strathaven Community Council

Estates Service

# **Planning Application Report**

## **1 Application Site**

- 1.1 The application site lies within the Allison Green area of public open space within the Strathaven conservation area. The proposed development is to be positioned in the north-eastern part of Allison Green, approximately 13 metres south of the B listed Strathaven East Church boundary and approximately 9 metres east of Waterside Street. The application site includes a pedestrian access route from Waterside Street, to the north-east of the proposed structure.

## **2 Proposal(s)**

- 2.1 The proposal is to create a themed garden to mark the centenary of the Rotary Club foundation and 70 years of the Rotary Club in Strathaven. The proposed garden structure is to be positioned on an area that is currently in part a maintained flower bed with grass. The proposed garden consists of a circular stone structure (described as a rotunda) enclosing an area of paving, low level planting and three seats. A new footpath (20 metres long and 1.5 metres wide) is proposed to provide access from Waterside Street. This footpath is to be formed using 'grasscrete' to minimise the visual impact. The internal diameter of the structure is to be approximately 6 metres, with 0.5 metre wide walls. Openings of 1.2 metres wide are to be provided for access. Concrete slabs are proposed as the internal paving for the garden. The proposal, as originally submitted, had stone walls at a maximum height of 1 metre, however following discussions, the height of the proposed walls has been reduced to between approximately 0.25 metres and 0.5 metres. A footpath that was initially proposed to run parallel to Waterside Street has also been removed from the proposed plans following discussions with the applicants.

## **3 Background**

### **3.1 Local Plan Status**

- 3.1.1 In land use terms, the site lies within an area designated as green network and priority greenspace (Policy 14) in the Adopted South Lanarkshire Local Development Plan 2015 (LDP). This policy seeks to safeguard the local green network and identify opportunities for enhancement and/or extension. The site also lies within the Strathaven conservation area and is in close proximity to the East Church, which is B listed. In this regard, Policy 15 (Natural and historic environment) 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. Policy 4 (Development management and place making) is also relevant in respect of general design, amenity, safety and environmental considerations.
- 3.1.2 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance the following policies are relevant:
- Policy 5 – Development Management and Placemaking
  - Policy 13 – Green Network and Greenspace

- Policy 14 – Natural and historic environment
- Policy DM1 – New Development Design

## 4 Consultation(s)

4.1 **Roads Development Management Team** – have no objections.  
**Response:** Noted.

4.2 **Estates Service** – have no objections.  
**Response:** Noted.

4.3 **Countryside and Greenspace** – have no objections  
**Response:** Noted.

4.4 **Strathaven and Glassford Community Council** – do not support the proposed development for the reasons set out in their response. Public grounds should not be used for particular bodies to pursue their own memorials. The proposal would fundamentally change Allison Green, with the new feature right at its heart. Conservation of Allison Green was a key element of the original sale of the space. It is understood that the Council has a policy of no longer allowing memorials on their land. The consultation that took place on the proposals was insufficient. The applicant should be working collaboratively with other local groups on wider strategies for Allison Green. The design is not appropriate for this location and there are additional concerns over the proposed path. If the Planning Committee decides to approve the application, we would ask that conditions be placed on its to reduce the siting, size and prominence and that stone should be used to match the East Kirk church.

**Response:** The relevant Services of the Council have been involved in discussions over the principle of development and potential maintenance arrangements. In this regard, there are no objections to the principle of this garden structure being positioned within this public open space. In relation to previous consultation and potential collaboration with other local organisations, it is noted that this is not something that is relevant to the consideration of this planning application. The Council, as Planning Authority, is obliged to assess the proposal as submitted. In respect of design matters, the proposed height of the stone walls has been reduced from a maximum height of 1 metre to approximately 0.5 metres. It is considered that this has reduced the visual impact of the proposal to an acceptable level. The applicant has confirmed that the stone walls are proposed to match the stone of the adjacent church. A full assessment of the proposal is contained in section 6 below.

## 5 Representation(s)

5.1 Statutory neighbour notification was undertaken and the proposal was advertised for non-notification of neighbours. 7 objection letters and 1 comment letter have been received in respect of the proposed development. The grounds of objection and issues raised can be summarised as follows

a) **Concerns over the impact on this historic space which has always had an open character. Incremental introduction of feature is damaging its character. Concern over loss of flower bed. Any new features should be on the periphery of the space. The proposal would not enhance this area. The formation of a new path is unnecessary. Adverse impact on the setting of the East Church. The location and design lacks any contextual link with Allison Green and the surrounding built environment.**

**Response:** The proposal is for a garden feature within an area of public open space and, in this regard, it is considered that the principle of the development

is compatible with the use of Allison Green as public open space. It is acknowledged that the proposal includes a visible built element, i.e. the stone walls and, as such, there is an associated visual impact. However, given the reduction in height (now at approximately 0.5 metres in height), it is considered that the proposal will not have an adverse impact on the openness of Allison Green, the setting of the conservation area, or the setting of the adjacent East Church. The applicant is proposing to use stone to match the facade of the East Church. In this regard, it is considered that there is a contextual link with the surroundings. A footpath was initially proposed to run parallel to Waterside Street, however this has now been removed from the proposed plans.

- b) **Lack of public consultation and the consultation that the applicant undertook was insufficient to capture public opinion. A range of options should have been presented. Previous consultation events have suggested that the public is in favour of retaining Allison Green as existing.**

**Response:** There is no requirement for formal pre-application public consultation for a development of this scale. In relation to the planning application process, it is noted that neighbour notification, a site notice and consultation with the Community Council all took place. Several comments were received and these have been considered as part of the assessment of the proposal.

- c) **The proposal should be assessed and reviewed within the context of the Allison Green improvement study and masterplan. The proposal could compromise the outcomes suggested by the above study.**

**Response:** The Planning Authority is required to assess every planning application on its merits, in accordance with the relevant development plan policies and any other material considerations. It is considered that the proposal will not compromise any wider objections and strategies for the enhancement of Strathaven.

- d) **It is not clear how the proposal fits in with wider efforts to develop the tourist economy in Strathaven. It could be integrated into plans for a performance space.**

**Response:** As stated at (c) above, each planning application has to be considered on its individual merits. In this respect, it is considered that the proposal will provide a feature that will provide benefits to the local area in terms of leisure and recreation facilities.

- e) **The proposal would constitute a breach of condition that the land would never be built on or feued. The land was gifted in 1890 for the free use of the community. The applicant has no right to use Allison Green without the approval of South Lanarkshire Council. It is wrong to allow part of the green to be annexed by an independent organisation and not the people of Strathaven.**

**Response:** The Estates Service has been consulted on the planning application and provided no objections. The themed garden would be available for public use. The Council would still have control over this land and the associated structure.

- f) **The proposal could lead to an increase in undesirable behaviour.**

**Response:** It is considered that, due to the relatively low height of the boundary walls and the position of the structure in a highly visible location, any potential for anti-social behaviour in the proposed themed garden will be minimised.

- g) **No details of future maintenance have been provided. Who will pay and supply the seating? The remembrance garden at the Boo Backit Brig has not been maintained and the proposal may also suffer from lack of maintenance.**

**Response:** The applicant has been involved in discussions with the Council in respect of potential maintenance arrangements. The final details of such arrangements will require to be agreed following any planning permission approval.

- h) **Publication of the application in the summer holidays did not give sufficient opportunity for members of the public to comment.**

**Response:** The Council has no control over when a planning application is submitted. Statutory consultation and neighbour notification were carried out, as required.

- i) **The proposal could set an undesirable precedent for other development in sensitive places. Alternative locations would have been more appropriate.**

**Response:** Any future proposals for development within the conservation area or in similar, sensitive, locations will be assessed on their merits, taking into account all relevant development plan policies and any other material considerations. As such, approval of this development will not create a precedent for other developments. The Planning Authority is required to assess the proposal, as submitted.

- j) **The proposal is within a flood relief area for the town centre.**

**Response:** The site location has been assessed with regard to ground conditions. It is considered that the identified site is acceptable for this type of development.

- 5.2 These letters has been copied and are available for inspection in the usual manner and on the planning portal.

## **6 Assessment and Conclusions**

- 6.1 The applicant seeks consent for the erection of a themed garden within the Allison Green public open space. Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that all planning applications are determined in accordance with the development plan, unless other material considerations indicate otherwise. The main determining issue, therefore, in the assessment of this application is whether the proposed development is in compliance with local plan policy.

- 6.2 The adopted South Lanarkshire Local Development Plan 2015 (LDP) identifies the site, in land use terms, as being within an area of Priority Greenspace and Green Network where Policy 15 (Green Network and Greenspace) applies. This policy states that any development proposals should safeguard the local green network and indentify opportunities for enhancement and/or extension which can contribute towards:

1. Placemaking
2. Mitigating greenhouse gases
3. Supporting biodiversity
4. Enhancing health and quality of life
5. Providing water management including flood storage and buffer strips
6. Providing areas for leisure activity, and

## 7. Promoting active travel

- 6.3 In respect of the above, it is considered that the proposal will not result in a reduction in the amount of or quality of this area of greenspace. In this regard, it is noted that, although the proposal includes stone walls, the primary use and character of the proposal is of a seating area with hard and soft landscaping features. As such, this is not considered to be materially different, in planning terms, from other areas of seating or planting within the Allison Green. It is acknowledged, however, that there is considerable sensitivity about a proposal to introduce any built feature within the Allison Green, which has historically had an open character for use by residents of Strathaven. In this respect, it is considered that the scale of the proposal has been reduced to a significant extent and the revised design will not impact negatively on the character of the area. Furthermore, the proposal will provide an additional resource within this open space that can be used for recreation purposes. The proposal is, therefore, considered to comply with Policy 14 in that it will safeguard the local green network and provide opportunities for enhancement of health and quality of life, and provide for leisure activity.
- 6.4 Policy 15 of the LDP (Natural and historic environment) is relevant due to the position of the site within the conservation area and in close proximity to the rear facade of the B listed East Church, which directly abuts Allison Green. 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. B listed buildings and conservation areas are identified as category 3 areas, where the potential impact is local. For these areas, Policy 15 states that development which would affect these areas following the implementation of any mitigation measures will only be permitted where there is no significant adverse impact on the protected resource. In this regard, it is considered that, given the low height of the proposed walls (approximately 0.5 metres) associated with the proposal and the use of stone to match the East Church, the proposal will not have an adverse impact on the setting of the B listed building. It is noted that the proposal also includes removal of a flower bed and the introduction of seats within the structure. While both these aspects will have a visual impact, given the introduction of planting within the garden and the use of stone as material to enclose the seating, the visual impact of the proposal on the conservation area is also considered to be acceptable. The proposed path leading from Waterside Street is to be designed to minimise visual intrusion and as such, this aspect of the proposal is also considered to be acceptable in terms of potential impacts on the historic environment.
- 6.5 Policy 4 (Development management and place making) of the LDP is also relevant in terms of the assessment of any amenity, safety or environmental impacts associated with the development. In this regard, it is noted that some of the representations raised matters related to potential anti-social behaviour resulting from the proposal. In this regard, it is considered that, due to the visually open nature of the structure, those using the garden will be visible from surrounding areas, which is regarded as good practice in relation to minimising potential anti-social behaviour issues. It is considered that there are no additional concerns relating to potential safety or environmental impacts and, as such, the proposal is considered to be in compliance with Policy 4 of the LDP.
- 6.6 It is noted that there are several representations to this proposal and a number of issues have been raised, some of which are not directly relevant to the assessment of this application. The grounds of objection have been considered in detail in Section 5 of the report and it is considered that the issues raised can be dealt with by planning conditions or would not merit refusal of this planning application. None of the consultees have raised any matters of concern.

6.7 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore, the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan 1. It is considered that the proposal accords with the relevant policies detailed in section 3.1.2 above.

6.8 In summary, following careful consideration of this proposal and submission of revised plans, it is considered that the development will not have an adverse impact on Allison Green or the setting of the adjacent listed building. It is therefore considered that the proposed development is in compliance with policies 4, 14 and 15 of the LDP, as detailed above. It is, therefore, recommended that planning permission is granted, subject to conditions. It should be noted that any planning permission granted does not provide approval from the Council as landowner. A separate agreement is required in this regard.

## **7 Reasons for Decision**

7.1 The proposal will have no significant adverse impact on amenity, or the historic character of the local area and, therefore, complies with Policies 4, 14 and 15 of the South Lanarkshire Local Development Plan 2015 and associated Supplementary Guidance and the Proposed South Lanarkshire Local Development Plan 2.

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

6 September 2018

### **Previous references**

◆ None

### **List of background papers**

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated 03/07/2018
  
- ▶ Consultations
  - Countryside And Greenspace 05.07.2017
  - Roads Development Management Team 08.08.2017
  - Strathaven Community Council 01.08.2017
  - Estates Service 19.07.2017
  
- ▶ Representations
  - William W Park, 62 Colinhill Road, Strathaven, ML10 6HF Dated: 14.07.2017
  - Joe Allan, 94 Franklin Place, Westwood, East Kilbride, G75 8LS 19.07.2017



Mr P A Smith, 11 Flemington Avenue, Strathaven, ML10 6FJ	21.07.2017
Christine Smith, 11 Flemington Avenue, Strathaven, ML10 6FJ	24.07.2017
Avondale Civic Society, 78 Kirk Street, Strathaven, ML10 6BA	25.07.2017
Wendy Gilmour,	26.07.2017
Gordon McAllan,	31.07.2017
Tom and Marion Milne, 9 Dunavon Crescent, Strathaven, ML10 6HB	07.08.2017

**Contact for further information**

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

Alan Pepler, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB  
Phone:

Email: [alan.pepler@southlanarkshire.gov.uk](mailto:alan.pepler@southlanarkshire.gov.uk)

Detailed planning application

Paper apart – Application number: EK/17/0237

**Conditions and reasons**

01. That notwithstanding the details hereby approved and prior to the commencement of development a scheme of landscaping/maintenance shall be submitted to the Council as Planning Authority for written approval and it shall include:
- (a) details and specifications of all planting;
  - (b) details of hard landscaping materials;
  - (c) proposals for the initial and future maintenance of the development;
  - (d) detailed specifications of proposed seating.

Reason: In the interests of visual amenity and to ensure appropriate provision of landscaping and future maintenance.

02. That the landscaping scheme relating to the development hereby approved shall be carried out simultaneously with the development and shall be completed and thereafter maintained and replaced where necessary to the satisfaction of the Council as Planning Authority.

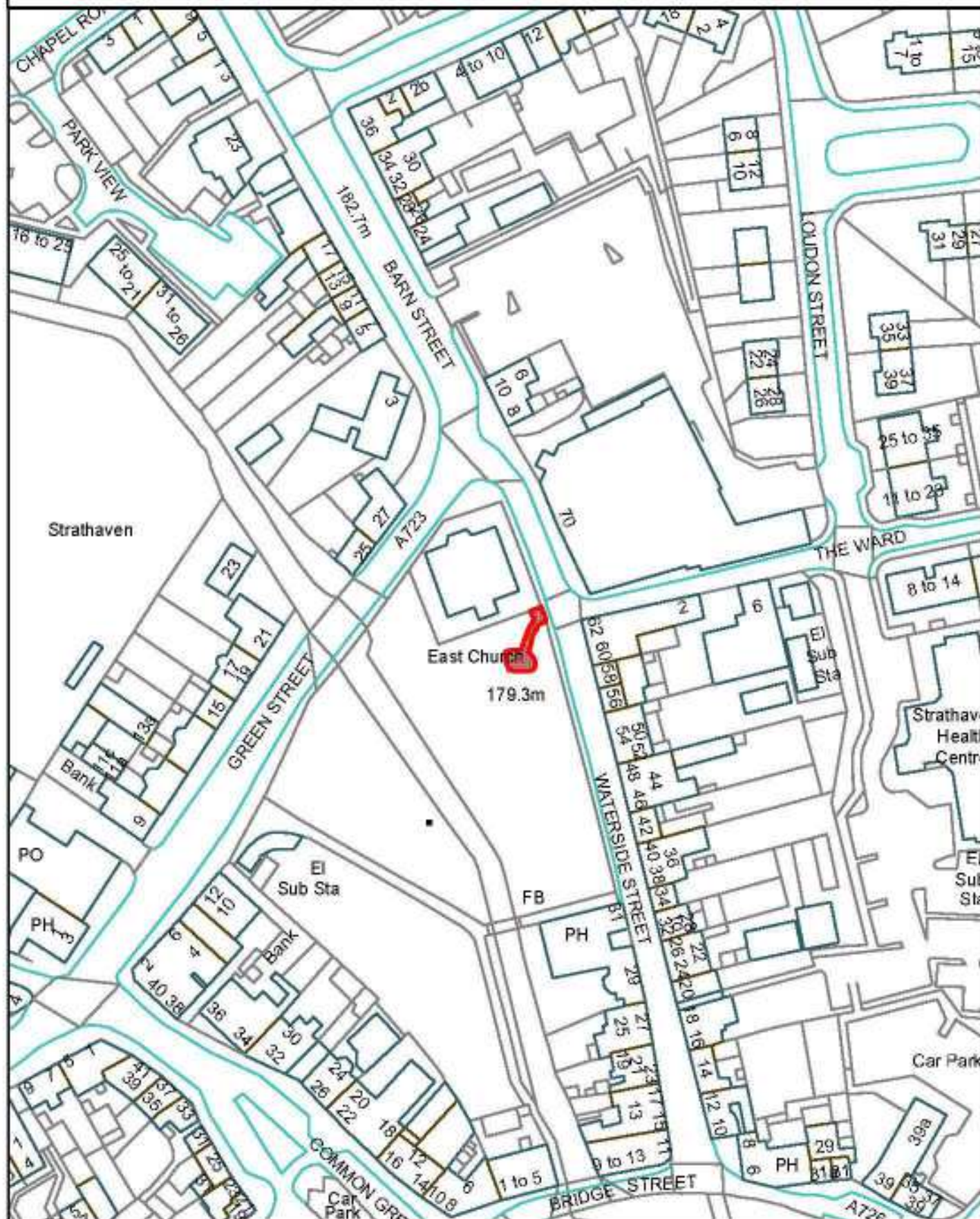
Reason: In the interests of the visual amenity of the area.

03. That prior to the commencement of development, details and samples of the materials used to construct the structure hereby approved shall be submitted to and approved in writing by the Planning Authority.

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

EK/17/0237

Allison Green, Strathaven ML10 6AW



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Scale:  
1:1,250  
Date:  
03/08/2018



**South Lanarkshire Council**  
**Community and Enterprise Resources**  
Planning and Economic Development