



Council Offices, Almada Street
Hamilton, ML3 0AA

Monday, 02 August 2021

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, 10 August 2021
Time: 10:00
Venue: By Microsoft Teams,

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

Yours sincerely

Cleland Sneddon
Chief Executive

Members

Isobel Dorman (Chair), Mark Horsham (Depute Chair), John Ross (ex officio), Alex Allison, John Anderson, John Bradley, Archie Buchanan, Margaret Cowie, Peter Craig, Maureen Devlin, Mary Donnelly, Fiona Dryburgh, Lynsey Hamilton, Ian Harrow, Ann Le Blond, Martin Lennon, Richard Lockhart, Joe Lowe, Ian McAllan, Davie McLachlan, Lynne Nailon, Carol Nugent, Graham Scott, David Shearer, Bert Thomson, Jim Wardhaugh

Substitutes

Walter Brogan, Janine Calikes, Stephanie Callaghan, Gerry Convery, Margaret Cooper, Allan Falconer, Martin Grant Hose, Catherine McClymont, Kenny McCreary, Mark McGeever, Richard Nelson, Collette Stevenson, Jared Wark, Josh Wilson

BUSINESS

1 Declaration of Interests

2 Minutes of Previous Meeting

5 - 14

Minutes of the meeting of the Planning Committee held on 8 June 2021 submitted for approval as a correct record. (Copy attached)

Item(s) for Decision

- | | | |
|----------|---|-----------|
| 3 | Application P/19/1890 for Erection of Flatted Residential Development (18 Units) with Associated Parking and Landscaping at Land 46 Metres Northwest of 4 Cloverhill Gardens, Overton Avenue, Strathaven
Report dated 30 July 2021 by the Executive Director (Community and Enterprise Resources). (Copy attached) | 15 - 32 |
| 4 | Application P/20/1680 for Erection of 12 Flats (4 storey), Provision of Off Street Parking Spaces, Refuse and Recycling Storage Facilities and Amenity Space (Revision to Planning Consent P/18/0434) at Land Adjacent to St Andrews Parish Church, Avon Street, Hamilton
Report dated 30 July 2021 by the Executive Director (Community and Enterprise Resources). (Copy attached) | 33 - 44 |
| 5 | Application P/20/1310 for Erection of 19 Houses with Associated Access Road, Drainage and Landscaping at Site of Former Lesmahagow High School, Southern Campus, Abbeygreen, Lesmahagow
Report dated 21 July 2021 by the Executive Director (Community and Enterprise Resources). (Copy attached) | 45 - 60 |
| 6 | Application P/20/1670 for Extension to Existing Infill Site and Amendment to Condition 2 of Planning Consent HM/08/0667 to Extend the Infill Period of the Existing Site, Including Phased Restoration, to 36 Year Period at Dovesdale Farm, Carlisle Road, Stonehouse
Report dated 30 July 2021 by the Executive Director (Community and Enterprise Resources). (Copy attached) | 61 - 80 |
| 7 | Application P/21/0540 for Installation of Access Gates for Emergency Vehicles with Associated Side Panels and Formation of Associated Vehicular Access (Part Retrospective) at Uddingston Cricket and Sports Club, Castle Avenue, Uddingston
Report dated 30 July 2021 by the Executive Director (Community and Enterprise Resources). (Copy attached) | 81 - 92 |
| 8 | Application P/21/0054 for Change of Use of Site of Demolished Sports Centre to a Raised Bed Growing Area with Associated Alterations Including the Installation of Storage Containers, Boundary Fencing, Ground Level Changes and an Access Ramp at Site of Former Burnhill Sports Centre, Toryglen Road, Rutherglen
Report dated 15 July 2021 by the Executive Director (Community and Enterprise Resources). (Copy attached) | 93 - 104 |
| 9 | Application P/20/1847 for Erection of Residential (Over 55's Community) Houses, 60 Bedroom Care Home, Associated Onsite Commercial Centre and Leisure Facilities, Associated Roads, Access, Landscaping, Open Space, Parking and Supporting Infrastructure (Planning Permission in Principle) at Kersewell Mains Farm, A70 from Carnwath to Boundary by Tarbrax, Carnwath, Lanark
Report dated 30 July 2021 by the Executive Director (Community and Enterprise Resources). (Copy attached) | 105 - 128 |

- 10 **Application P/21/0555 for Material Placement, Remodelling and Landscaping of Western Open Space Area of Masterplan Site (amendment to Planning Consent CR/15/0004) at Newton Farm, Newton Farm Road, Cambuslang** 129 - 140
Report dated 21 July 2021 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 11 **Application HM/15/0466 for Residential Development (Planning Permission in Principle) at Greyfriars, Greyfriars Road, Uddingston** 141 - 144
Report dated 20 July 2021 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 12 **Application P/21/0786 for Change of Use from Class 1 (Retail - Hairdressing Salon) to Class 2 (Office - Estate Agent) at 290 Stonelaw Road, Rutherglen** 145 - 154
Report dated 20 July 2021 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 13 **Application P/21/0802 for Demolition of Coal Bunker and Erection of Pergola at 42 Dryburgh Avenue, Rutherglen** 155 - 162
Report dated 15 July 2021 by the Executive Director (Community and Enterprise Resources). (Copy attached)

Urgent Business

14 Urgent Business

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

For further information, please contact:-

Clerk Name: Stuart McLeod

Clerk Telephone: 01698 454815

Clerk Email: stuart.mcleod@southlanarkshire.gov.uk

PLANNING COMMITTEE

2

Minutes of meeting held via Microsoft Teams on 8 June 2021

Chair:

Councillor Isobel Dorman

Councillors Present:

Councillor Alex Allison, Councillor John Anderson (*substitute for Councillor Collette Stevenson*), Councillor John Bradley, Councillor Archie Buchanan, Councillor Margaret Cowie, Councillor Peter Craig, Councillor Maureen Devlin, Councillor Mary Donnelly, Councillor Fiona Dryburgh, Councillor Lynsey Hamilton, Councillor Mark Horsham (Depute), Councillor Martin Lennon, Councillor Richard Lockhart, Councillor Davie McLachlan, Councillor Lynne Nailon, Councillor Carol Nugent, Councillor John Ross (ex officio), Councillor Graham Scott, Councillor David Shearer, Councillor Bert Thomson, Councillor Jim Wardhaugh, Councillor Jared Wark (*substitute for Councillor Ian Harrow*), Councillor Josh Wilson (*substitute for Councillor Stephanie Callaghan*)

Councillors' Apologies:

Councillor Stephanie Callaghan, Councillor Ian Harrow, Councillor Ann Le Blond, Councillor Joe Lowe, Councillor Collette Stevenson

Attending:

Community and Enterprise Resources

B Darroch, Planning and Building Standards Manager (East); P Elliott, Head of Planning and Economic Development; T Finn, Planning and Building Standards Manager (Headquarters); F Jack, Team Leader, Development Management Team, Roads and Transportation Services; T Meikle, Planning and Building Standards Manager (West); C Park, Head of Roads and Transportation

Finance and Corporate Resources

M Cannon, Solicitor; J Davitt, Public Relations Officer; K McLeod, Administration Assistant; S McLeod, Administration Officer

1 Declaration of Interests

The following interest was declared:-

Councillor(s)	Item(s)	Nature of Interest(s)
R Lockhart	Application P/21/0074 for Installation and Display of LED Panel Display on Retail Unit (Retrospective) at 30 West Port, Lanark	Known to applicant and objectors

2 Minutes of Previous Meeting

The minutes of the meeting of the Planning Committee held on 11 May 2021 were submitted for approval as a correct record.

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

3 Application P/20/1365 for Erection of Child Care Nursery (113 Children), Associated Car Parking, Drop Off/Pick Up Facilities, External Play Area, 2.4 Metre High Weld Mesh Fencing and Relocation of Electrical Sub-Station at Land 30 Metres North of 21 Clyde Terrace, Clyde Terrace, Bothwell

A report dated 1 June 2021 by the Executive Director (Finance and Corporate Resources) was submitted on planning application P/20/1365 by South Lanarkshire Council for the erection of a child care nursery (113 children), associated car parking, drop off/pick up facilities, external play area, 2.4 metre high weld mesh fencing and relocation of electrical sub-station at land 30 metres north of 21 Clyde Terrace, Clyde Terrace, Bothwell.

At its meeting on 23 March 2021, the Committee agreed to defer decision on the application to allow for further consideration of parking and transport arrangements. Additional information was subsequently submitted by the applicant which was issued to members of the Committee and made available on the Council's planning portal.

A request for a further hearing in respect of the application had been received, however, on the basis that the application had already been the subject of a hearing, the request was refused.

Points raised in 20 further letters of objection were referred to at the meeting and addressed by officers.

There followed a full discussion on the application during which officers responded to members' questions on various aspects of the report.

The Committee decided: that planning application P/20/1365 by South Lanarkshire Council for the erection of a child care nursery (113 children), associated car parking, drop off/pick up facilities, external play area, 2.4 metre high weld mesh fencing and relocation of electrical sub-station at land 30 metres north of 21 Clyde Terrace, Clyde Terrace, Bothwell be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 23 March 2021 (Paragraph 3)]

Councillor Allison left and re-joined the meeting during this item of business due to technical difficulties. Councillor Ross left the meeting following consideration of this item of business

4 Application P/20/0023 for Erection of 190 Houses with Associated Roads, Drainage, Landscaping and Open Space at Land 360 Metres North Northeast of Hallside Manse, Manse Brae, Cambuslang

A report dated 28 May 2021 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/0023 by Walker Group (Scotland) Limited for the erection of 190 houses with associated roads, drainage, landscaping and open space at land 360 metres north northeast of Hallside Manse, Manse Brae, Cambuslang.

At its meeting on 7 July 2015, the Committee had approved a procedure for processing planning applications which required completion of a Legal Agreement. If approved, the application would be subject to a Legal Agreement and/or other appropriate mechanism and the approved procedure would apply.

The Committee decided:

- (1) that planning application P/20/0023 by Walker Group (Scotland) Limited for the erection of 190 houses with associated roads, drainage, landscaping and open space at land 360 metres north northeast of Hallside Manse, Manse Brae, Cambuslang be granted subject to:-
- ♦ the conditions specified in the Executive Director's report
 - ♦ prior conclusion of a Section 75 Agreement and/or other appropriate agreement between the Council and the applicant to ensure that appropriate financial contributions were made towards the improvement/upgrading of educational, community facilities and off-site affordable housing provision
 - ♦ the developers meeting the Council's legal costs associated with the Legal Agreement
- (2) that it be noted that, in accordance with the agreed procedure, should there be no significant progress by the applicant towards the conclusion of the Legal Agreement within 6 months of the date of the meeting at which the application was considered, the proposed development could be refused on the basis that, without the planning control or developer contribution which could be secured by the Legal Agreement, the proposed development would be unacceptable; and
- (3) that it be noted that, if the Legal Agreement had not been concluded within the 6 month period but was progressing satisfactorily, the applicant would be offered the opportunity to enter into a Processing Agreement, if this was not already in place, which would set an alternative agreed timescale for the conclusion of the Legal Agreement.

[Reference: Minutes of 7 July 2015 (Paragraph 15)]

5 Application P/20/1492 for Erection of 75 Two Storey Houses with Associated Landscaping, Roads and Infrastructure (Approval of Matters Specified in Conditions 2, 4, 8 and 19 in Planning Application CR/09/0139) at Newton Farm Development - Area 2K, Harvester Avenue, Cambuslang

A report dated 20 May 2021 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/1492 by Taylor Wimpey West Scotland for the erection of 75 two storey houses with associated landscaping, roads and infrastructure (approval of matters specified in conditions 2, 4, 8 and 19 in Planning Application CR/09/0139) at Newton Farm Development – Area 2K, Harvester Avenue, Cambuslang.

The Committee decided:

that planning application P/20/1492 by Taylor Wimpey West Scotland for the erection of 75 two storey houses with associated landscaping, roads and infrastructure (approval of matters specified in conditions 2, 4, 8 and 19 in Planning Application CR/09/0139) at Newton Farm Development – Area 2K, Harvester Avenue, Cambuslang be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 14 December 2010 (Paragraph 14)]

6 Application P/20/0731 for Siting of 2 Temporary Storage Containers for a Period of 1 Year (Retrospective) at 117 Cedar Drive, East Kilbride

A report dated 27 May 2021 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/0731 by H Rai for the siting of 2 temporary storage containers for a period of 1 year (retrospective) at 117 Cedar Drive, East Kilbride.

In response to a member's question, the Planning and Building Standards Manager (Headquarters) undertook to refer the licensing issue raised to Licensing and Registration Services.

The Committee decided: that planning application P/20/0731 by H Rai for the siting of 2 temporary storage containers for a period of 1 year (retrospective) at 117 Cedar Drive, East Kilbride be granted subject to the conditions specified in the Executive Director's report.

7 Application P/21/0511 for Erection of 7 Classrooms, 2 Storey Extension to Existing North East Gable of Existing School at Newton Farm Primary School, Harvester Avenue, Cambuslang

A report dated 28 May 2021 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/21/0511 by South Lanarkshire Council for the erection of 7 classrooms, 2 storey extension to existing north east gable of existing school at Newton Farm Primary School, Harvester Avenue, Cambuslang.

In response to a member's question, the Planning and Building Standards Manager (West) undertook to advise Education Resources of concerns regarding the use of the MUGA pitch floodlights.

The Committee decided: that planning application P/21/0511 by South Lanarkshire Council for the erection of 7 classrooms, 2 storey extension to existing north east gable of existing school at Newton Farm Primary School, Harvester Avenue, Cambuslang be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 8 September 2015 (Paragraph 19)]

In terms of Standing Order No 13, the Chair adjourned the meeting at 11.55am for a 15 minute period. The meeting reconvened at 12.10pm

8 Application P/21/0074 for Installation and Display of LED Panel Display on Retail Unit (Retrospective) at 30 West Port, Lanark

A report dated 19 May 2021 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/21/0074 by W Rae for the installation and display of an LED panel display on a retail unit (retrospective) at 30 West Port, Lanark.

At its meeting on 11 May 2021, the Committee agreed to defer decision on the application to allow for Fleet and Environmental Services to check that the maximum permitted luminance during daylight and low light, as detailed in condition 1 of the Executive Director's report, was not being exceeded.

The Committee decided:

that planning application P/21/0074 by W Rae for the installation and display of an LED panel display on a retail unit (retrospective) at 30 West Port, Lanark be granted subject to the conditions specified in the Executive Director's report.

Councillor Lockhart, having declared an interest in the above item, withdrew from the meeting during its consideration

9 Application P/21/0037 for Erection of 227 Houses Including any Associated Infrastructure and Landscaping (Approval of Matters Specified in Conditions 1 (a to r), 3, 4, 6, 7, 8, 9, 10 and 12 of Planning Permission in Principle of Planning Consent EK/09/0218) at Land 150 Metres North Northwest of Newhouse Farm, Jackton Road, Jackton, East Kilbride

A report dated 28 May 2021 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/21/0037 by Taylor Wimpey West Scotland for the erection of 227 houses including any associated infrastructure and landscaping (approval of matters specified in conditions 1 (a to r), 3, 4, 6, 7, 8, 9, 10 and 12 of planning permission in principle of planning consent EK/09/0218) at land 150 metres north northwest of Newhouse Farm, Jackton Road, Jackton, East Kilbride.

The Committee decided:

that planning application P/21/0037 by Taylor Wimpey West Scotland for a proposal to erect 227 houses including any associated infrastructure and landscaping (approval of matters specified in conditions 1 (a to r), 3, 4, 6, 7, 8, 9, 10 and 12 of planning permission in principle of planning consent EK/09/0218) at land 150 metres north northwest of Newhouse Farm, Jackton Road, Jackton, East Kilbride be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 26 June 2018 (Paragraph 4)]

Councillor Nugent left the meeting during this item of business and Councillor Wilson left the meeting after this item of business

10 Application P/21/0310 for Erection of 131 Houses with Associated Infrastructure and Landscaping (Approval of Matters Specified in Conditions 1 (a to r), 2, 3, 4, 6, 8, 9, 10, 12 and 16 of Planning Permission in Principle of Planning Consent EK/09/0218) at Land 120 Metres North of Newlandscroft, Jackton Road, Jackton, East Kilbride

A report dated 28 May 2021 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/21/0310 by Miller Homes for the erection of 131 houses with associated infrastructure and landscaping (approval of matters specified in conditions 1 (a to r), 2, 3, 4, 6, 8, 9, 10, 12 and 16 of planning permission in principle of planning consent EK/09/0218) at land 120 metres north of Newlandscroft, Jackton Road, Jackton, East Kilbride.

The Committee decided:

that planning application P/21/0310 by Miller Homes for the erection of 131 houses with associated infrastructure and landscaping (approval of matters specified in conditions 1 (a to r), 2, 3, 4, 6, 8, 9, 10, 12 and 16 of planning permission in principle of planning consent EK/09/0218) at land 120 metres north of Newlandscroft, Jackton Road, Jackton, East Kilbride be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 26 June 2018 (Paragraph 4)]

11 Application P/20/1667 for Erection of 128 Houses with Associated Roads, Landscaping, SUDS and Noise Attenuation Bund (Approval of Matters Specified in Conditions of Planning Permission in Principle of Planning Consent HM/17/0167) at Land 90 Metres East Southeast of 24 Simpson Drive, Strutherhill, Larkhall

A report dated 1 June 2021 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/1667 by Robertson Living for the erection of 128 houses with associated roads, landscaping, SUDS and noise attenuation bund (approval of matters specified in conditions of planning permission in principle of planning consent HM/17/0167) at land 90 metres east southeast of 24 Simpson Drive, Strutherhill, Larkhall.

The Committee decided:

that planning application P/20/1667 by Robertson Living for the erection of 128 houses with associated roads, landscaping, SUDS and noise attenuation bund (approval of matters specified in conditions of planning permission in principle of planning consent HM/17/0167) at land 90 metres east southeast of 24 Simpson Drive, Strutherhill, Larkhall be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 21 November 2017 (Paragraph 4)]

12 Application P/21/0282 for Erection and Operation of Wind Farm Consisting of 14 Turbines up to a Maximum Height to Blade Tip of 180 Metres (Consultation from Scottish Ministers Under Section 36 of the Electricity Act 1989) at Heathland Wind Farm, A706 From Forth to Northern Boundary, Wilsontown, Lanark

A report dated 18 May 2021 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/21/0282 by EDF Renewables for the erection and operation of a wind farm consisting of 14 turbines (10 of which would be located within the boundary of South Lanarkshire Council) up to a maximum height to blade tip of 180 metres (consultation from Scottish Ministers under Section 36 of the Electricity Act 1989) at Heathland Wind Farm, A706 from Forth to northern boundary, Wilsontown, Lanark.

The proposal had been submitted to the Scottish Government under Section 36 of the Electricity Act 1989 as the proposal related to a wind farm with a generating capacity of over 50 megawatts (MW).

The application was considered acceptable on the basis that it:-

- ♦ accorded with the relevant policies in the Development Plan
- ♦ accorded with National Policy
- ♦ would not have any significant adverse impact within the surrounding area

The Planning and Building Standards Manager (Headquarters) responded to a member's question in relation to residents of Carnwath being able to access grant funding associated with the wind farm.

The Committee decided:

- (1) that the Scottish Government be informed that South Lanarkshire Council would have no objection to planning application P/21/0282 by EDF Renewables for the erection and operation of a wind farm consisting of 14 turbines up to a maximum height to blade tip of 180 metres (consultation from Scottish Ministers under Section 36 of the Electricity Act 1989) at Heathland Wind Farm, A706 from Forth to northern boundary, Wilsontown, Lanark subject to:-
 - ♦ conditions based on the conditions attached to the Executive Director's report
 - ♦ the conclusion of legal agreements to secure:-
 - ♦ community contribution payments
 - ♦ the funding of a Planning Monitoring Officer
 - ♦ control over turbine transportation and the repair of any damage to roads and bridges arising from extraordinary wear and tear associated with the development and associated indemnity insurance requirements
 - ♦ the applicant meeting the Council's costs associated with the legal agreements
- (2) that the Head of Planning and Economic Development be authorised to undertake any discussions or agreements on the proposed conditions and planning obligations, if required, with the Scottish Government.

[Reference: Minutes of 29 November 2016 (Paragraph 4)]

13 Application P/20/1788 for Change of Use of Part of Public House to form Beauty Salon (Class 2), Coffee Shop (Class 3) and Hot Food Takeaway (Sui Generis) at The C'mon Inn, 56 Alloway Road, East Kilbride

A report dated 28 May 2021 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/1788 by Kilbride Properties for the change of use of part of a public house to form a beauty salon (class 2), coffee shop (class 3) and hot food takeaway (sui generis) at The C'mon Inn, 56 Alloway Road, East Kilbride.

Points raised in 13 further letters of support were referred to at the meeting and addressed by officers.

The Committee decided:

that planning application P/20/1788 by Kilbride Properties for the change of use of part of a public house to form a beauty salon (class 2), coffee shop (class 3) and hot food takeaway (sui generis) at The C'mon Inn, 56 Alloway Road, East Kilbride be granted subject to the conditions specified in the Executive Director's report.

14 Scottish Government Consultation on Proposals for Regulations on Local Place Plans

A report dated 28 May 2021 by the Executive Director (Community and Enterprise Resources) was submitted on the Council's response to the Scottish Government's consultation on proposals for regulations on Local Place Plans.

The Scottish Government's work on reform of the planning system included steps to reduce conflict, improve community engagement and build public trust in planning matters. The Planning (Scotland) Act 2019 received Royal Assent in July 2019 and introduced a number of measures including the ability for communities to produce Local Place Plans (LPPs) for their places with scope for these plans, or parts of them, to become part of the Local Development Plan for the area. The aim was to significantly increase engagement in development planning by effectively empowering communities to play a proactive role in defining the future of their places by setting out proposals for the use and development of land and buildings. The consultation paper identified LPPs as offering the opportunity for a community led and collaborative approach to creating great local places.

The Act provided high level detail on the preparation of an LPP, a summary of which was provided in the report.

The Scottish Government had published a consultation on its proposals for the associated regulations on Local Place Plans to support the implementation of the LPP provisions in the Planning (Scotland) Act 2019 and the Council's proposed response was attached as Appendix 1 to the report.

The closing date for responses to the consultation was 25 June 2021. The Scottish Government's timetable anticipated that the Regulations would be laid before the Scottish Parliament at the end of 2021 and, thereafter, the provisions of the Act would come into effect.

In response to a member's question, the Planning and Building Standards Manager (Headquarters) advised that he would review the response to ensure that it addressed the Council's concerns about the definition of what a local community was.

The Committee decided:

- (1)** that the Council's response to the Scottish Government's consultation on Proposals for Regulations on Local Place Plans, attached as Appendix 1 to the report, be approved for submission to the Scottish Government; and
- (2)** that the Head of Planning and Economic Development be authorised to make any drafting and technical changes to the response prior to its submission.

Councillors Buchanan and McLachlan left the meeting during this item of business. Councillor Donnelly left the meeting after this item of business

15 Planning and Building Standards, Consultation, Communication and Engagement Strategy

A report dated 28 May 2021 by the Executive Director (Community and Enterprise Resources) was submitted on the development of the Consultation, Communication and Engagement Strategy for Planning and Building Standards.

The Planning (Scotland) Act 2019 aimed to empower communities to make decisions that supported and sustained them. The Act introduced a number of changes which would lead to greater community involvement in the planning process including changes to the way in which communities participated in the planning process and the ability for community bodies to prepare Local Place Plans.

When developing the Local Development Plan for the area, the Council was statutorily required to carry out public consultation and engagement at several stages of the process, however, the Planning (Scotland) Act 2019 required the Council to consult and engage much more widely in the future with the views of children and young people and the needs and aspirations of local communities being a particular focus.

The Scottish Government's Digital Strategy for Planning, launched in November 2020, also sought to transform the ways in which people could get involved in the planning process.

Planning and Building Standards Services had sought to develop new approaches to consultation, particularly in relation to electronic communication and new technology and, as a result, had developed a Consultation, Communication and Engagement Strategy which was structured around the following themes:-

- ◆ aims
- ◆ audiences
- ◆ activities
- ◆ assets
- ◆ analysis

The Strategy also included an Action Plan which identified a range of actions to sustain, improve and enhance how the Service communicated, consulted and engaged with its customers and was based on the following themes:-

- ◆ communication
- ◆ accessibility
- ◆ e-development
- ◆ service quality

The Strategy would cover a 3 year period from 2021 to 2024 and the Action Plan would be reviewed, updated and reported annually and would cover the lifetime of the Strategy. The Strategy and Action Plan were attached as Appendix 1 to the report.

The Committee decided: that the Planning and Building Standards Consultation, Communication and Engagement Strategy be approved and implemented.

Councillors Bradley, Donnelly and Lennon left the meeting during this item of business

16 Urgent Business

There were no items of urgent business.

Report

3

Report to:	Planning Committee
Date of Meeting:	10 August 2021
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/19/1890
Planning proposal:	Erection of flatted residential development (18 no. units) with associated parking and landscaping

1 Summary application information

Application type:	Detailed planning application
Applicant:	Abbey Construction
Location:	Land 46M Northwest Of 4 Cloverhill Gardens Overton Avenue Strathaven South Lanarkshire

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: DTA Chartered Architects
- ♦ Council Area/Ward: 05 Avondale And Stonehouse
- ♦ Policy Reference(s): **South Lanarkshire Development Plan 2 (Adopted)**
 - Policy 2 Climate change
 - Policy 3 General Urban Areas
 - Policy 4 Green Belt and Rural Area
 - Policy 5 Development Management and Placemaking
 - Policy 7 Community Infrastructure Assessment
 - Policy DM1 New Development Design
 - Policy DM15 Water Supply
 - Policy DM16 Foul Drainage and Sewerage
 - Policy SDCC2 Flood risk
 - Policy SDCC3 Sustainable Drainage Systems

- ♦ **Representation(s):**

▶	36	Objection Letters
▶	0	Support Letters
▶	10	Comment Letters

◆ **Consultation(s):**

Community and Enterprise Resources Play Provision Community Contributions

Estates Services - Housing and Technical Resources

Roads Development Management Team

Environmental Services

Roads Flood Risk Management

Scottish Water

Countryside and Greenspace

Arboricultural Services

Strathaven and Glassford Community Council

Planning Application Report

1 Application Site

- 1.1 The application site relates to a section of Strathaven Golf Club and course located along the southern boundary of Strathaven Golf Club. For several years a large part of the site had been a committed site for residential development within the adopted Local Development Plan and comprises of some surplus land located to the east of the golf club car park and equipment sheds. More recently within the newly adopted SLDP2, the majority of the application site has become part of the General Urban Area of Strathaven. A small western and an even smaller north eastern section of the site falls within the Greenbelt. The site is bound to the north by the golf course, to the south by established modern, two storey detached dwellings, to the east by a woodland and openspace strip and beyond to established two storey modern houses. The golf clubhouse and members' car park are located to the west.
- 1.2 The site is currently unkempt and overgrown surplus land with old equipment sheds in the western section and earth spoil from golf course maintenance over several years in the wider eastern section. Several mature trees of mixed coniferous and deciduous and of mixed quality exist on the site. A field drain/watercourse runs along the southern boundary together with a right of way pedestrian path used by dog walkers which lies outwith the application site boundary.

2 Proposal(s)

- 2.1 Permission is sought for the erection of a flatted development comprising 18 units. The proposed 3 No. three storey blocks of six flats would sit diagonally within the site with parking (for 36 cars) to the front and areas of amenity space to the sides, front and, in particular, the rear overlooking the golf course. The submitted scheme indicates that a new singular vehicular entrance and exit arrangement from Overton Avenue via a long tree-lined access lane with passing places to the flatted development. The flats would contain 2 bedrooms (one with en-suite), a bathroom and an open-plan kitchen/living/dining space. Each block of flats has a lift as well as stairs.
- 2.2 As noted above, each block comprises of three storeys under a flat roof concealed behind an extended parapet wall. The flats are dual aspect and allows each flat uninterrupted views across the golf course, maximising views over the surrounding landscape. The blocks are of contemporary design with a simple pallet of brick finish and dark grey framed glazing. A lot of glazing and feature glass balustrades to the balconies are proposed on the rear elevations, facing northwest, overlooking the golf course with more traditional style windows on the front elevations overlooking the front landscaped areas and private parking. The proposals sit more than 30 metres from the nearest surrounding properties and also sit within existing mature landscaped buffer strips separating the application site from the existing surrounding dwellings.

3 Background

3.1 Local Plan Status

- 3.1.1 In determining planning applications, the Council must assess the proposal against the policies contained within the adopted South Lanarkshire Local Development Plan (SLDP2).
- 3.1.2 Given the nature of the application, it is considered that Policies 2 – Climate Change, 3 – General Urban Areas, 4 – Green Belt and Rural Area, 5 - Development Management and Place Making, 7 - Community Infrastructure Assessment are appropriate to the determination of this application. In addition, the following policies

and guidance are of relevance; namely Development Management, Place Making and Design (Policies DM1 – New Development Design and DM15 – Water Supply, DM16 – Foul Drainage and Sewerage), Sustainable Development and Climate Change (Policies SDCC2 - Flood Risk and SDCC3 – Sustainable Drainage System), and the Council's approved Residential Design Guide.

- 3.1.3 The aim of the above policies and guidance is to seek a development that is appropriately designed, located, serviced and results in no adverse impact on the surrounding area. The content of the above policies and how they relate to the proposal is assessed in detail in Section 6 of this report.

3.2 Planning Background

- 3.2.1 As noted earlier in the report, the majority of the site is located within the General Urban Area as detailed in the adopted Local Development Plan 2. Therefore, the principle of some form of housing development on the site has been established. There is a small western and north eastern section of the site which is within the Greenbelt. As a result the application was advertised as Contrary to the Development Plan.

- 3.2.2 Through detailed consideration of this application, the Planning Service sought changes in design to the flatted proposals. This entailed reducing the height and scale of the blocks by introducing a flat roofed design and a more contemporary appearance. It was considered this design approach would sit more successfully into the surrounding established semi-rural golf course landscape setting.

4 Consultation(s)

- 4.1 **Roads (Development Management)** – have offered no objections, subject to conditions relative to access, parking standards, visibility splay provision and surface water trapping.

Response: Appropriately worded conditions can be attached to any consent issued to address these points.

- 4.2 **Roads (Flood Risk Management)** – have no objections to the application subject to the undertaking of a Flood Risk/Drainage Assessment in accordance with the latest industry guidance listed within the Council's Developer Design Guidance Note dated May 2020 and the provision of a sustainable urban drainage system (SUDS) within the site.

Response: Appropriately worded conditions can be attached to any consent issued.

- 4.3 **Environmental Services (ES)** – Has no objections to the proposals subject to a condition regarding maintaining required internal noise level standards.

Response: An appropriately worded condition and advisory notes can be attached to any consent issued.

- 4.4 **Community and Enterprise Play Provision** - No financial contribution is required in this instance given the scale and nature of development.

Response: Noted.

- 4.5 **SLC Estates** – No objections.

Response - Noted

- 4.6 **Scottish Water** – No objections.

Response: Noted

- 4.7 **SLC Countryside and Greenspace** – requested that additional native species of trees and shrubs should be introduced and the retention of some of the better quality existing mature trees should also be considered. Treatment of the open ditch running along part of the southern boundary is not mentioned and the hawthorn hedge should be protected. A recorded right of way SE12 (wider network path EK/3646/2) runs along the southern boundary outwith the development site. This route should be protected from any adverse impact during works.

Response: The developer's Agent has supplied an updated landscape plan and story board which addresses the above comments including the retention and protection of some tree existing mature trees. The open ditch is being retained and the hawthorn hedge will be protected throughout the construction period of the development. I would confirm that the right of way lies outwith the application site and there is no proposal to disturb this path.

- 4.8 **Arboriculture Services** – No response to date.

Response: While no formal response has been received to date, the Council's Arboricultural Officer was keen to see as many trees retained as possible.

Response: In this instance the developer has sought to retain some of the mature trees along the southern edge of the new access lane and has sought to take cognisance of the findings of the Tree Report. A revised landscape plan and planting story board has been submitted which shows tree protection fences (to be erected during construction) to protect retained trees/vegetation. Tree protection fencing is also shown along sections of the southern boundary. Substantial tree planting will also take place with several Extra Heavy Standard and Heavy Standard sized trees being introduced. In addition shrubs, heathers and a significant quantity of mixed native hedgerow will be planted.

- 4.9 **Strathaven and Glassford Community Council** – No response to date.

Response: Noted

5 Representation(s)

- 5.1 Statutory neighbour notification procedures were undertaken in respect of the development and the application was advertised in the East Kilbride News due to Non-Notification of Neighbours and Development Contrary to the Development Plan due to a section of the site being within the Greenbelt. In response 28 letters of representations were received. Thereafter, due to a significant design change to the proposal statutory neighbour notification procedures were undertaken again, including a second Non-Notification of Neighbours advert in the local newspaper. In response, a further 18 letters of representation were received.

- 5.2 The grounds of objection can be summarised as follows:-

- a) **This project will cause severe traffic congestion as there are already cars parking on the grass verges from golf club members.**

Response: Roads Development Management has considered the proposal and has no objections in principle subject to adequate sight lines, car parking provision and passing places. Appropriate conditions would be added to any approval to reflect the Roads Engineer's requirements. Congestion resulting from the operation of the golf club is a separate matter outwith the remit of this application.

- b) **Incorrect information in the design statement pertaining to a mature bank of trees between the site and Golf View, stating that they will be retained. This bank of trees is owned by the residents of Golf View and as such they are allowed to do with this land as they see fit. The developer should not take cognisance of a piece of land they do not own and do not control.**

Response: This land lies to the east and outwith the application site boundary. The developer has no control over this land, however it is relevant to mention it in the design statement as it is a 20 metre mature tree buffer separating the application site from the established housing in Golf View.

- c) **Express deep disappointment that neighbours who previously lodged objections were not notified of revisions or progression of the application. An advert in the EK news is wholly inadequate.**

Response: Statutory Neighbour Notification procedures were correctly followed.

- d) **Overbearing and visually intrusive for neighbours. Removal of the pitched roof is arguably even uglier as it leaves a side elevation of a brick cube.**

Response: It is considered that in design terms a more contemporary design with a flat roof, thus reducing the mass and scale of development, is acceptable. With the use of quality finishing materials, controlled through a planning condition, it is considered that the development will satisfactorily fit into the landscape at this location.

- e) **Overlooking to neighbours in Golf View's private green space from windows on the northeast elevation or southeast facing windows resulting in loss of privacy which would be detrimental to the residents' amenity.**

Response: The northeast and southeast elevations of the new flatted development are some 37 metres distance from the nearest dwellings in the Golf View estate. A 20metre wide buffer strip outwith the application site is located within this 37 metres which acts as heavy screening. Therefore no significant and adverse heavily loss of privacy will prevail as a result of the development of the flats.

- f) **Impact on environment and wildlife due to clearance of a large area of trees.**

Response: While it is recognised that there will be disruption and some clearance within the development site, this will be required to be undertaken outwith the bird breeding season. The developer is retaining some mature trees and vegetation and a substantial amount of new planting is to take place.

- g) **The proposed changes to the development do not address the concerns raised in my previous letter of objection. Concern over layout and density; overlooking/loss of privacy; nature conservation; road safety; traffic generation; noise and disturbance.**

Response: This proposal has been very carefully assessed and design changes were sought to reduce the mass and scale of the development by the removal of the pitched roof design. It was considered that rather than mimic the style of finishes of development within the surrounding area that there was positive merit in introducing a more contemporary style of flatted development which would 'sit' successfully in a mature landscape setting, i.e that of Strathaven Golf Course. The Roads Service has considered the proposal and changes have been made to reflect their comments. In terms of overlooking and loss of privacy it is considered after careful assessment that surrounding established dwellings will not suffer significant adverse overlooking and privacy issues. While it is recognised that during the construction phase there will be noise emanating from the site, once the development is completed it is considered that any further noise and disturbance by the existence of an additional 18 flats will be within normal and acceptable limits. A condition would be imposed on any approval to control internal noise levels from the new development through sound insulation standards complying with up to date BS standards.

- h) **The residents of Golf View communally own the private strip of land between the houses and the golf course. People living close to this land will try to use this land as a thoroughfare or a short cut through to Hamilton Road.**
Response: This land is outwith the application site. A suitable barrier fence will be erected to prevent any trespassing.
- i) **The proposed three storey blocks are completely inappropriate for this location and would not be in keeping with the surrounding properties.**
Response: While it is recognised that surrounding dwellings are only two storey in height, it is considered that these flat-roofed, three storey blocks, carefully orientated within the application site are acceptable in design terms. Set within an established surrounding landscape and by using quality external finishing materials they will not appear incongruous.
- j) **Previous (similar) planning applications for this site have been unsuccessful which highlights the unsuitability of the site for a development of this scale and confirms the negative impact it would have on neighbouring properties.**
Response: There have been no recent planning applications for residential development at this site. The adopted local development plan zones most of this site as part of the General Urban Area of Strathaven. Therefore the principle of residential development is acceptable.
- k) **Ensure that all wildlife, flora and fauna including hedgehogs and moles are given full protection according to current legislation.**
Response: The developer has followed procedure and has submitted a Habitat Survey, which has been taken cognisance of consideration of this development proposal.
- l) **Despite the alterations of the plans including flat roof rather than pitched roof, these still remain flats comprising of three levels. This would result in a complete invasion of privacy with top floor flat bedroom windows of flats looking directly into bedrooms in Golf View houses.**
Response: No windows in the new flattened blocks are orientated such that they would align directly with existing dwellings' bedrooms windows. The blocks have been angled to ensure that overlooking does not result from this development.
- m) **The safe area for children to play will no longer exist.**
Response: The communally owned buffer strip between the development site and Golf View dwellings will remain untouched and barrier fencing, to the Council's satisfaction, will be erected along the eastern boundary of the site.
- n) **Sunlight will be blocked from adjacent gardens.**
Response: Currently a 20 metre buffer strip of established trees and shrubs exists between the eastern boundary of the site and the rear gardens of the existing housing in Golf View. The flats would be constructed to the west of this strip, some 37 metres from the Golf View dwellings. It is concluded that the flats will not result in significant and adverse daylight loss to existing properties.
- o) **The proposal represents backland development.**
Response: This development site forms an enclave and has its own dedicated vehicular access which opens out to an area of dedicated car parking. Each proposal is considered on its own merits against the policies of the adopted local development plan. This proposal is not considered to be backland development.

- p) **The proposal suffers from poor access arrangements.**
Response: The proposal has its own dedicated vehicular access with passing places. This has been assessed by the Council's Roads Service and is acceptable.
- q) **With a huge increase in traffic and noise and disruption during the construction phase concern is expressed regarding pedestrian safety especially for children.**
Response: While it is accepted that there will be noise, disturbance and construction traffic during the construction phase, the contractors will require to operate with the health and safety of the public being a priority.
- r) **There seems to be plenty of land in and around Strathaven for a development such as this which would result in far less disruption and destruction than the current proposed site.**
Response: This development proposal on this site is the one before the Council for consideration. The Council does not necessarily have control over other potential sites within Strathaven.
- s) **The development is not aligned with policies and proposals in the local development plan - mainly the sustainable development and climate change strategy. How will this proposed development be designed & built to minimise climate change through the full project lifecycle.**
Response: The proposal has been assessed against Policy 2 - Climate Change as referred to in Section 6 of this report. The fabric of the new buildings will require to be to the up to date building standards in terms of climate change.
- t) **There is a strong probability that the site provides habitat for the UK protected amphibian species including the Great Crested Newt, therefore a Great Crested Newt survey must be commissioned.**
Response: A habitat survey has been produced. No nationally notable examples of any habitat were found within the application site.
- u) **If the numerous beech trees on the site are not already subject to a Tree Protection Order, then they should be as they are an important part of our community and natural habitat.**
Response: I would confirm that the trees on the application site are not subject of a Tree Protection Order and are not of notable quality to merit being protected.
- v) **The Council should carefully consider the rejection of a previous planning application in 2001 on the same site where the strength of local objection was deemed strong enough to stop the development of this site.**
Response: Each application is considered on its own merits taking account of the most up to date adopted local development plan.
- w) **The location of the communal land between the site and Golf View necessitates the need to notify all of the Golf View residents in order that the views of all those residents may be fairly represented in the process.**
Response: The correct neighbour Notification procedures were carried out in this instance including advertising the proposal for non-notification reasons in the local newspaper. Due to local residents' interest in the proposal the majority of the local community are aware of this proposal being subject of a planning application and therefore have had the opportunity to make representation.

- x) **At present, the Strathaven road network cannot cope with the volume of traffic passing through the town and without major infrastructure improvements, this is a disaster waiting to happen, not to mention the schools and medical centre facilities being overstretched.**

Response: This proposal is for 18 new flatted units. It is considered that existing amenities and infrastructure within the town is adequate to serve this development.

- y) **The construction of a tarmac road from East Kilbride Road to Hamilton road via Golf View strip of private land will create a new access point from one side of Strathaven to another. This will bring a further unwanted risk to all our properties.**

Response: Such a link road does not form part of the proposals. The only new road is the access road from Overton Avenue to serve the new flatted development which is a cul de sac. A barrier fence would be erected between the new development site and the buffer strip belonging to the Golf View residents.

- z) **The plan shows that my Golf View property will have 36 cars shining their lights directly into the rear of my house windows which will mean intrusion on kitchen, sunroom, living room, bedrooms and bathroom. The drawing also shows 36 bedroom windows also facing directly at the same windows which is completely unacceptable.**

Response: This is incorrect. There exists a 20 metre buffer strip of established trees and shrubs between the Golf View dwellings and the application site's eastern boundary. The car parking spaces are located in the southern section of the site. No intrusion from cars headlights or from bedroom windows will result due to the car parking layout and the presence of the 20 metre buffer strip.

- aa) **Clarification sought on whether the strip of woodland between the site and Golf View is to be touched.**

Response: The buffer strip is outwith the control of the developer and will remain untouched by same.

- bb) **Clarification sought on why my comments regarding tawny owls and bats have been redacted. These are relevant to my objections and should be considered in the decision.**

Response: The Planning Service has considered the non-redacted representations. Generally, any reference to wildlife is redacted to protect the wildlife and their locations.

- cc) **The trees are protected by a Tree Preservation Order (TPO) and should not be removed.**

Response: No TPO exists within the confines of this application site.

- dd) **A full and detailed ecological study would need to be conducted for the site.**

Response: For this scale of development, the habitat survey which has been submitted is adequate. Any further measures considered necessary to protect wildlife as highlighted within the submitted report can be dealt with through the imposition of conditions and or advisory notes.

5.3 These letters are available for inspection on the planning portal.

6 Assessment and Conclusions

- 6.1 This application proposes the erection of a flatted residential development, with associated parking and amenity space within the grounds of Strathaven Golf Club/Course on a site which is largely identified within the adopted Local

Development Plan 2 as within the General Urban Area. The site would be accessed from a new vehicular access off Overton Avenue, Strathaven. During the consideration of the application the design of the scheme has been revised to improve the appearance, mass and scale in order that it sits more satisfactorily into a mature semi-rural landscape setting.

- 6.2 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 issues, therefore, in the assessment of this application are whether the proposed development is in compliance with local plan policy.
- 6.3 The adopted South Lanarkshire Development Plan (SLDP2) designates the majority of the site as being primarily within the General urban Area (Policy 3), with only a small western and northeastern section lying within the Greenbelt. Notwithstanding this, it is evident from a site inspection that the western section of the site could be classed as 'brownfield' given the presence of old equipment sheds and hard surfaced areas associated with the maintenance of the golf course. It is therefore considered that the principle of the use of the site for residential purposes is acceptable in this regard, subject to compliance with relevant development management criteria.
- 6.4 Policy 2 - Climate Change advises that proposals for new development must minimise and mitigate against the effects of climate change. There is various assessment criteria but of importance, in this instance, is the need to be sustainably located, reuse of vacant land and use of low and zero-carbon generating technologies. In this instance public transport is within walking distance of the site, the buildings will be constructed to a high standard in terms of meeting up to date building regulations and the developer will be required to install some electric vehicle charging points as well as cycle stands.
- 6.5 In terms of the impact on the area designated as a Greenbelt (Policy 4) which applies to mainly a small western part of the site, it is noted that this small element within the application site would be classed as 'brownfield' albeit located within the Greenbelt designation as identified within SLDP2. Whilst some work will be undertaken within this area, in relation to the provision of the access road and tree planting together with landscaped amenity space, it is considered that the effectiveness of the Greenbelt will remain. This is compatible with the aims of this policy and supplementary policies.
- 6.6 The matters considered appropriate, in terms of development management criterion, are set out within Section 3.1.2 above. Principally, the stated policies and guidance seek to ensure that any development within an area which is predominantly residential in character does not adversely impact on the amenity of such areas, can be adequately serviced and has been designed in a manner which takes cognisance of appropriate guidance and the area within which it is located. The revised design, layout and scale of the development and finishing materials proposed are all acceptable whilst adequate off street parking would be provided. Overall, it is considered that the proposal complies with the relevant policies contained in the adopted local development plan and additional guidance.
- 6.7 Through Policy 3 and Policy 5 - Development Management and Placemaking, the Council seeks to ensure that development proposals take account of the local context and do not have a significant adverse effect on the amenity and character of the area. These aims are supported by the Council's approved Development

Management, Place Making and Design (Policy DM1 – New Development Design). With regard to the detailed design of the development, it is considered that the proposed layout for the development is acceptable and that it meets the main standards set out in the Council's Residential Design Guide, particularly in relation to open space and car parking provision. It is further considered that the proposed development will be complementary to the existing residential development in the surrounding area. The proposal, therefore, accords with Policies 5 and DM 1 of the SLDP2 and additional guidance.

- 6.8 The site has an urban location with sewerage and water infrastructure nearby. On this basis, it is considered that the proposal accords with DM15, DM16, SDCC 2, and SDCC 3 of the adopted SLDP2.
- 6.9 A small section of the site lies within designated Greenbelt. In this regards Policy 4 – Greenbelt and Rural Area is relevant. It is noted that the small western section of the site, which falls within the Greenbelt is 'brownfield' land given its use over many years as accommodating equipment sheds and storage associated with the maintenance of the golf course. Recently planning permission was obtained to relocate the equipment shed to the west of the golf club buildings. It is considered that the development of the site, as proposed, will have no detrimental impact on the Greenbelt setting to the north, as the design results in open views over the golf course with a natural boundary of mature trees and new planting. The established properties to the south and east include a variety of styles and finishing materials, and along the southern and eastern boundaries of the site there exists mature landscape buffers, therefore, the introduction of 3 No. blocks of flats, three storeys high with a flat roofed design raises no significant issues. In addition, the proposed buildings will be sited in a manner which will not adversely affect overlooking and privacy.
- 6.10 The Council's adopted policy on Developer Contributions as set out within the Residential Design Guide and Policy 7 - Community Infrastructure Assessment and its supplementary guidance has also been considered. In this instance it is considered that a developer contribution is not required towards recreational/open space provision, given that the flats are generally likely to attract residents of retiral age.
- 6.11 Whilst third party representations have been received, these have been carefully considered and in light of the improvement to the design, mass and scale of the development with the submission of revised drawings, the points expressed are not of significant weight or merit to warrant the refusal of the proposal in their own right. Any requirements of the various consultees can be addressed through the use of conditions, where appropriate.
- 6.12 The proposal was advertised as development contrary to the development plan due to a small section of the site falling within the Greenbelt (Policy 4) in the adopted South Lanarkshire Development Plan (SLDP2). However, as outlined above, the majority of the application site falls within the General Urban Area of Strathaven with only a small north eastern section of the site being within the Greenbelt, most of which would be landscaped ground and beyond to the open golf course. Following a detailed assessment of the proposal, taking into account the zoning of the majority of part of the site within the current local development plan as well as previously appearing as a committed housing site in the earlier extant local development plan, it is considered that a departure from the development plan can be justified and planning permission granted for the following reasons:

- 1) In terms of the detailed development of the site, the application proposal raises no significant environmental, infrastructure or road safety issues.
- 2) The proposal has been assessed against Policy 2 – Climate Change and is in accordance.
- 3) The proposal is fully compliant with Policy 5 – Development Management, Placemaking, DM1 – New Development Design, DM15 – Water Supply, DM16 – Foul Drainage and Sewerage, SDCC2 - Flood Risk and SDCC3 – Sustainable Drainage Systems).
- 4) The proposal will deliver a development which is of a high quality design, set within a high quality landscaped setting, consistent with the surrounding development.
- 5) It will provide a house type which is in high demand within the Strathaven area. It is further noted that the current proposals are an improved, contemporary design solution sought through negotiation with the developer and his Agent.
- 6) The development will provide local employment opportunities through the construction phase.

6.13 It is therefore recommended that planning permission be granted.

7 Reasons for Decision

7.1 For the reasons set out in 6.12 above.

Michael McGlynn

Executive Director (Community and Enterprise Resources)

Date: 30 July 2021

Previous references

◆ None

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated

- ▶ Consultations

CER Play Provision Community Contributions	13.07.2021
Estates Services - Housing and Technical Resources	19.04.2021
Roads Development Management Team	15.07.2021
Environmental Services	12.05.2021
Roads Flood Risk Management	07.05.2021
Scottish Water	09.04.2021
Countryside And Greenspace	09.04.2021

- ▶ Representations

Ronnie And Elaine Stevenson, 18 Golf View, Strathaven, South Lanarkshire, ML10 6AZ	Dated: 28.01.2020
James Graham, 3 Golf View, Strathaven, South Lanarkshire, ML10 6AZ	28.01.2020

Paul Gillon, 5 Golf View, Strathaven, South Lanarkshire, ML10 6AZ	28.01.2020
Fiona Cameron, via email	29.01.2020
Bryce Whiteford, 17 Golf View, Strathaven, South Lanarkshire, ML10 6AZ	27.01.2020
Craig Kelly, 16 Golf View, Strathaven, South Lanarkshire, ML10 6AZ	27.01.2020
Lesley And Donald Blair, 20 Golf View, Strathaven, South Lanarkshire, ML10 6AZ	27.01.2020
Andrew Watson, 8 Golf View, Strathaven, South Lanarkshire, ML10 6AZ	27.01.2020
Mrs Catherine Hamilton, 24 Golf View, Strathaven, South Lanarkshire, ML10 6AZ	19.01.2020
Maureen McLaren, 28 Golf View, Strathaven, South Lanarkshire, ML10 6AZ	31.01.2020
Mrs Maureen McLaren, 28 Golf View, Strathaven, South Lanarkshire, ML10 6AZ	30.01.2020 31.01.2020 11.04.2020 22.08.2020
James And Catherine McQuade, 148 Glasgow Road, Strathaven, South Lanarkshire, ML10 6NL	18.02.2020
Mrs Angela Main, 23 Turnbull Way, Strathaven, South Lanarkshire, ML10 6UZ	30.01.2020
Ian Baird, 18 Tukalo Drive, Strathaven, South Lanarkshire, ML10 6UX	20.01.2020
Paul Davidson, 23 Golf View, Strathaven, South Lanarkshire, ML10 6AZ	17.01.2020
Sinclair McLaren, 28 Golf View, Strathaven, South Lanarkshire, ML10 6AZ	16.01.2020 27.01.2020
Frank Sharp, 26 Golf View, Strathaven, South Lanarkshire, ML10 6AZ	23.01.2020
G Allan Currie, 4 Cloverhill Gardens, Strathaven, South Lanarkshire, ML10 6XB	30.01.2020
Mr Joe Allan, 94 Franklin Place, East Kilbride, G75 8LS	31.01.2020
Mr Charlie Watt, 12 Turnbull Way, Strathaven, South Lanarkshire, ML10 6UZ	30.01.2020 07.02.2020
Marion Butchart, Received Via Email	23.01.2020
Miss Fiona Sim, 1 Dunlop Court, Strathaven, ML10 6LW	28.09.2020

Sinclair McLaren MSc, CEng, MIMechE, 28 Golf View, Strathaven, ML10 6AZ	14.04.2021
Paul Davidson, 23 Golf View, Strathaven, ML10 6AZ	16.04.2021
Mr James McQuade, 148 Glasgow Road, Strathaven, ML10 6NL	12.04.2021
Craig Kelly, 16 Golf View, Strathaven, South Lanarkshire, ML10 6AZ	29.04.2021
Rachel Kelly, 16 Golf View, Strathaven, South Lanarkshire, ML10 6AZ	29.04.2021
Maureen McLaren, 28 Golf View, Strathaven, ML10 6AZ	26.04.2021 28.04.2021
Mrs Robyn Messur, 26 Golf View, Strathaven, ML10 6AZ	20.04.2021
Mr Andrew Watson, 8 Golf View, Strathaven, ML10 6AZ	21.04.2021
Sinclair McLaren, Received Via Email	04.05.2021
Mr J E Allan, 94 Franklin Place, Westwood, East Kilbride, G75 8LS	28.04.2021
Mr James Graham, 3 Golf View, Strathaven, ML10 6AZ	21.04.2021
Mr Donald Wilkins, 5 Golf View, Strathaven, ML10 6AZ	20.04.2021
Mr Fraser West, 16 Overton Avenue, Strathaven, ML10 6NR	19.04.2021
Ross Messur, 26 Golf View, Strathaven, South Lanarkshire, ML10 6AZ	27.04.2021
Mr Ross Messur, 26 Golf View, Strathaven, ML10 6AZ	20.04.2021
Mr David Wood, 3, overton ave, strathaven, ml10 6nr	04.05.2021
Mrs Ritu Watson, 8 Golf View, Strathaven, ML10 6AZ	21.04.2021
Mrs Marion Butchart, 22 Golf View, Strathaven, Lanarkshire, ML10 6AZ	21.04.2021

Contact for further information

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

Maud McIntyre, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB
 Phone: 01698 455043
 Email: maud.mcintyre@southlanarkshire.gov.uk

Conditions and reasons

01. 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.

02. That before development starts, details of all boundary treatment(s) shall be submitted to and approved by the Council as Planning Authority and thereafter all approved works shall be completed to the satisfaction of the Council prior to the development hereby approved being occupied or brought into use.

Reason: These details have not been submitted or approved.

03. 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: These details have not been submitted or approved

04. That before any of the properties situated on the site upon which a fence is to be erected is occupied, the fence or wall for which the permission of the Council as Planning Authority has been obtained under the terms of Condition 3 above, shall be erected and thereafter maintained to the satisfaction of the Council.

Reason: In order to retain effective planning control.

05. That before any of the properties hereby approved are occupied, details of the storage and collection of refuse within the development shall be submitted to and approved by the Council as Planning Authority. Thereafter, prior to the occupation of any dwelling, the approved scheme shall be implemented and thereafter maintained to the satisfaction of the Council as Planning Authority.

Reason: To ensure that adequate refuse arrangements are provided that do not prejudice the enjoyment of future occupiers of the development or neighbouring occupiers of their properties, to ensure that a satisfactory external appearance is achieved and to ensure that appropriate access is available to enable refuse collection.

06. That before the development hereby approved is completed or brought into use, a visibility splay of 2.5 metres by 165 metres measured from the road channel shall be provided to the west on Overton Avenue and 2.5 metres by 65 metres to the south on Overton Avenue and everything exceeding 0.9 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.

Reason: In the interest of road safety.

07. 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.

Reason: In the interests of amenity.

08. That prior to any work commencing on the site, a maintenance management schedule for the landscaping scheme approved under the terms of Condition 07 above shall be submitted to and approved by the Council as Planning Authority. Thereafter, the landscaping shall be maintained in accordance with the approved management schedule to the satisfaction of the Council.

Reason: In the interests of amenity.

09. That no further trees within the application site shall be lopped, topped, pollarded or felled, or otherwise affected, other than those identified within the submitted Tree Report (by Julian A. Morris dated February 2020), Landscape Proposal Plan 588-01-01a and Planting Story Board 588-01-02a, without the prior written consent of the Council as Planning Authority.

Reason: To ensure the protection and maintenance of the existing mature trees within the site.

10. All trees to be removed must be replaced by semi-mature/mature trees of a similar species at the locus to the satisfaction of the Council as Planning Authority.

Reason: In the interests of amenity.

11. That prior to the commencement of development, details of the land drainage works shall be submitted to and approved by the Council as Planning Authority.

Reason: To ensure the provision of a satisfactory land drainage system.

12. 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.

13. That prior to any work starting on site, a Flood Risk/Drainage Assessment in accordance with 'Drainage Assessment - A Guide for Scotland', shall be submitted to and approved in writing by the Council as Planning and Roads Authority.

Reason: To demonstrate that a satisfactory means of waste and surface water drainage can be achieved.

14. Prior to development commencing on site, a scheme for the control and mitigation of dust shall be submitted to and approved in writing by the Council as Planning Authority. No changes to the approved scheme shall take place unless agreed in writing by the Council as Planning Authority. The scheme shall thereafter be implemented in accordance with a programme to be agreed in writing with the Council as Planning Authority.

Reason: To minimise the risk of nuisance from dust to nearby occupants.

15. That no residential unit shall be occupied until the site is served by a sewerage scheme constructed in accordance with Scottish Water standards and as approved by the Council as Planning Authority in consultation with Scottish Water as Sewerage Authority.

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

16. That the internal noise levels shall comply with BS 8233:2014 Guidance on sound insulation and noise reduction for buildings as follows-

The scheme shall ensure that-

- a) The internal levels with windows open (or under exceptional circumstances, closed) do not exceed an $L_{Aeq,16hr}$ of 40dB daytime (07:00 – 23:00)
- b) The internal levels with windows open (or under exceptional circumstances closed) do not exceed an $L_{Aeq,8hr}$ of 30dB night-time (23:00 – 07:00).
- c) The internal levels with windows open (or under exceptional circumstances closed) do not exceed an $L_{A,max}$ of 45dB night-time (23:00 – 07:00).
- d) The external levels shall not exceed an $L_{Aeq,16hr}$ of 50dB daytime in any garden areas, when measured free-field.

Reason: In the interests of amenity.

17. That prior to the commencement of site works a detailed plan showing site compound area with turning area, site staff/operatives parking requirements, wheel wash facility/road cleaning regime, shall be submitted for approval by the Council as Planning and Roads Authority.

Reason: In the interests of amenity and traffic safety.

18. That a 1.8 metre high fence shall be erected along the entire eastern boundary of the site contiguous with the communal woodland strip, design and details to be submitted and approved by the Council as Planning Authority.

Reason: In the interests of amenity and security.

19. That prior to the demolition or removal of vegetation and or trees, the developer shall undertake a single bat presence/absence survey shall be completed. The survey shall follow bat survey guidelines as set out within the Extended Phase 1 Habitat Survey by Acoma Ecology Ltd, dated February 2020.

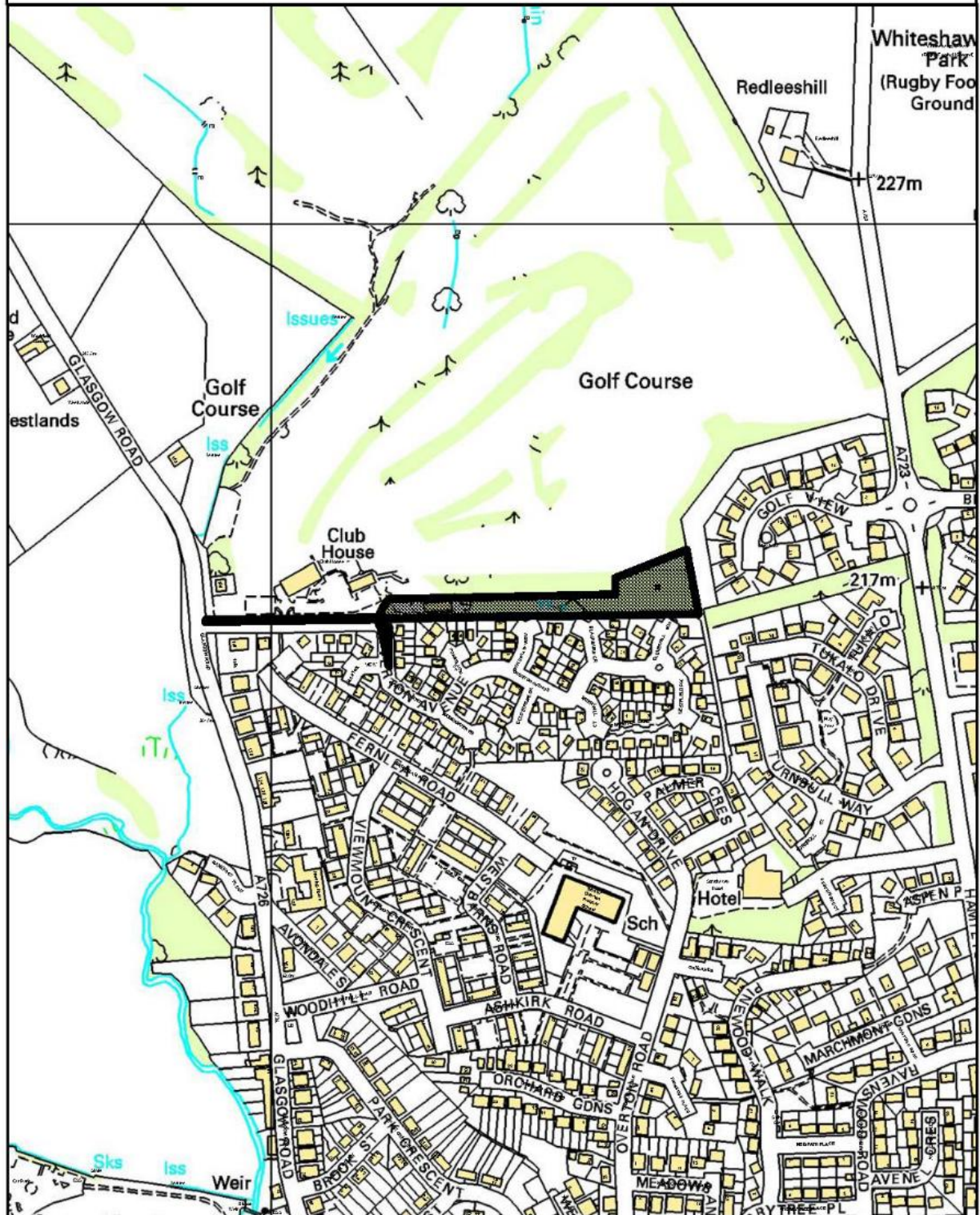
Reason: In the interests of safeguarding European Protected bats.

20. That prior to the commencement of site works, details of the location and specification of cycle stand(s) and electric vehicle charging points within the site shall be submitted for consideration and approval to the Council as Planning and Roads Authority.

Reason: In the interests of climate change and to encourage cycling.

P/19/1890

Land 46M Northwest of 4 Cloverhill Gardens, Strathaven



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Scale:

1:5,000

Date:

07/07/2021



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

4

Report to:	Planning Committee
Date of Meeting:	10 August 2021
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/20/1680
Planning proposal:	Erection of 12 flats (4 storey), provision of off street parking spaces, refuse and recycling storage facilities and amenity space

1 Summary application information

Application type:	Detailed planning application
Applicant:	Apsis Solutions
Location:	Land Adjacent to St Andrews Parish Church Avon Street Hamilton ML3 7HU

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: Steve Convery
- ◆ Council Area/Ward: 19 Hamilton South
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2 (Adopted April 2021)**
Policy 1 - Spatial Strategy
Policy 2 - Climate Change
Policy 5 - Development Management and Place Making
Policy 11 - Housing
Policy 15 - Travel and Transport
Policy DM1 - New Development Design

Residential Design Guide (2011)

◆ **Representation(s):**

▶	1	Objection Letter
▶	0	Support Letters
▶	0	Comment Letters

◆ **Consultation(s):**

Roads Development Management Team

Environmental Services

Scottish Water

SP Energy Network

Planning Application Report

1 Application Sites

- 1.1 The planning application site comprises vacant land which was previously occupied by a car park and church hall associated with St Andrew's Parish Church. The site is situated in an urban area, in close proximity to the strategic centre of Hamilton.
- 1.2 The application site extends to 0.11ha and is situated in a reasonably prominent location, part of which forms a corner between John Street and Haddow Street. There is an existing vehicular access to the site and there is a substation situated in the northern corner of the site. In terms of topography, the site falls relatively steeply towards John Street.
- 1.3 The site is enclosed to the north by John Street and further by residential properties and to the east by Haddow Street and further by residential and commercial properties. The site is enclosed to the south by St Andrew's Church and to the west by residential and commercial properties.
- 1.4 The area is predominantly characterised by a mix of land uses including a church, commercial operations such as a vehicular repair garage and residential accommodation. The residential accommodation in the surrounding area includes two and three storey flatted residential properties together with a small row of terraced houses on John Street.

2 Proposal(s)

- 2.1 The applicant seeks detailed planning consent for the erection of 12 flats (4 storey), provision of off street parking spaces, refuse and recycling storage facilities and amenity space at land adjacent to St Andrews Parish Church Avon Street, Hamilton.
- 2.2 The proposal relates to the erection of 12 flatted units which would be operated by the West of Scotland Housing Association. The proposed property is four storeys in height accommodating 12 flatted units each with two bedrooms, a lounge, a kitchen and a bathroom. The design of the flatted block is of a traditional pitched roof and externally will be finished in a combination of facing brick, zinc cladding, glazing panels and a concrete roof tile.
- 2.3 Vehicular access to the site is proposed from a new access from Haddow Street and there is pedestrian access to the site from Haddow Street and John Street. The site will also accommodate 13 car parking spaces and amenity space, associated with the flats.

3 Background

3.1 Local Plan Status

- 3.1.1 The determining issues in the consideration of this application are its compliance with the adopted South Lanarkshire Local Development Plan 2 and its impact on residential amenity, traffic safety and infrastructure issues.
- 3.1.2 The planning application site is designated as housing land in the adopted Local Development Plan 2. The site is affected by Policy 1 'Spatial Strategy,' Policy 2 'Climate Change,' Policy 5 'Development Management and Place Making,' Policy 11 'Housing,' Policy 15 'Travel and Transport' and Policy DM1 'New Development Design' of the adopted Local Development Plan.

3.2 **Relevant Government Advice/Policy**

3.2.1 In terms of residential development, SPP requires Councils to maintain a five year supply of effective housing land. Planning Authorities are also required to promote the efficient use of land by, where possible, directing development towards sites within existing settlements in order to make effective use of established infrastructure and service capacity.

3.2.2 **Designing Streets** - A Policy Statement for Scotland was introduced in March 2010 and establishes the Scottish Government's commitment to move away from a standardised engineering approach to streets and to raise the quality of design in urban and rural development. Development layouts should be designed to encourage a safe environment for pedestrians and cyclists with narrower streets, landscaping and off-street parking which can be more effective at achieving slower traffic movements. Permeability which encourages walking is now seen as a high priority and footpath links are encouraged to ensure that residential properties can be easily accessed from main public transport routes.

3.3 **Planning Background**

3.3.1 In terms of the planning history of the site, planning consent was granted on 30 October 2018 for the 'demolition of the activity hall and vestibule to the west of St Andrew Church to form a single dwelling' (P/18/0194).

3.3.2 An application was submitted to the Planning Service for the 'erection of 12 flats (4 storey high) and formation of associated car parking' (P/18/0434) on 30 March 2018, however, this application was subsequently withdrawn by the agent.

4 **Consultation(s)**

4.1 **Roads Development Management Team** – had initially requested the deferral of the application as they advised that the parking would not meet the requirements for a private residential development. The agent subsequently submitted information which established that the proposed development is for the sole use of a Housing Association. Following review, they have advised that they have no objection to the development, subject to the imposition of conditions. These conditions include the provision of the parking spaces, the reinstalment of the existing vehicle access as a footpath along Haddow Street and the submission of a Construction Traffic Management Plan.

Response: Noted. It is advised that these requirements can be addressed through the use of planning conditions, where appropriate.

4.2 **Environmental Services** - have no objection to the proposal subject to the submission of further details relating to a scheme for the control and mitigation of dust and the storage and collection of refuse at the site.

Response: Noted. It is advised that these requirements can be addressed through the use of planning conditions, where appropriate.

4.3 **Scottish Water** - have offered no objection to the proposal.

Response: Noted.

4.4 **SP Energy Network** - have offered no objection to the proposal.

Response: Noted.

5 **Representation(s)**

5.1 Statutory neighbour notification was undertaken and the proposal was advertised in the local press. One letter of representation has been received in relation to the application and the grounds of objection are summarised below:

- (a) **I am concerned that the proposed four storey building will result in overshadowing and subsequent loss of light to my second floor flat in John Street.**

Response: The objector's property is situated to the southeast of the site and the sun rises in the east and sets in the west (due south). Therefore, it is noted that there may be a limited degree of overshadowing of the existing flats at 20 John Street in the evening. However, within a built up urban area, adjacent to Hamilton town centre, a degree of overshadowing of adjacent and nearby properties is generally accepted. In this instance it is not considered that the resulting overshadowing from the development will have a significant adverse effect on the surrounding properties.

- (b) **The proposed flats will result in overlooking and adversely affect my privacy.**

Response: The Councils Residential Development Guide identifies that ideally there should be a 20m window to window distance between properties in relation to habitable rooms. There is an approximate distance of 12m between the side elevation of the proposed flatted units and the existing block of flats at 20 John Street. The Councils Residential Development Guide further establishes that achieving the 20m distance, within higher density older more compact areas, may result in a design which is out of keeping with the established character of the area.

The area surrounding the site is characterised by high density residential development where a degree of overlooking is generally considered acceptable. Therefore, within this context, it is not considered that the proposed development would result in significant adverse overlooking or loss of privacy of the objector's property.

- (c) **The proposed four storey building is higher than the existing adjacent buildings.**

Response: It is noted that the surrounding area predominantly includes two and three storey flatted developments and the site and the surrounding area are situated on a steep gradient. However, the agent has submitted contextual elevations which illustrate that the proposed flatted development will be the same height as the existing adjacent tenement block in John Street and will be in keeping with the surrounding area. Subsequently, it is not considered that the proposed development will be overly dominant or adversely affect the existing streetscape.

- (d) **There is a lack of parking in John Street and the surrounding area and I struggle to get parked near my property. The proposal will exacerbate this situation.**

Response: The proposal includes 13 off street parking spaces associated with the flatted development, which will be managed by a Housing Association. It should be noted that the parking requirements for a private residential flatted development would be different.

Roads and Transportation Services were consulted in relation to the development and they did not raise any concerns in relation to parking provision associated with the flatted units.

- e) **Concern that during the construction process, the siting of machinery and the parking of the additional vehicles will make it more difficult for local residents to find a space.**

Response: Roads and Transportation Services were consulted in relation to the proposal and have advised that a condition should be attached to any consent which requires the submission and approval of a Construction Traffic Management Plan. This document would provide details regarding the proposed parking arrangements for deliveries, construction and staff vehicles. The works at the site would require to be undertaken in accordance with this approved document which should mitigate any potential parking issues. However as with any development, there will be a degree of disruption during the construction phase.

f) The construction process will result in an increase in noise in the area.

Response: Environmental Services were consulted regarding the proposal and have advised that they have no objection to the development subject to the use of appropriate conditions and informatives, including an informative relating to noise control.

Whilst it is acknowledged that the construction process can result in some increase in noise and disruption for nearby residents, it is noted that this is only short term until the completion of the development.

g) The proposal will result in additional people in the area.

Response: Noted.

5.2 This letter is available for inspection on the planning portal.

6 Assessment and Conclusions

6.1 The applicant seeks detailed planning consent for the erection of 12 flats (4 storey), provision of off street parking spaces, refuse and recycling storage facilities and amenity space at land adjacent to St Andrews Parish Church, Avon Street, Hamilton.

6.2 The determining issues in the consideration of this application are its compliance with the adopted and proposed Local Development Plan policies and its impact on residential amenity, traffic safety and infrastructure issues.

6.3 With regards to Government guidance and advice, as detailed in section 3.2, the site relates to vacant land which is situated within an established urban area and therefore it is considered that there are no significant issues raised by the proposal in this regard.

6.4 Policies 1 and 2 of the adopted Local Development Plan promote sustainable economic growth and regeneration, a move towards a low carbon economy, the protection of the natural and historic environment and mitigation against the impacts of climate change. The proposal involves the reuse of an area of vacant land, in close proximity to the strategic centre of Hamilton and key transport hubs, at a sustainable location. Therefore, it is considered that the proposal raises no issues within the context of Policies 1 and 2 of the adopted Local Development Plan.

6.5 The site is affected by Policy 11 of the adopted Local Development Plan and designated as part of the housing land supply. Subsequently, the principle of the site for residential use accords with the provisions of Policy 11 of the adopted Local Development Plan.

6.6 Policy 5 of the adopted Local Development Plan identifies that all development proposals will require to take account of and be integrated with the local context and built form. It is considered that the design, location and scale of the proposed development is acceptable and will not result in a significant material impact on the

streetscape or any nearby properties. Therefore, the proposal raises no issues within the context of Policy 5 of the adopted Local Development Plan.

- 6.7 Policy DM1 of the adopted Local Development Plan relates to the design and layout of all new developments. Given the physical characteristics of the site, it is considered that the development will not result in a significant adverse impact on the neighbouring properties in terms of privacy, overlooking, overshadowing or the character of the area in general. In addition, the external finishes of the proposed flats are considered acceptable within the context of the established area. Subsequently, the proposed development accords with the provisions of Policies DM1 of the adopted Local Development Plan. In addition, it is considered that the proposed layout for the development generally accords with the standards set out in the Council's Residential Design Guide.
- 6.8 Policy 15 of the adopted Local Development Plan seeks to ensure that development considers and, where appropriate, mitigates the resulting impacts of traffic growth and encourages sustainable transport options that take account of the need to provide proper provision for walking, cycling and public transport. The site is situated within walking distance to key strategic public transport facilities in Hamilton town centre and is well integrated into existing walking and cycling networks. In addition, Roads and Transportation Services consider that the proposal is acceptable in terms of access, parking and road safety issues. Subsequently, it is considered that the proposal accords with the provisions of Policy 15 of the adopted Local Development Plan.
- 6.9 With regards to infrastructure considerations, Scottish Water has not raised any concerns in relation to the proposal and it is considered that any detailed requirements can be dealt with by the use of planning conditions.
- 6.10 In conclusion, the proposal relates to a vacant urban site in close proximity to the strategic centre of Hamilton, which will provide residential accommodation for the housing association sector. The layout, design and general appearance of the proposals are acceptable. Overall and in view of the above, it is recommended that planning consent be granted.

7 Reasons for Decision

- 7.1 The proposal will have no adverse impact on visual amenity, environmental matters or infrastructure issues and raises no issues within the policy context of 1, 2, 5, 11, 15 and DM1 of the adopted Local Development Plan 2. There are no other material considerations which would justify the refusal of planning permission.

Michael McGlynn

Executive Director (Community and Enterprise Resources)

Date: 30 July 2021

Previous references

- ◆ P/18/0194
- ◆ P/18/0434

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter, dated 16 December 2020
- ▶ Design and Access Statement, prepared by Convery Prenty Architects, dated October 2020

- ▶ Consultations
 - Roads Development Management Team 10.05.2021
 - Environmental Services 23.12.2020
 - Scottish Water 21.12.2020
 - SP Energy Network 21.12.2020

- ▶ Representations Dated:
 - Alastair Smith, Flat 4, 20 John Street, Hamilton, 05.01.2021
 - South Lanarkshire, ML3 7EU

Contact for further information

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

Gail Neely, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455932

Email: gail.neely@southlanarkshire.gov.uk

Conditions and reasons

01. 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.

02. 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.

03. That prior to the occupation of the approved flats, the fences and walls approved under the terms of Condition 2 above, shall be erected, thereafter maintained and remain in perpetuity to the satisfaction of the Council as Planning Authority.

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

04. 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.

05. That the development shall not be occupied until the site is served by a sewerage scheme constructed in accordance with Scottish Water standards and as approved by the Council as Planning Authority in consultation with Scottish Water as Sewerage Authority.

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

06. That before any of the flats hereby approved are occupied, details of the proposed storage and collection of refuse within the development shall be submitted to and approved in writing by the Council and thereafter the approved scheme shall be maintained to the satisfaction of the Council as Planning Authority.

Reason: To ensure that adequate refuse arrangements are provided.

07. Prior to development commencing on site, a scheme for the control and mitigation of dust shall be submitted to and approved in writing by the Council as Planning Authority. The scheme shall thereafter be implemented in accordance with a programme to be agreed in writing with the Council as Planning Authority.

Reason: To minimise the risk of nuisance from dust to nearby occupants.

08. That before the development is brought into use, all of the parking spaces illustrated on Drawing 547A_200 Rev M shall be laid out, constructed and thereafter maintained to the satisfaction 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 existing vehicular access from Haddow Street shall be reinstated to footway along the frontage of the site to the satisfaction of the Council as Roads and Planning Authority.

Reason: In the interests of public safety.

10. That before the development is completed or brought into use, the surface of the car park shall be so trapped and finished in hardstanding as to prevent any surface water or deleterious material from running onto or entering the road.

Reason: In the interests of traffic safety and to prevent deleterious material entering the road.

11. That prior to the commencement of any works associated with the development, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Council as Roads and Planning Authority and implemented thereafter. This plan should include details of access and parking provision for staff and visitors, intended working hours, the management and storage of deliveries and further information regarding the provision of wheel washing facilities 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. That the existing stone boundary wall, enclosing the site adjacent to John Street, shall be retained and remain in perpetuity to the satisfaction of the Council as Planning Authority.

Reason: In the interests of amenity and in order to retain effective planning control.

13. That the development is for the use by the West of Scotland Housing Association or other registered social landlord and shall not be used for private rent or sale.

Reason: The parking provision does not meet the minimum requirements for a private flatted development.

14. 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.

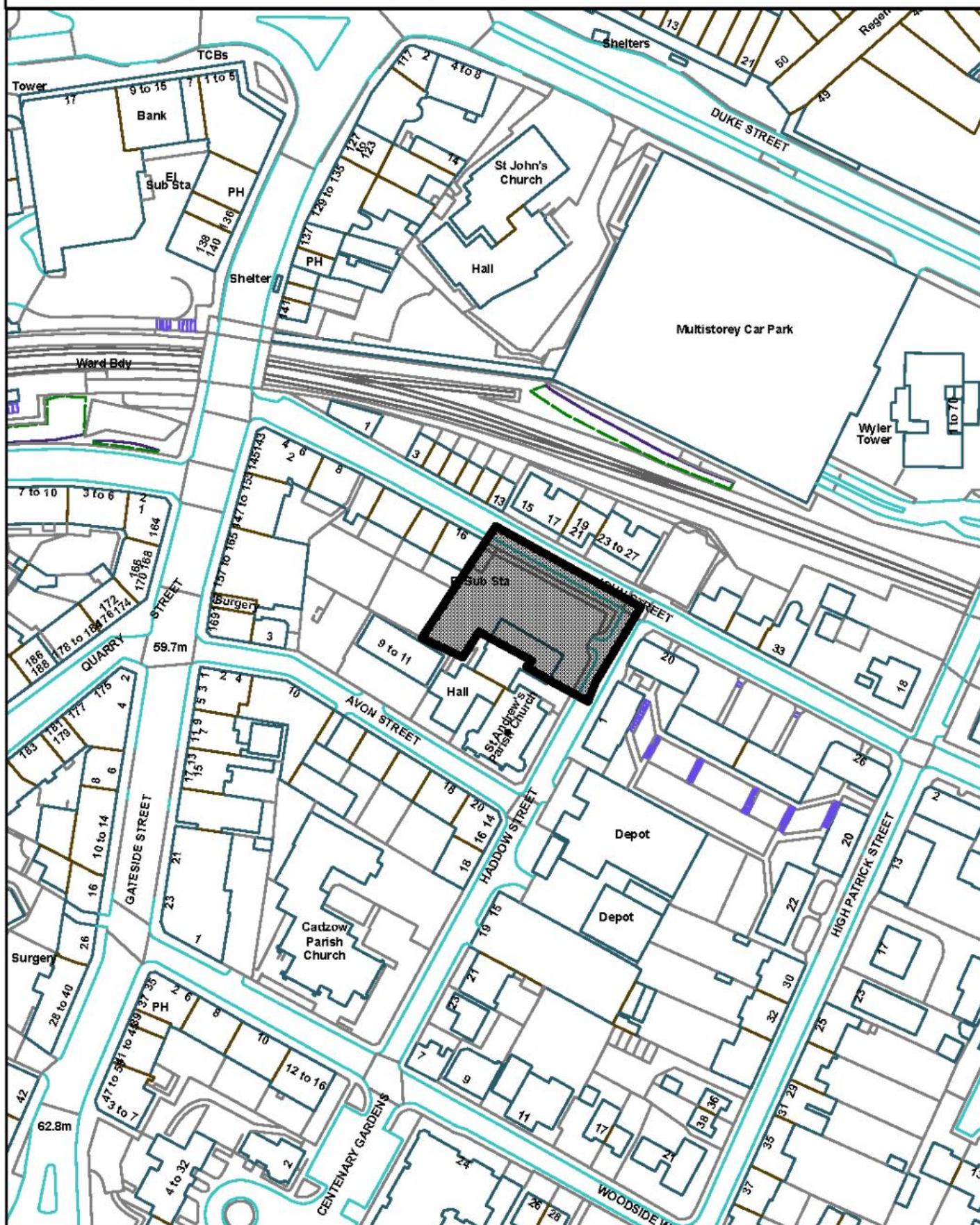
Reason: To ensure the provision of digital infrastructure to serve the development.

- 15 That before the development is completed or brought into use, details of electric vehicle charging points for the development shall be submitted to and approved in writing Council as Planning Authority. The charging points shall be installed and remain in perpetuity to the satisfaction of the Council as Planning Authority.

Reason: These details have not been submitted or approved.

P/20/1680

Land adjacent to St Andrews Parish Church, Avon Street, Hamilton



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Scale:
1:1,500
Date:
07/07/2021



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

5

Report to:	Planning Committee
Date of Meeting:	10 August 2021
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/20/1310
Planning proposal:	Erection of 19 dwellinghouses with associated access road, drainage and landscaping

1 Summary application information

Application type:	Detailed planning application
Applicant:	Southvale Homes (Lanark) Ltd
Location:	Site of Former Lesmahagow High School Southern Campus Abbeygreen Lesmahagow Lanark South Lanarkshire

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 Reilly - Planterra
- ◆ Council Area/Ward: 04 Clydesdale South
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2 (adopted 2021)**
 - Policy 1 - Spatial Strategy
 - Policy 2 - Climate change
 - Policy 3 -General Urban Areas
 - Policy 5 - Development Management and Placemaking
 - Policy 11 - Housing
 - Policy 15 - Travel and Transport
 - Policy DM1 - New Development Design
 - Policy DM15 - Water Supply
 - Policy DM16 - Foul Drainage and Sewerage
 - Policy SDCC3 - Sustainable Drainage Systems
 - Policy SDCC4 - Sustainable Transport
 - Policy SDCC6 - Renewable Heat

**Development Management, Placemaking and
Design Supplementary Guidance (2015)
Sustainable Development and Climate Change
Supplementary Guidance (2015)
Residential Design Guide (2011)**

♦ **Representation(s):**

▶	0	Objection Letters
▶	1	Support Letters
▶	2	Comment Letters

♦ **Consultation(s):**

Roads Development Management Team

Environmental Services

Scottish Water

Lesmahagow Community Council

Community and Enterprise Resources - Community Contributions

Education Resources - School Modernisation Team

Housing Planning Consultations

Roads Flood Risk Management

Planning Application Report

1 Application Site

- 1.1 The application site is the site of the former Lesmahagow High School Southern Campus, Abbeygreen, Lesmahagow. The majority of the site has been left vacant following the demolition of the school buildings in 2009, with the exception of the existing retained dwellinghouse at the front of the site, adjacent to the existing vehicular access, and a small electricity substation to the north. The site slopes up from the front of the site (to the east) to the tallest point at the back of the site, adjacent to the residential properties that bound the site. The site is located within the general urban area, with residential properties to the west and to the east (across Abbeygreen), a church to the south and the new high school site and a corner shop to the north, across School Road.

2 Proposal(s)

- 2.1 The proposal is for the redevelopment of the vacant site through the erection of 19 dwellinghouses, together with an associated access road, drainage works and landscaping. The existing dwelling on site is proposed to be retained as part of the redevelopment, as is the existing electricity substation.
- 2.2 The proposed site access would be retained from Abbeygreen, with a new residential street formed to provide access to 15 of the proposed dwellings, together with the parking spaces for the existing retained dwelling. The other 4 proposed houses would be accessed directly from Abbeygreen. The proposed site layout also includes a small area of open space to the south/west of the site, adjacent to the vehicular access, and this area would also be the site of the underground attenuation tanks forming part of the sustainable drainage system. The existing pedestrian access to the north of the site is not proposed to be retained as part of the redevelopment of the site, with the steps leading to School Road being outwith the applicant's control.
- 2.3 Four house types are proposed as part of the development, which are all bungalows / single-storey in height. The majority of the houses are detached, with two semi-detached dwellings to the front of the site, adjacent to the existing retained dwelling. Four of the houses would be two bedroom properties, with the remainder containing three bedrooms. The properties would all be of a similar architectural style, with a variety of hipped pitched roof designs. The houses are proposed to be rendered, with a brick base and a number of the house types would also include a brick feature to the front elevation. Given the levels on site, a number of the private gardens would be split level.
- 2.4 The applicant had initially sought approval for a larger development of 22 houses on the site, however, this has been reduced to 19 following discussions with the Planning Service.

3 Background

3.1 Local Plan Status

- 3.1.1 In this regard the application site and associated proposal is affected by the following policies contained in the adopted South Lanarkshire Local Development Plan 2:

Policy 1 - Spatial Strategy

Policy 2 - Climate change

Policy 3 - General Urban Areas

Policy 5 - Development Management and Placemaking

Policy 11 - Housing

Policy 15 - Travel and Transport

Policy DM1 - New Development Design
Policy DM15 - Water Supply
Policy DM16 - Foul Drainage and Sewerage
Policy SDCC3 - Sustainable Drainage Systems
Policy SDCC4 - Sustainable Transport
Policy SDCC6 - Renewable Heat
Policy SDCC7 - Low and Zero Carbon Emissions from New Buildings

3.1.2 An assessment of the proposal against these specific policies is contained in Section 6 of this report.

3.2 **Relevant Government Advice/Policy**

3.2.1 Scottish Planning Policy (Revised 2020) (SPP) advises that proposals that accord with up-to-date plans should be considered acceptable in principle.

3.3 **Planning Background**

3.3.1 The site was formally the location of the Lesmahagow High School Southern Campus. After the construction of the new High School, this site was no longer required and it has been subject to a number of planning applications, listed below:

CL/04/0481 – Residential Development (Outline)

CL/09/0265 - Erection of class 1 retail store together with associated landscaping car parking and improvements to road layout and access (planning permission in principle)

CL/13/0023 - Section 42 application to vary conditions 3 and 4 of Planning Permission CL/09/0265 to extend the time period for submission of further applications for approval of matters specified in conditions.

4 **Consultation(s)**

4.1 **Roads Development Management Team** – Have raised no objections regarding the layout of the site, number of parking spaces or the visibility at the road junctions and driveways. Advised that the proposal should be deferred until additional information is provided on the adoptable road extents, drainage strategy and until detailed road drawings are provided.

Response: Noted. It is considered that sufficient roads drawings have been provided to allow for the assessment of the planning application, with the more detailed aspects of the road design being undertaken as part of the Roads Construction Consent. Conditions can be included on any planning approval to ensure that the appropriate parking spaces and visibility splays are provided, and to control the final details of the sustainable drainage system.

4.2 **Environmental Services** – No objections, subject to the inclusion of relevant conditions and advisory notes.

Response: Noted. Appropriate conditions and informative can be included on any planning approval.

4.3 **Scottish Water** – No objections to the proposal, however the applicant should be aware that this does not confirm that the proposed development can currently be serviced by Scottish Water infrastructure.

Response: Noted.

4.4 **Lesmahagow Community Council** – No response received.

Response: Noted.

- 4.5 **Community and Enterprise Resources** – Happy for the proposal to be developed, on the assumption that the Councils residential design guidance is used. Any open spaces or play areas within the site would not be adopted for future maintenance.
Response: Noted. Given that open space will be provided on the site and the proposal has been reduced in scale, no financial contributions are being sought in this instance.
- 4.6 **Education Resources – School Modernisation Team** – No objections to the proposal on the condition that developer contributions are provided.
Response: Noted. As the proposal has been reduced in scale since the original consultation to less than 20 units, no financial contributions are considered to be required in this instance.
- 4.7 **Housing Planning Consultations** – Their preference is that an affordable housing contribution is provided in the form of a commuted sum.
Response: Noted. As the proposal has been reduced in scale since the original consultation to less than 20 units, no affordable housing contributions are required in this instance.
- 4.8 **Roads Flood Risk Management** – No response received.
Response: Noted.

5 Representation(s)

- 5.1 Statutory neighbour notification was undertaken and the proposal was further advertised in the local press. Two letters of comment and one letter of support have been received in connection with this publicity, and the matters raised are summarised below:

- a) **Happy to support the development but would like reassurance that the wall at the end of my property will be shored up, since the ground below it will be dug up.**

Response: This would be a private civil matter to be resolved between the relevant landowners and is not a material planning consideration. The developer would be responsible for ensuring that construction works did not damage any existing boundary walls and for repairing any damage caused, in consultation with the other relevant landowners.

- b) **Support the planning application as it will generally improve this area of the village, however some concerns relating to the boundary between the site and their property. The existing boundary wall should not be damaged by construction works on site. Future owners of the properties adjacent to the boundary should be aware that there is a chance that sports equipment (footballs, Frisbees etc) may accidentally end up in their gardens and should allow access to retrieve these items.**

Response: These are private civil matters to be resolved between the relevant landowners and are not a material planning consideration. The developer would be responsible for ensuring that construction works did not damage any existing boundary walls and for repairing any damage caused, in consultation with the other relevant landowners.

- c) **What conditions will be placed on future owners of the properties adjacent to the boundaries with regards to the maintenance of existing boundary walls, which are normally jointly owned. Clarification is also sought on the responsibility of maintenance for the sections of boundary wall adjacent to areas of open space.**

Response: This would be a private civil matter to be resolved between the relevant landowners and is not a material planning consideration. The ownership of boundary walls is generally set out in the title deeds of properties. The open space would likely be jointly owned by the owners of the properties within the development and may be managed by a factor.

5.2 These letters are available for inspection on the planning portal.

6 Assessment and Conclusions

6.1 The applicant seeks detailed planning consent for the erection of 19 dwellinghouses with an associated access road, drainage and landscaping on the site of the former Lesmahagow High School Southern Campus, Abbeygreen, Lesmahagow. The main determining issues in assessing this proposal are whether it accords with adopted local development plan policy and its impact upon residential and visual amenity.

6.2 In terms of the adopted South Lanarkshire Local Development Plan 2 (LDP2), the relevant policies to be considered for this application are Policies 1, 2, 3, 5, 11, 15, DM1, DM15, DM16, SDCC3, SDCC4, SDCC6 and SDCC7.

6.3 Policy 1 (Spatial Strategy) states that the strategy of the Local Development Plan 2 will be to encourage sustainable economic growth and regeneration, move towards a low carbon economy, protect the natural and historic environment and mitigate against the impacts of climate change.

6.4 Policy 2 (Climate Change) notes that new development proposals should seek to minimise and mitigate against climate change by ensuring that they:

1. are sustainably located;
2. where appropriate involve the reuse of vacant and derelict land;
3. utilise renewable energy sources;
4. incorporate low and zero carbon energy generating technologies at an early design stage, and therefore reduce predicted carbon dioxide emissions in line with current building standards;
5. avoid areas of medium to high flood risk;
6. protect ecosystem services by ensuring no significant adverse impacts on the water and soil environment, air quality, biodiversity and blue/green networks, have no adverse effect on the integrity of any Natura 2000 sites and identify opportunities for enhancement of the natural heritage;
7. include opportunities for active travel routes and provide for trips by public transport;
8. include opportunities for the creation and enhancement of green infrastructure;
9. include opportunities for the greening of vacant and derelict land;
10. provide electric vehicle recharging infrastructure to encourage greater use of low carbon vehicles;
11. minimise waste through the provision of appropriate recycling, storage and collection points within developments;
12. where appropriate, development proposals should ensure that they can be connected to heat networks, including district heating, which may be developed in the future; and
13. avoid or minimise disturbance of carbon-rich soils and, where appropriate, include provision for restoration of damaged peatlands.

6.5 Policy 3 (General Urban Area) states that within urban areas and settlements residential developments will generally be acceptable, and proposals for uses ancillary to residential areas will be assessed on their individual merits, with particular regards

to their effect on the amenity and character of the area. 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.

- 6.6 The proposal is for the redevelopment of a vacant site within the existing settlement boundary for residential properties, and as such the principle of the development is considered to be acceptable in terms of Policies 1 and 3 of the LDP2. With regards to Policy 2, the site would also be sustainably located, in close proximity to schools and local services. It would make use of a sustainable drainage system and it is considered that it would have no significant adverse impact upon the environment, air quality, biodiversity, wildlife or natural heritage as a result of the relatively limited size of the development, its design and when taking into consideration the condition of the existing site. The proposal would also be a significant improvement to the character and visual amenity of the area, by redeveloping a prominent gap site that has been vacant for over a decade.
- 6.7 Policy 11 (Housing) states that the Council will support development of housing on the sites identified in the Housing Land Audit and as identified on the proposals map. Developers must provide a range of house size and types to give a greater choice in meeting the needs of the local community whilst recognising the demands of the wider housing market area. In this instance, the development is a vacant site within the existing settlement boundary, and the applicant is proposing bungalow/single-storey style houses as they have identified a need for this type of housing in the area.
- 6.8 Policy 5 (Development Management and Placemaking) seeks to ensure that development takes account of and is integrated within, the local context and built form. Proposals should have no significant adverse impacts on the local community and include where appropriate measures to enhance the environment.
- 6.9 Policy 15 (Travel and Transport) notes that the Council expects active travel and the availability 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 and proposals should consider measures to mitigate the impact of increased traffic growth and have regard to the need to reduce air pollution and greenhouse gas emissions.
- 6.10 Policy DM1 (New Development Design) states that new development will require to promote quality and sustainability and should enhance and make a positive contribution to the character and appearance of the environment. New developments will require to;
- Respect the local context and be appropriate to the character and topography of the site in terms of layout, scale, proportion, massing and appearance.
 - Be of a high quality design which is sympathetic to local traditions of form, detailing and materials.
 - Ensure that any archaeological, built heritage, landscape features and natural conservation interests on or adjacent to the site are identified and incorporated into the overall layout and design, with appropriate measures taken to enhance and/or protect the setting of these features.
 - Address sustainable development issues including the incorporation of energy efficient designs and layouts, the re-use/recycling of materials, water and waste, and the use of alternative energy sources.
 - Incorporate the use of sustainable drainage systems (SUDs).

- 6.11 With regards to the proposed design, layout and scale of the site, it is considered that it would be of an appropriate scale given the overall size and shape of the application site, and that both the scale and layout would suitably integrate with the existing urban fabric. The four properties directly accessed from Abbeygreen which would sit alongside the existing retained dwelling, would also help to improve the streetscape to the front of the property. The size of the properties and the plots would be broadly comparable with other urban developments and not out of character in relation to those neighbouring dwellings. The design of the proposed dwellings would not be out of character with the other dwellinghouses in the area and a range of house types are proposed to add some variety. Conditions can be added to any planning approval to control the final choices of external finishing materials to ensure that they suitably integrate into the area. Whilst some of the rear gardens are of a limited depth, and others are required to be split level due to the sloping nature of the site, it is considered that sufficient private useable garden ground can be provided for each dwelling. In addition, the proposals do not introduce any significant privacy or overshadowing concerns to existing residents. Whilst the window-to-window distances are relatively close on some plots, the single-storey nature of the houses proposed are such that suitable boundary treatment can be used to ensure that privacy for each dwelling is provided. The site would also benefit from a small area of open space to the front of the site, adjacent to the main entrance. Whilst this area is likely too small and too close to the road to be used as an effective informal play area, there are large playing fields in close proximity to the site, and the area of open space will positively contribute to the visual amenity of the area whilst providing space for the underground attenuation tanks required as part of the drainage system. Conditions can be included on any approval to control the landscaping scheme for this area and the wider site.
- 6.12 The existing vehicular access would be reused to form the new street providing access to the majority of the properties. The remaining four properties would take access directly from Abbeygreen, in common with the existing properties on the opposite side of this road, and the access arrangements would not raise any significant road safety concerns. Sufficient off-street parking has also been proposed for each of the proposed dwellings. Whilst the existing pedestrian access to the north of the site is not proposed to be retained, as it is not wholly within the applicants control and the steps to School Road would require significant investment to meet modern access standards, the new street would be relatively short in length and suitable access for both road traffic and those using footpaths can be made onto Abbeygreen. The site's location within the town is such that it is close to schools and other services, as well as public transport.
- 6.13 Policy DM15 (Water Supply) states that development will only be permitted where there is an adequate supply of water to serve the site including a supply of water for human consumption. Policy DM16 (Foul Drainage/ Sewerage Provision) requires all development within publically sewered areas to connect to the public network except in specified limited circumstances. The site is proposed to connect to the Scottish Water networks for both its fresh water supply and the sewer network, and Scottish Water have not indicated a lack of capacity for the site. A sustainable drainage system is also proposed to avoid surface water from entering the combined sewer system.
- 6.14 With regards to sustainable development, there are a number of policies applicable to the proposed development. Policy SDCC3 (Sustainable Drainage Systems) sets out the Council's approach to sustainable drainage on development sites and requires a sustainable drainage system to be used. Such a system is proposed in this instance, and the details of the system can be controlled by appropriate planning conditions on any approval.

- 6.15 Policy SDCC4 (Sustainable Transport) requires a transport assessment, a travel plan and a design and access statement to be provided where new developments will result in a significant increase in traffic. New developments are also required to recognise the needs of pedestrians, cyclists and public transport provision. The Council will also seek the inclusion of electric vehicle charging points within new developments. Given the scale of this site and its location within the existing settlement, no transport assessment is considered to be required in this instance. The proposed layout is considered to be acceptable in terms of providing safe transport to all those using the road and pavements, and the site is in close proximity to schools, local services and public transport routes. A condition can be imposed on any consent requiring electric vehicle charging points to be provided.
- 6.16 Policy SDCC6 (Renewable Heat) states that the Council will generally support development associated with the renewable generation of heat and that the possibility of heat networks should be investigated. Proposals for new development should ensure that the site can be connected to heat networks, including district heating, which may be developed in the future. In this instance, given the sites limited size, a district heating system is not proposed. In addition, given the location of the site within the existing town, any future district heating system would be likely to incorporate a wider section of the existing town and could be developed on that wider basis. A condition can be imposed on any consent to ensure that the development can be connected to any future district heating system.
- 6.17 Policy SDCC7 (Low and Zero Carbon Emissions from New Buildings) requires that all new buildings are designed so that at least 10% of the carbon dioxide emissions reduction standard set by Scottish Building Standards is met by the installation and operation of low and zero-carbon generating technologies. Applications must be accompanied by an 'Energy Statement' demonstrating compliance with this policy. In this instance, whilst no 'Energy Statement' has been provided upfront, partly due to the timing of the application being received before the current Local Development Plan was adopted, a suitable condition can be included on any approval to ensure that appropriate technologies are included as part of the development.
- 6.18 Overall the proposal is considered to be an appropriate redevelopment of a vacant urban site that will provide 19 new dwellings of an appropriate size, scale and design given the setting and character of the application site and wider area. As such, the proposal is considered to comply with the relevant policies of the adopted Local Development Plan 2.
- 6.19 In summary, following a full and detailed assessment of the proposed development, it is considered that it would have no significant adverse impact upon residential or visual amenity, the character of the area, the natural or historic environment or upon public safety, and that it is in accordance with the adopted South Lanarkshire Local Development Plan 2 (2021). As such, the granting of planning permission is recommended.

7 Reasons for Decision

- 7.1 The proposal will have no significant adverse impact upon residential or visual amenity, or upon public safety and it complies with the relevant policies of the adopted South Lanarkshire Local Development Plan 2 (2021) (Policies 1, 2, 3, 5, 11, 15, DM1, DM15, DM16, SDCC3, SDCC4, SDCC6 and SDCC7).

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 21 July 2021

Previous references

- ◆ CL/04/0481
- ◆ CL/09/0265
- ◆ CL/13/0023

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Development Management, Placemaking and Design Supplementary Guidance (2015)
- ▶ Sustainable Development and Climate Change Supplementary Guidance (2015)
- ▶ South Lanarkshire Council - Residential Design Guide (2011)
- ▶ Neighbour notification letters dated 21 October 2020 and 09 June 2021
- ▶ Newspaper Adverts, Lanark Gazette dated 27 October 2020 and 05 July 2021
- ▶ Correspondence with applicant, various dates

- ▶ Consultations Dated:
 - Roads Development Management Team 11 November 2020
 - Environmental Services 03 November 2020
 - Scottish Water 22 October 2020
 - Community and Enterprise Resources - Community Contributions 12 November 2020
 - Education Resources - School Modernisation Team 26 March 2021
 - Housing Planning Consultations 29 January 2021

- ▶ Representations Dated:
 - Miss Hazel Harper, 3 Broompark Drive, Lesmahagow, ML11 0DH 29 October 2020

 - R Nicol, on behalf of Abbeygreen Ministries Trust, The Manse, 6 Abbeygreen, Lesmahagow, ML11 0DB 11 November 2020

 - R Nicol, on behalf of Abbeygreen Ministries Trust, The Manse, 6 Abbeygreen, Lesmahagow, ML11 0DB 25 June 2021

Contact for further information

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

Andrew Muir, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455058

Email: andrew.muir2@southlanarkshire.gov.uk

Conditions and reasons

01. 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.

02. 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.

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

03. 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.

04. 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.

05. That before any of the dwellinghouses situated on the site upon which a fence is to be erected is occupied, the fence or wall for which the permission of the Council as Planning Authority has been obtained under the terms of Condition 4, shall be erected and thereafter maintained to the satisfaction of the Council.

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

06. That before any of the dwellinghouses hereby approved are occupied, details of the storage and collection of refuse within the development shall be submitted to and approved by the Council as Planning Authority. Thereafter, prior to the occupation of

any dwelling, the approved scheme shall be implemented and thereafter maintained to the satisfaction of the Council as Planning Authority.

Reason: To ensure that adequate refuse arrangements are provided that do not prejudice the enjoyment of future occupiers of the development or neighbouring occupiers of their properties, to ensure that a satisfactory external appearance is achieved and to ensure that appropriate access is available to enable refuse collection.

07. Prior to development commencing on site, a scheme for the control and mitigation of dust shall be submitted to and approved in writing by the Council as Planning Authority. No changes to the approved scheme shall take place unless agreed in writing by the Council as Planning Authority. The scheme shall thereafter be implemented in accordance with a programme to be agreed in writing with the Council as Planning Authority.

Reason: To minimise the risk of nuisance from dust to nearby occupants.

08. That prior to any work starting on site, a Drainage Assessment in accordance with 'Drainage Assessment - A Guide for Scotland', shall be submitted to and approved in writing by the Council as Planning and Roads Authority (and the Scottish Government as Trunk Roads Authority).

Reason: To demonstrate that a satisfactory means of waste and surface water drainage can be achieved.

09. That no development shall commence until details of surface water drainage arrangements (including provision of a flood risk assessment, drainage assessment 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 1,2,3,4 & 5).

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.

10. That the development hereby approved shall not commence 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 10 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.

11. That, unless otherwise agreed in writing with the Council as Planning Authority, provision shall be made for electrical charging points within the development for motor vehicles and mobility scooters. Prior to any works commencing on site details of the proposed arrangements shall be submitted, and agreed in writing with the Council as Planning Authority. Thereafter the scheme shall be implemented and maintained to the satisfaction of the Council as Planning Authority.

Reason: To ensure the provision of appropriate facilities on site.

12. 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.

13. Prior to the commencement of development on site, an energy statement which demonstrates that on-site zero and low carbon energy technologies contribute at least an extra 10% reduction in CO2 emissions beyond the 2007 building regulations carbon dioxide emissions standard, shall be submitted to and approved in writing by the Council as Planning Authority. The statement shall include:
- a) the total predicted energy requirements and CO2 emissions of the development, clearly illustrating the additional 10% 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.

Reason: To secure a reduction in carbon dioxide emissions.

14. That no dwellinghouse shall be occupied until the site is served by a sewerage scheme constructed in accordance with Scottish Water standards and as approved by the Council as Planning Authority in consultation with Scottish Water as Sewerage Authority.

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

15. That no dwellinghouse shall be occupied until the site is served by a public water supply in accordance with Scottish Water standards to the satisfaction of the Council as Planning Authority in consultation with Scottish Water.

Reason: To ensure the provision of a safe water supply.

16. No piling works shall be carried out until a method statement has been submitted to and approved in writing by the Planning Authority. This statement shall include an assessment of the impact of the piling on surrounding properties, taking into account the guidance contained in BS 6472: 1992 'Evaluation of human exposure to vibration in buildings'. It shall detail any procedures which are proposed to minimise the impact of noise and vibration on the occupants of surrounding properties. This statement shall be prepared by a suitably qualified person, and the piling works shall thereafter be carried out in accordance with the approved method statement.

Reason: To minimise noise, vibration and disturbance to neighbouring residents/occupants during blasting.

17. (a) The applicant shall be required to undertake a comprehensive site investigation, carried out to the appropriate Phase level, to be submitted to and approved in writing by the Council as Planning Authority. The investigation shall be completed in accordance with the advice given in the following:
- (i) Planning Advice Note 33 (2000) and Part IIA of the Environmental Protection Act 1990 (as inserted by section 57 of the Environment Act 1995);
 - (ii) Contaminated Land Report 11 - 'Model Procedures for the Management of Land Contamination (CLR 11) - issued by DEFRA and the Environment Agency;
 - (iii) BS 10175:2001 - British Standards institution 'The Investigation of Potentially Contaminated Sites - Code of Practice'.
- (b) If the Phase 1 investigation indicates any potential pollution linkages, a Conceptual Site Model must be formulated and these linkages must be subjected to risk assessment. If a Phase 2 investigation is required, then a risk assessment of all relevant pollution linkages using site specific assessment criteria will require to be submitted.
- (c) If the risk assessment identifies any unacceptable risks, a detailed remediation strategy will be submitted to and approved in writing by the Council as Planning Authority. No works other than investigative works shall be carried out on site prior to receipt of the Council's written approval of the remediation plan.

Reason: To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.

18. (a) Remediation of the site shall be carried out in accordance with the approved remediation plan prior to the proposed development being brought into use. Any amendments to the approved remediation plan shall not be implemented unless approved in writing by the Council as Planning Authority.
- (b) On completion of the remediation works, the developer shall submit a completion report to the Council as Planning Authority, confirming that the works have been carried out in accordance with the approved remediation plan and that the works have successfully reduced these risks to acceptable levels.
- (c) Any previously unsuspected contamination which becomes evident during the development of the site shall be brought to the attention of the Council as Planning Authority within one week or earlier of it being identified. A more detailed site investigation to determine the extent and nature of the contaminant(s) and a site-specific risk assessment of any associated pollutant linkages, shall then require to be submitted to and approved in writing by the Council as Planning Authority.

Reason: To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.

19. That no dwellinghouse shall be occupied until the access roads and footpaths leading thereto from the existing public road have been constructed in accordance with the specification of the Council as Roads and Planning Authority.

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

20. That, unless otherwise agreed in writing, none of the dwellinghouses hereby approved shall be completed or brought into use until the parking spaces associated with that dwelling (as indicated on drawing 20/514/03 Rev B) are 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.

21. That before the development hereby approved is completed or brought into use, a vehicular visibility splay at the site access road and at each of the driveways directly accessed from Abbeygreen of 2.5 metres by 90 metres measured from the road channel shall be provided on both sides of the vehicular access and everything exceeding 0.9 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.

Reason: In the interests of traffic and public safety.

22. That before the development hereby approved is completed or brought into use, a pedestrian visibility splay at the site access road and at each of the driveways directly accessed from Abbeygreen of 2.4 metres by 2.4 metres measured from the heel of the footway shall be provided on both sides of the vehicular access and everything exceeding 0.6 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.6 metres in height shall be planted, placed or erected within these sight lines.

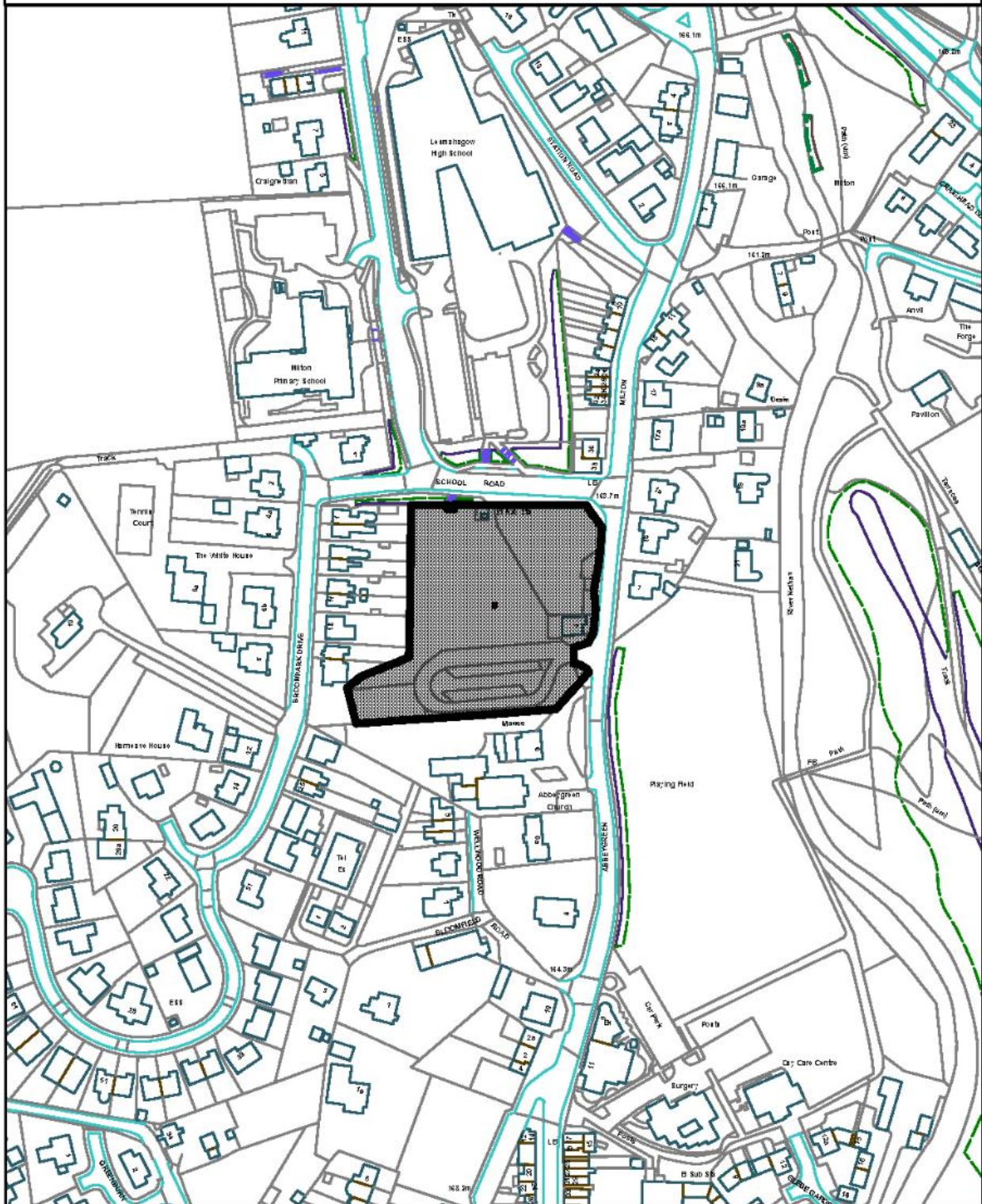
Reason: In the interests of public safety.

23. That no development shall commence until details of how the development will safeguard the possibility of the dwellings hereby approved being connecting to any future district heat system in the area are provided for written approval by the Council as Planning Authority.

Reason: To safeguard the potential for the properties to connect to any future district heating system in the area.

P/20/1310

Site of former Lesmahagow High School, Southern Campus, Abbeygreen



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Scale:
1:2,500
Date:
07/07/2021



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

6

Report to:	Planning Committee
Date of Meeting:	10 August 2021
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/20/1670
Planning proposal:	Extension to existing infill site and amendment to condition 2 of planning consent HM/08/0667 to extend the infill period of the existing site, including phased restoration, to 36 years

1 Summary application information

Application type:	Detailed planning application
Applicant:	William Hamilton and Sons (Contractors) Ltd
Location:	Dovesdale Farm Carlisle Road Stonehouse Larkhall ML9 3PR

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: Alan Doak
- ◆ Council Area/Ward: 20 Larkhall
- ◆ Policy Reference(s): South Lanarkshire Development Plan 2
Policy 1 - Spatial Strategy
Policy 2 - Climate change
Policy 4 - Green Belt and Rural Area
Policy 5 - Development Management and Placemaking
Policy 14 - Natural and Historic Environment
Policy 15 - Travel and Transport
Policy 16 - Water Environment and Flooding
Policy 17 - Waste
Policy SDCC2 - Flood Risk
Policy SDCC3 - Sustainable Drainage Systems
Policy SDCC5 – Waste Management Facilities and Buffer Zones

♦ **Representation(s):**

▶	52	Objection Letters
▶	0	Support Letters
▶	0	Comment Letters

♦ **Consultation(s):**

Environmental Services

Larkhall Community Council

Stonehouse Community Council

SEPA West Region

West of Scotland Archaeology Service

Scottish Water

Roads Development Management Team

Coal Authority Planning Local Authority Liaison Dept

Roads Flood Risk Management

Countryside and Greenspace

Planning Application Report

1 Application Site

- 1.1 The application site is located at Dovesdale Farm which is located 1.5 km southeast of Stonehouse and 4 km south of Larkhall on the west side of Carlisle Road (B7078). The M74 motorway is located approximately 750m to the east of the site with the Canderside junction some 2km north of the site. The application area is located adjacent to the applicant's existing business activities which include a haulage business (an operational building and associated lorry and car parking area) and a shed structure which is utilised for the storage of salt etc, and which also houses a waste transfer facility.
- 1.2 The application site itself is a former quarry that extends to approximately 17.10 hectares. The majority of it (14.37 hectares) is an active infilling operation with parts of the infill completed and the land restored. The remainder has not been the subject of infilling. The site also contains recycling facilities for certain types of waste material. Access to the Dovesdale Farm facility (including both the operations described in 1.1 and the infilling site) is gained via a private road leading from the B7078; the internal road serves no other properties.

2 Proposal(s)

- 2.1 The application proposals involve two elements. Firstly, the applicant is seeking to amend condition 2 of planning permission which imposed a time limit upon the existing infill and recycling facility. It states

All operations authorised or required by this permission shall cease, and all plant, machinery equipment, structures and buildings shall be removed, and the site restored in accordance with the conditions of this permission not later than 10 years from the date of this permission, unless otherwise approved in writing by the Council as Planning Authority.

- 2.2 The Planning Permission was granted on 11 May 2011 and therefore expired on 10 May 2021. The application was made in good time on 24 November 2020 but a decision has been delayed as a result of the inability of SEPA to respond to the consultation request following the cyber attack on their IT systems.
- 2.3 In support of this part of the application the applicants have stated that input into the existing consented infill facility has averaged approximately 50,000 tonnes per annum over a number of years. This is a much-reduced rate due to the increased recycling of materials brought to the site. A review of current capacity indicates that, at historic rates of infill, it would take approximately 6 years to achieve the approved restoration contours for the site based on these rates.
- 2.4 The second part of the proposals involves an extension of the infilling operations into another part of the former quarry. At the time of the first application for the existing site this part of the quarry was in third party ownership and so was not included in that application or subsequent ones. The applicants have recently acquired the landholding to the south of their Dovesdale Facility. It is proposed, therefore, to extend the infill area to incorporate the remaining section of the old unrestored quarry. In extending the infill facility boundary additional capacity is also achieved within the existing site. This would result in an estimated 492,000m³ of infill capacity being available within the boundary of the currently approved infill site which would equate to approximately 20 years capacity. The southern extension would provide a further capacity of 397,000m³, which would equate to approximately 16 years of infill at the anticipated rate of 50,000 tonnes per annum (25,000m³ per annum). Accordingly, planning

permission is now sought for a period of 36 years. The site would continue to operate on a phased basis and would be subject to progressive restoration to agricultural use in order to minimise the area of land in use at any point in time. In addition, recycling activities will continue as at present.

3 Background

3.1 National Policy

3.1.1 National Planning Framework 3 (NPF3) June 2014 sets out the long term vision for the development of Scotland and is the spatial expression of the Scottish Government's Economic Strategy. It has a focus on supporting sustainable economic growth which respects the quality of the environment, place and life in Scotland and the transition to a low carbon economy. The framework sets out strategic outcomes aimed at supporting the vision – a successful, sustainable place, a low carbon place, a natural, resilient place and a connected place. NPF 3 recognizes that waste can be considered a resource rather than a burden. NPF3 states that it expects Planning Authorities to work with the market to identify viable solutions to create a decentralised network of waste processing facilities and, through effective waste management, create a sustainable legacy for future generations.

3.1.2 Scottish Planning Policy (SPP) December 2020 sets out a series of policy principles for achieving the zero waste policy Scotland has adopted through the National Zero Waste Plan 2010 (ZWP). SPP promotes the delivery of waste infrastructure at appropriate locations and waste management should be prioritised through the Scottish Government's waste hierarchy. The hierarchy is: waste prevention, reuse, recycling, energy recovery and waste disposal.

3.2 Development Plan

3.2.1 Development Plan Status

3.2.2 The approved Glasgow and the Clyde Valley Strategic Development Plan 2017 (GCVSDP) is a strategic plan with a strong focus on future growth. It has a broad spatial framework and a lesser focus on detailed area/site specific policy criteria. Nonetheless, the GCVSDP recognises its position within the Development Plan process relative to development management. As such, Policy 11 reiterates the Scottish Government's waste hierarchy of prevention, reuse, recycling, energy recovery and waste disposal. It is considered that the proposals are in line with the GCVSDP's strategic level waste policy and, therefore, there is no further requirement to be assessed against this Strategic Plan.

3.2.3 On 17 August 2020, the Directorate for Planning and Environmental Appeals issued its report of the Examination of SLLDP2 and a number of modifications to the plan were recommended. At the Planning Committee on 1 December 2020 members agreed to the approval of all of the modifications; the publication and public deposit of the Plan, as modified; and the submission of the Plan to Scottish Ministers. SLLDP2 was formally adopted on 9 April 2021 and now supersedes the former Local Development Plan. In this regard the application site and associated proposal is affected by the following policies contained in SLLDP2:

Volume 1

- Policy 1 Spatial Strategy
- Policy 2 Climate Change
- Policy 4 Green Belt and Rural Area
- Policy 5 Development Management and Placemaking
- Policy 14 Natural and Historic Environment
- Policy 15 Travel and Transport
- Policy 16 Water Environment and Flooding
- Policy 17 Waste

Volume 2

- Policy SDCC2 - Flood Risk
- Policy SDCC3 - Sustainable Drainage Systems
- Policy SDCC5 – Waste Management Facilities and Buffer Zones
- Policy MIN8 – Aggregate Recycling

3.3 Planning Background

3.3.1 The current proposals fall within the definition of a Major development and as such the applicant was required to carry out statutory pre-application consultation (PAC). The applicant has submitted a Pre-Application Consultation report outlining the nature of the consultation and any responses received. This consultation and report meet the requirements for public consultation as part of any Major development.

3.3.2 Due to the nature of the proposals an Environmental Impact Assessment (EIA) Screening Request (Ref: P/20/0560) was submitted to ascertain whether the proposals constituted EIA development. It was considered that they did not constitute EIA Development.

3.3.3 Planning permission for the infilling of the quarry was originally granted in 1994 (HN/94/0075). A further application HN/96/H452 was granted for an amendment of the original consent to extend the time period for the quarry infilling operations, the type of material brought to the site and hours of operation. This was approved in May 1997. Subsequent amendments to all three consents have been approved, namely HM/00/0128 to allow limited green waste to be brought to the site on Sundays and under HM/05/0018 to permit an increase in the number of vehicles operating from the site.

3.3.4 An application (HM/08/0667) which sought to renew and consolidate the previous planning consents relating to the larger site, was approved in 2011. This is the current permission that is due to expire this year.

3.3.5 The current application site is located adjacent to the existing Dovesdale Farm complex which has several planning permissions. This includes

- Relocation of the haulage business (HM/96/H248)
- Erection of an asphalt plant with associated shed and yard (HM/09/0238).
- Extension to shed to be used for waste reception and transfer (HM/15/0489). The consent allows 1,200 square metres of the shed to be used for the waste transfer. This permitted use allows for non-hazardous waste to be brought into the site to be bulk batched for exportation via HGV to an off-site energy recovery centre.
- Further extension to the shed (HM/16/0250 and then P/18/0911)

It should be noted that these waste operations are not related to the current application site which deals solely with inert building waste and not municipal refuse.

3.3.6 Planning permission was granted in 2011 for the construction and operation of a waste sorting and resource recovery facility with the capacity to process up to 150,000 tonnes of waste per annum (Ref: HM/10/0345). This development is not associated with any of the current infill operations associated with the current application and is a standalone, separate permission.

- 3.3.7 A public consultation exercise has been carried out recently (P/21/0001/PAN) for the construction of an Energy Recovery Facility on a site in close proximity to the current application site. A formal planning application has not yet been submitted following this public consultation exercise.

4 Consultation(s)

- 4.1 **Roads and Transportation Services (Development Management)** – note that there is no proposed increase in daily trip rates proposed as part of the proposals and therefore are satisfied that there will not be any significant impact upon the road network. Request that all previous roads conditions are attached to any new permission if issued.

Response: Noted and all previous conditions form part of the recommended suite of conditions contained within the paper apart.

- 4.2 **West of Scotland Archaeology Service (WOSAS)** – note that the land within the application site has suffered from historical disturbance through the 19th and early 20th century quarrying and therefore do not consider a programme of archaeological works to be required in this instance.

Response: Noted.

- 4.3 **Environmental Services** – have no objections subject to the replication of all previous conditions relating to noise and dust.

Response: Noted and all previous conditions form part of the recommended suite of conditions contained within the paper apart.

- 4.4 **SEPA** – The existing facility is regulated under permit PPC/A/1010943. Whilst an application to vary this permit is yet to be submitted, we are satisfied that what is proposed is potentially consentable. In terms of the detailed proposals, SEPA has no objections, but they recommend that the current slope proposal (section D-D and E-E of the drawing 7260B-03 REV C (dated 11 February 2020)) should be amended to bring the lower slope excavation closer to the Loch Mor.

Response: Noted and a condition requiring amended slope proposals forms part of the recommendation. The PPC Regime is separate to Planning Permission, but it is noted that SEPA state that a permit for the proposals is potentially consentable.

- 4.5 **The Coal Authority** – have no objections to the proposals subject to their standard informative be placed on any planning decision notice if granted.

Response: Noted and should planning permission be granted it would contain the standard informative.

- 4.6 The following consultees had no comments to make on the proposals:-

Roads and Transportation (Flood Risk)
Countryside and Greenspace
Scottish Water
Stonehouse Community Council
Larkhall Community Council

5 Representation(s)

- 5.1 The proposal was publicised as an application requiring advertisement due to the non-notification of neighbours and as a Schedule 3 (Bad Neighbour) development in the Hamilton Advertiser on 10 December 2020. Following this advertisement and the carrying out of neighbour notification 52 letters of objection have been submitted the grounds of which are summarised as follows:-

- a) **The application site is within the Green Belt.**
Response: A detailed assessment of the principle of the development within the Green Belt is carried out in 6.4 below.
- b) **Impact on road network and increase in traffic**
Response: The proposals would not result in an increase in the amount of daily HGV movements to and from the site. Whilst a 36 year lifespan is proposed as noted in 4.1 above, Roads and Transportation Services (Development Management) are content that there would be no daily impact upon the public road network.
- c) **Increase in Noise, Dust and Odour**
Response: Environmental Services are content that the current noise and dust management regimes in place on site have been successful and the application does not request any change in their management. In terms of odour, it is considered that inert, construction waste does not generate odours. It is also noted that the Council have not received any complaints relating to noise, dust or odour as the current works have progressed.
- d) **Impact on hydrology and surrounding water courses**
Response: This is assessed in 6.10 and 6.12 below.
- e) **Impact on wildlife and biodiversity**
Response: This is assessed within 6.9 and 6.10 below.
- f) **Impact on Cander Moss Site of Special Scientific Interest (SSSI)**
Response: This is assessed in 6.10 below
- g) **Visual Impact**
Response: This is assessed in 6.6 below.
- h) **Cumulative Impact of the proposals in relation to the surrounding area**
Response: As with any application, the planning assessment has taken full cognisance of the application site's location in relation to other development.
- i) **The length of time proposed for the operations and not completing the original infilling within 10 years**
Response: As noted the current operations and proposals include a recycling element of the material imported onto the site. Due to the success of being able to re-use a significant proportion of material the current infilling operations have not progressed as expected. As a result, the applicants have been unable to complete the infilling within the intended timescales. It is considered that the re-use of the material is far more sustainable than it being used as infill and reduces the need to win new minerals for construction. The 36 year period proposed reflects the realistic timescale for completing the infilling based on current rates. It is also noted that the 36 year period allows the importation rate to stay the same as that currently which minimises any additional impact the proposals may have in comparison to a request to infill at a faster rate.
- j) **Timing of application during a pandemic**
Response: The current operations were granted with a 10 year deadline to be completed this year. The application therefore had to be submitted prior to this expiring to decide the future of the operations on site and could not be held off indefinitely due to the pandemic. The Scottish Government has consistently advised planning authorities that the restrictions imposed by the pandemic

should not prevent decisions being made on planning applications in order to aid economic recovery.

k) SEPA's inability to respond

Response: SEPA have now been able to respond to the consultation request for the application as noted in 4.4 above.

l) Lack of public consultation

Response: As noted in 3.3.1 above, statutory Pre-Application public consultation was carried out prior to the submission of the application. The accompanying report showed a number of parties responded to this including Stonehouse Community Council.

m) Landfill should be being reduced not supported

Response: This application is not for municipal refuse requiring landfill disposal but is for inert construction waste to be utilised as part of the infill of a former quarry.

n) Inappropriate site for an incinerator, the burning of waste or tall chimneys

Response: These proposals do not relate to any form of energy from waste or an incinerator. No chimneys are proposed as part of these proposals

o) Impact on property values

Response: This is not a material consideration to the assessment of any planning application.

5.2 These letters are available for inspection on the planning portal.

6 Assessment and Conclusions

6.1 Under the terms of 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. In this case, the development plan comprises the approved Glasgow and the Clyde Valley Strategic Development Plan 2017 (GVCSDP) and the adopted South Lanarkshire Local Development Plan 2 2021 (SLLDP2). As noted in 3.2.2 above, the GVCSDP is a strategic document, and it is considered that a development of this nature is not of a scale that would be considered strategic. As such, it is considered unnecessary to assess this application against the GVCSDP apart from noting the proposals are in line with the GVCSDP's strategic level waste policy.

6.2 At a national planning policy level SPP Policy Principles (Para 175) states that waste is a resource and an opportunity rather than a burden and that in line with Scotland's Zero Waste Policy, this means wasting as little as possible. The proposals involve the continuation and extension of an existing infilling operation of a quarry with inert construction waste but only after all useable construction waste has been sorted for recycling in the construction industry. As a result, it is considered that the proposals are in line with the principles of SPP.

6.3 In terms of the adopted South Lanarkshire Local Development Plan 2, Policy 1 'Spatial Strategy' of the SLLDP2 states that the Plan will encourage sustainable economic growth and regeneration, protect and enhance the built and natural environment and move towards a low carbon economy and that this will be achieved, inter alia, by supporting 'development that accords with and supports the policies and proposals in the development plan and supplementary guidance.

- 6.4 The site is located within the land designated as Green Belt and the application therefore requires to be assessed under the Policy 4 'Green Belt and rural area'. This states that support will not be given for development proposals within the Green Belt, unless they relate to uses which must have a countryside location. Policy 4 recognises that there are specific circumstances where proposals may require to be located within a rural area if it can be demonstrated that there is an established need for the proposed development. In this instance the majority of the site is an existing infilling operation where the principle of this form of development has been established by planning permission dating back to the 1990s. It should be noted that the site was also identified as being in the Green Belt at that time. The southerly extension of the infill now being proposed represents a logical extension of the existing activity and involves a relatively small increase of an existing development. Accordingly, the proposals would not compromise the overall integrity of the Green Belt. The proposals are also very site specific in that the quarry is an existing feature and therefore a locational need is proven. The proposed development is therefore considered in land use terms however the overall acceptability must also meet other Policy and Development Management criteria and these issues are considered in detail further in the report.
- 6.5 Policy 2 'Climate Change' of the SLLDP2 states that proposals for new development must, where possible, seek to minimise and mitigate against the effects of climate change. The proposals include the continued sorting of inert waste for re-use within the construction industry and where this is not possible the residual material is used as part of restoring a historic quarry bowl. The proposals would not increase flood risk and there would not be an adverse impact on the water and soil environment, air quality or biodiversity. The application will eventually be restored to agricultural use which will result in significant environmental benefits. It is therefore considered that the principle of the development accords with SLLDP Policy 2 in this instance.
- 6.6 Policy 5 'Development Management and Placemaking' states that development proposals should take account of and be integrated within the local context and built form. New development should also have no significant adverse impacts on the local community. The application site and the associated activity is not visually prominent from receptors or the surrounding area. There are no views of the infilling operation from the B7078. The western slopes of the former quarry are ongoing continual restoration which includes their reprofiling and greening. In addition, the proposals will continue to be carried out in agreed phases which minimises their visual impact. The existing topography and vegetation outwith the application site also provides an element of natural screening to the proposals.
- 6.7 The existing consent includes requirements in relation to set noise levels and these would be maintained if permission is granted for this proposal. The noise levels have proven to be appropriate in ensuring that the operations do not impact upon the amenity of the wider area. No change to the existing hours of operation has been requested. The scheme requires dust management to ensure that there is no fugitive dust from the site into the surrounding area. As the scale of operations are not to be increased it is considered that the continuation of the existing dust management scheme is acceptable and ensure the proposals do not impact upon the surrounding area. It is also noted Environmental Services have not raised any concerns nor have complaints been received from members of the public.
- 6.8 Policy 14: Natural and Historic Environment provides the context for assessing all development proposals in terms of their effect on the character and amenity of the natural and built environment. This advice is supported through a range of topic specific SLLDP2 Volume 2 Policies NHE1 to NHE21 and reference to the relevant specific policy is made throughout the remainder of the assessment below.

Stonehouse Conservation area is approximately 2km from the site but there would not be an impact on the setting or enjoyment due to the intervening topography and screening and the manner in which the infilling in the future will be phased. It is considered that the proposals would not have an impact on the historic environment.

- 6.9 In terms of the natural environment, the application site does not contain any ecological designation. An Ecological Appraisal has been submitted as part of the application which notes that the site consists of the existing infilling operations and previously disturbed, quarrying land and is therefore unlikely to be of great habitat value. The Ecological Appraisal contained a Phase 1 habitat survey of the site and did not find any evidence of any protected species. It is therefore considered that the proposals would not have any impact upon any protected species.
- 6.10 Cander Moss Site of Special Scientific Interest (SSSI) is located approximately 750m to the east of the site. Cander Moss is designated as it is a remnant of formerly more extensive raised bog and is one of the best examples of raised bogs in South Lanarkshire. It is considered that given the distance of the site from this SSSI, its designation being a geological rather than wildlife related and that there is not a direct connection between the hydrology of both sites the proposals will not have any detrimental impact upon this SSSI. No objections were made by Scottish Natural Heritage (SNH) to previous applications.
- 6.11 Policy 15 Travel and Transport requires that new development does not impact upon any existing walking or cycle route and promotes sustainable travel, where at all possible. In this instance there are no walking or cycling routes affected by the proposals. The proposals would utilise the existing infrastructure. As previously noted, the proposals do not involve an increase in the daily HGV movements to and from the site
- 6.12 Policy 16 Water Environment and Flooding states that development proposals within areas of flood risk or that are detrimental to the water environment will not be supported. Policies SDCC2 Flood Risk and SDCC3 Sustainable Drainage Systems provide further detailed advice in support of Policy 16. The application site is not on a known flood plain and SEPA have not raised any objection in relation to flooding as part of their consultation response. There are no water courses running through the site, although the Cander Water does run north to south, adjacent to the western boundary of the site. As with the existing operations, it is proposed that the drainage of the site is directed eastwards to ensure it is carried away from this water course.
- 6.13 Policy 17 Waste and its supporting Policy, SDCC5 Waste Management Facilities and Buffer Zones, state that generally, the Council would direct waste management facilities either to core industrial business areas and/ or existing waste management sites. In this instance the proposals involve the continuation and extension of an existing inert waste management facility. The policy further outlines the criteria used in assessing waste proposals. These are the contribution they would make to Scotland's Zero Waste Plan, the impact they may have on communities as well as the historic and natural environment, the impact they may have on local environment effects including noise and dust, landscape and visual impact, the hours of operation and length of proposed operation, traffic impact, cumulative impact and restoration proposals for the site. It is considered that the proposals will have no significant detrimental impact upon these criteria and as such accord with this policy.
- 6.14 SLLDP2 Policy MIN8 Aggregate Recycling states that the Council will support proposals for the recycling and re-use of, among other things, mineral, demolition and construction material providing that the operations do not prejudice the reclamation or

improvement of the site; there would be no significant adverse effect on local communities or the environment; the site is not too remote from the source of the material and that the proposals will not have an adverse impact on the local road network. It is considered that, as noted above, the proposals accord with the criteria set out within this policy.

- 6.15 In conclusion, it is therefore considered that the continued use of the site as infilling to restore a former quarry in tandem with the onsite sorting and re-use of salvageable materials back into the construction industry is considered to comply with both national and local policy. The proposed extension area is considered to be acceptable as it ensures that the full extent of the historical quarry is restored. It is considered that the request for a time period of 36 years would allow the operations to continue at their current low impact levels therefore not introducing any additional impact within the amenity of the area. It is therefore recommended that planning permission be granted.

7 Reasons for Decision

- 7.1 The proposal is considered to be acceptable and would not be detrimental to the environment, amenity or road safety subject to the attached conditions. It complies with SPP, the GCVSDP and Policies 1, 2, 4, 5, 14, 15, 16, 17, SDCC2, SDCC3, SDCC5 and MIN8 of the Adopted South Lanarkshire local Development Plan 2 (2021).

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 30 July 2021

Previous references

- ◆ HM/00/0128
- ◆ HM/05/0018
- ◆ HM/08/0667
- ◆ HM/09/0238
- ◆ HM/15/0489
- ◆ HM/16/0250
- ◆ P/18/0911
- ◆ P/20/0560
- ◆ P/21/0001/PAN

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ Adopted South Lanarkshire Development Plan 2 (2021)
- ▶ Neighbour notification letter dated 27 November 2020

►	Consultations	
	Roads Development Management Team	10.12.2020
	Environmental Services	29.12.2020
	West Of Scotland Archaeology Service	01.12.2020
	Coal Authority Planning Local Authority Liaison Dept	03.12.2020
►	Representations	Dated:
	Mr John Duffy, 4 Violet Bank, Kirkmuirhill, Lanark, ML11 9YU	21.02.2021
	Mrs Julia Mathieson, 9 Overton Road, Strathaven, ML10 6JW	22.02.2021
	Mrs Clare Hunter, 100 Coalburn Road, Coalburn, ML11 0LS	22.02.2021
	Mr Mark Mitchell, 15 Differick Drive, Lanark, ML11 0BN	22.02.2021
	Mr Grant Henry, 71 The Lairs, Blackwood, Lanark, ML11 9YW	24.02.2021
	Mr Jamie Orr, 29 New Street, Stonehouse, Larkhall, ML9 3LT	21.02.2021
	Mr Graham Stewart, 17 Greenferns, Blackwood, Lanark, ML11 9XT	21.02.2021
	Mrs Carly Burns, 5 Reid Grove, Stonehouse, ML9 3LD	21.02.2021
	Mr John Burns, 5 Reid Grove, Stonehouse, Larkhall, ML9 3LD	21.02.2021
	Mr Andrew Stevenson, 22 Camnethan Street, Stonehouse, Larkhall, ML9 3NQ	21.02.2021
	Mrs Ann Marie Stevenson, 22 Camnethan Street, Stonehouse, Larkhall, ML93NQ	21.02.2021
	Ms Mandy King, 6 Rogerhill Gait, Kirkmuirhill, ML11 9XR	21.02.2021
	Mr Johnny Hamilton, 36 Southfield Road, Blackwood, ML11 9SA	21.02.2021
	Mrs Lynne MacDonald, 95 Strathaven road, Stonehouse, ML93jn	22.02.2021
	Mrs Elaine Watt, 9 Cherry Tree Drive, Blackwood, Lanarkshire, ML11 9TF	22.02.2021
	Mrs Jean McGhie, 10 Boghall St, Stonehouse, Larkhall, ML93LA	22.02.2021
	Mrs Mairi Mitchell, 15 Differick Drive, Lesmahagow, Lesmahagow, Lanark, ML11 0BN	22.02.2021
	Mrs Nicola Tweedlie, 9 Sidehead Holdings, Sidehead Road, Larkhall, ML9 3EU	22.02.2021

Mrs Joyce Mullett, 36 Lockhart Street, Stonehouse, Larkhall, ML9 3LZ	23.02.2021
Mr David Taylor, Nethan Lodge, Fence Terrace, Tillietudlem, Lanark, ML11 9PN	23.02.2021
Mrs Elizabeth Carlin, 74 Myers crescent, Uddingston, G71 7NJ	24.02.2021
Mr Drew Sharkey, 36 Burns Wynd, Stonehouse, ml9 3DU	28.02.2021
Mr Andrew Tweed, 27 Ashmore Avenue, Blackwood, Lanark, ML11 9GJ	02.03.2021
Ms Julie Drummond, 9 Norfolk Court, Blackwood, ML11 9GR	01.03.2021
Miss Sharon Montgomery, Kittymuirhill Farm, Hamilton, ML3 6XN	02.03.2021
Mr Quintin Doyle, The Old Church, Angle Street, Stonehouse, ML9 3LB	02.03.2021
Mrs Margaret Lilley, 9 Barrow Park, Blackwood, Lanark, ML11 9ZN	21.02.2021
Mrs Donna Bryson, Spittal Lodge, Stonehouse, Stonehouse, ML93PS	21.02.2021
Mrs Mei McQuade, 24 Hill Road, Stonehouse, ML9 3EA	22.02.2021
Miss June McKay, 34 Camnethan Street, Stonehouse, Larkhall, ML9 3NQ	22.02.2021
Mr Garry Brown, 65 Swinhill road, Candersidetoll, Larkhall, MI9 2tx	23.02.2021
Mr Kinloch Tweedlie, 9 Sidehead Holdings, Stonehouse, MI9 3EU	21.02.2021
Mrs Sharon Crawford, 11 Burns Wynd, Stonehouse, ML9 3DU	21.02.2021
Miss Lisa McPherson, 43 Lockhart Street, Stonehouse, MI9 3lx	21.02.2021
Mrs Laura Cook, 7 McLean Gardens, Stonehouse, MI9 3lu	21.02.2021
Mrs Melanie Aitken-McCaig, 8 Inglis Brae, Blackwood, Lanark, ML11 9GS	21.02.2021
Miss Nicola Clark, 153 Carlisle Road, Stonehouse, Larkhall, ML9 3PN	22.02.2021
Mr Robert Duncan, 1Ash Lane, Stonehouse, ML9 3RB	24.02.2021

Mrs Helen Young, 16 Spinningdale, Stonehouse, Larkhall, ML9 3QS	21.02.2021
Mr John Young, 16 Spinningdale, Stonehouse, Larkhall, South Lanarkshire, ML9 3QS	21.02.2021
Mrs Amanda Winning, Woodlea, Blackwood, Kirkmuirhill, ML11 9SY	21.02.2021
Mr David Richardson, 15 Earn Drive, Blackwood, Lanark, ML11 9SS	21.02.2021
Mrs Elizabeth Burns, 8, Reid Grove, Stonehouse, ML9 3LD	23.02.2021
Mrs Lynsey Clark, 14 Avenel Crescent, Strathaven, ML10 6JF	24.02.2021
Ms Anne McConnachie, 123 Murray Drive, Stonehouse, Larkhall, ML9 3NH	23.02.2021
Miss Jenna Chrystal, 2 Oldham Close, Blackwood, Lanarkshire, ML11 9YS	28.02.2021
Miss Cheryl-Ann Ewing, 7 Leith Avenue, Stonehouse, Larkhall, ML9 3LY	02.03.2021
Mr Les Mcluckie, 4 Dunside Way, Stonehouse, South Lanarkshire, ML9 3QA	02.03.2021
Mr Vincent Ragot, 2 Oldham Close, Blackwood, ML11 9YS	05.03.2021
Dr Heather Robertson, Broomfield Farm Cottage, Broomfield Road, Ashgill, ML9 3DH	09.03.2021
Mr Matthew Clacher, 10 Avon Crescent, Glassford, Strathaven, ML10 6TP	02.03.2021
Mr John Young, 16 Spinningdale, Stonehouse, ML93QS	01.04.2021 01.04.2021

Contact for further information

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

James Wright, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455903

Email: james.wright@southlanarkshire.gov.uk

Conditions and reasons

01. All operations authorised or required by this permission shall cease, and all plant, machinery equipment, structures and buildings shall be removed and the site restored in accordance with the conditions of this permission not later than 36 years from the date of this permission, unless otherwise approved in writing by the Council as Planning Authority.

Reason: To ensure that all operations are carried out within an acceptable timescale and to prevent prolonged disturbance to the local environment.

02. That within 3 months of the date of this decision, an amended slope proposal shall be submitted for the written approval of the Council, as Planning Authority. Once approved the slope proposal shall be implemented as such and maintained as such for the lifetime of the development, hereby approved. For the avoidance of doubt the proposed slope proposal shall be based on Figure 1 of the consultation response from SEPA dated 02.07.2021.

Reason: In order to define the terms of the consent.

03. That if, by reason of any circumstances not foreseen by the applicant, it becomes necessary or expedient during the continuance of the operations hereby approved to amend or abandon to a material extent any of the provisions contained in the various documents comprising the management plan, the applicant shall submit for the consideration of the Planning Authority an amended application and management plan, but shall adhere to and comply with the present consent until such time as the amended application and management plan have been approved.

Reason: In order that the terms of consent may be reconsidered should a change of intention become necessary.

04. Within 3 months of the date of this consent, details of a phased scheme of infilling and restoration shall be submitted to the Council as Planning Authority for approval. Following approval, operations shall be implemented in accordance with the approved scheme.

Reason: To enable the Council as Planning Authority to control operations and to monitor the site to ensure compliance with the planning permission.

05. In the event of a cessation of operations for a period exceeding 12 months at any time before operations are completed, a reinstatement and restoration scheme shall be submitted forthwith to the Council as Planning Authority for approval. The scheme shall provide revised details of final levels, restoration, capping landscaping and a timescale for the implementation of the scheme and each element within it. The approved scheme shall be carried out in accordance within a timescale to be approved.

Reason: To ensure that all operations are carried out within an acceptable timescale and to prevent prolonged disturbance to the local environment.

06. Provision shall be made at all times to ensure that the site and adjoining agricultural land is adequately drained and alternative arrangements are made for any interruption of adjacent drainage systems.
- Reason: To demonstrate that a satisfactory means of waste and surface water drainage can be achieved.
07. An annual survey of levels shall be carried out, commencing from the date of this consent. A copy of the survey shall be submitted to the Council as Planning Authority within 14 days of it being undertaken.
- Reason: To ensure the satisfactory restoration of the site.
08. That before 7.00am and after 7.00pm on Mondays to Saturdays, no tipping or recycling operations shall take place within the site and that no operations shall take place within the site on Sundays except for the receipt of green/gully waste between the hours of 11.00am and 4.00pm.
- Reason: To minimise noise disturbance to adjacent occupants.
09. That within 3 months from the date of this permission, a scheme for the control and mitigation of dust shall be submitted to and approved in writing by the Council as Planning Authority. No changes to the approved scheme shall take place unless agreed in writing by the Council as Planning Authority. The scheme shall thereafter be implemented in accordance with a programme to be agreed in writing with the Council as Planning Authority.
- Reason: In the interests of air quality and residential amenity
10. The operator shall ensure that sufficient water is maintained onsite to address the site's requirement for dust suppression.
- Reason: In the interests of air quality and dust suppression.
11. That prior to any laden road vehicle entering or leaving the site, the load shall be suitably sheeted to ensure there is no escape of materials.
- Reason: In the interests of road safety
12. That the only materials to be accepted on site shall be inert waste, road construction waste, green waste and gully waste.
- Reason: In order to define the terms of the consent
13. That the public road adjacent to the site shall be kept clear of mud or other deposited material at all times. If the carrying of material onto the public highway becomes evident, then appropriate wheel cleaning facilities shall be installed within a timescale to be agreed in writing with the council as Planning Authority.
- Reason: In the interests of road safety
14. Within one year of the date of this permission, or within such longer period as may be approved in writing by the Council as Planning Authority, a grassland agricultural aftercare scheme providing for such steps as may be necessary to bring the land to the required standard for use for agriculture shall be submitted to the Council as

Planning Authority for approval. The aftercare scheme shall be implemented as approved, or as may subsequently be approved, in writing, by the Council as Planning Authority.

The submitted scheme shall specify the steps to be taken and state the five year period during which they are to be taken and shall make provision for:-

- (i) soil analysis;
- (ii) planting;
- (iii) cultivating;
- (iv) fertilising;
- (v) watering;
- (vi) drainage;
- (vii) weed control measures;
- (viii) grazing management;
- (ix) keeping of records; and
- (x) annual meetings with representatives of the Council as Planning Authority, landowners and interested parties to review performance.

The period of agricultural/meadowland aftercare for the site or any part of it shall commence on the date of written certification by the Council as Planning Authority that the site or, as the case may be, the specified part of it, has been satisfactorily restored.

Reason: In the interests of satisfactory aftercare

15. That during operations on-site, the level of noise emanating from the site shall not exceed 55dB LAeq over any one hour period, as measured at the outside wall of the nearest residential property to the application site.

Reason: In the interests of residential amenity

16. Efficient silencers shall be fitted to, used and maintained in accordance with manufacturers' instructions on all vehicles, plant and machinery used on the site. Save for the purposes of maintenance, no machinery shall be operated with the covers open or removed.

Reason: In the interests of residential amenity

17. Reversing alarms used on plant and vehicles on the site shall be either non-audible, ambient related, or low tone devices.

Reason: In the interests of residential amenity

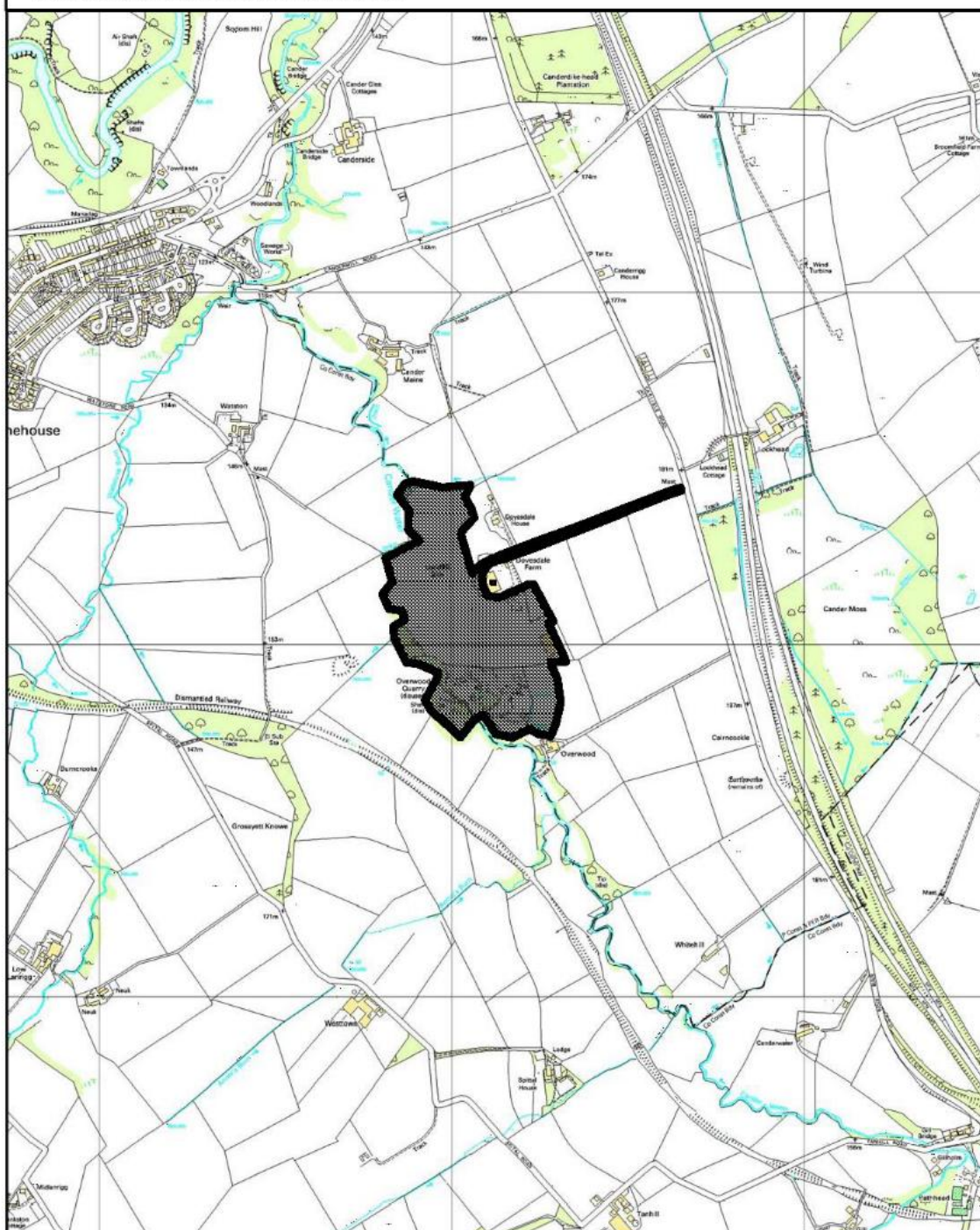
18. That within one year from the date of consent (and on that date each year thereafter, the operator shall submit to the Council as Planning Authority, an annual progress plan detailing:

- a) the extent of operations undertaken that year;
- b) Areas of infilling;
- c) Recent site survey;
- d) Current and anticipated infilling figures;
- e) Remaining volume of infill;
- f) Compliance with statutory permissions;
- g) Site logs and actions taken.

Reason: To retain effective planning control of the site.

P/20/1670

Dovesdale Farm, Carlisle Road, Stonehouse



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South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

7

Report to:	Planning Committee
Date of Meeting:	10 August 2021
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/21/0540
Planning proposal:	Installation of access gates for emergency vehicles with associated side panels and formation of associated vehicular access. (Part retrospective)

1 Summary application information

Application type:	Detailed planning application
Applicant:	Mr Allan McGill
Location:	Uddingston Cricket and Sports Club Castle Avenue Uddingston G71 7HJ

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: N/A
- ◆ Council Area/Ward: 16 Bothwell And Uddingston
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2 (adopted 2021)**
Policy 2 - Climate change
Policy 3 - General Urban Areas
Policy 5 - Development Management and Placemaking
Policy 13 - Green Network and Greenspace

◆ Representation(s):

▶	10	Objection Letters
▶	0	Support Letters
▶	0	Comment Letters

◆ **Consultation(s):**

Roads Development Management Team

Planning Application Report

1 Application Site

- 1.1 The application site is a small, rectangular shaped area of ground located within the south-west corner of the grounds of the Uddingston Cricket and Sports Club, at Castle Gate, Uddingston. The site is located within the general urban area, with modern residential properties located to the west, sports pitches to the north and east, and by landscaped areas of ground to both the south and the south-east. An established, approximately 2.5 metre high hedge screens the rugby pitch from Castle Gate, which is an access road into the adjoining residential area.

2 Proposal(s)

- 2.1 The applicant seeks detailed planning permission (part retrospective), for the installation of vehicular access gates for emergency vehicles, with associated side panels, and for the formation of an associated vehicular access over the adopted public footpath adjacent to the recently installed gates. The newly installed gates are 4 metres wide by 2.5 metres high, constructed with green, weld mesh panelling. The applicant has stated that the proposed use of the gate is for an emergency entrance and exit, identified as being a key outcome of a recent health and safety audit carried out at the club. It is not planned to be utilised as a general entrance and will be locked at all times with a keyed padlock, to prevent unauthorised use.
- 2.2 The physical changes to the development of the site comprise of the removal of an area of mature, established hedgerow along Castle Gate (approximately 7 metres) to permit the installation of the new gates, (already carried out), and for the formation of a drop kerb footway crossing, required as part of a separate Road Opening Permit application through the Council's Roads Service. There are no intentions to formalise a hardstanding parking area within the site, given the limited proposed use of the access by emergency vehicles.
- 2.3 The application is part retrospective as the applicant was unaware that the installation of the new gates would require planning permission. The Planning Service became aware of the existence of the gates following a number of phone calls and emails to the Planning Enforcement Team, following which contact was made with the Cricket and Sports Club. Notwithstanding the above, it should be noted that the new gates only require formal planning permission due to their height being over one metre above ground level.

3 Background

3.1 Local Plan Status

- 3.1.1 In this regard the application site and associated proposal is affected by the following policies contained in the adopted South Lanarkshire Local Development Plan 2:

Policy 2 – Climate Change

Policy 3 - General Urban Area

Policy 5 - Development Management and Placemaking

Policy 13 - Green network and green space

- 3.1.2 An assessment of the proposal against these specific policies is contained in Section 6 of this report.

3.2 Relevant Government Advice/Policy

- 3.2.1 Scottish Planning Policy (Revised 2020) (SPP) advises that proposals that accord with up-to-date plans should be considered acceptable in principle.

3.3 Planning Background

3.3.1 There is no recent planning history affecting the application site.

4 Consultation(s)

4.1 **Roads Development Management Team** – Advise that the general impact of the development proposed is suitable at this location. Further, there is adequate visibility from the new access onto Castle Gate. A Road Opening Permit would be required for the works onto Castle Gate (a formalised drop kerb footway crossing). Overall, they have no objection to the proposal.

Response: All noted. The applicant is aware of the need to submit a separate Road Opening Permit application.

5 Representation(s)

5.1 Statutory neighbour notification was undertaken and the proposal was advertised in the Hamilton Advertiser due to non-notification of neighbours. Ten letters of objection have been received and as a result of this publicity the grounds of objection and matters raised are summarised below:

a) **Concerns regarding a lack of consultation and notification of the application to local residents, noting that the site is adjoined by common land, owned by a number of local residents. This also raises concerns over transparency of the application process.**

Response: These concerns are noted, however the planning application has been subject to the standard levels of consultation and transparency (neighbour notification of all identifiable properties within 20 metres of the red line of the site, and an advert placed in the local newspaper for any additional non-notified neighbours). With regard to any pre application consultation of the proposed access gates between the applicant and the residents, this would be a private matter between the relevant parties and is not a material planning consideration. In terms of transparency of the handling of the application, this service is satisfied that the application has been fully assessed and considered in an open, transparent manner, and that this can be evidenced by the documentation available to view on the publicly accessible planning portal.

b) **Concerns regarding ownership of the hedge, the pavement on Castle Gate and the small area of ground between the new gates and the pavement. The applicant does not own all of the site and has not entered into an access agreement with the owners, the residents of the surrounding residential estate. In addition, it should be noted that a previous access gate was installed further along the hedge line 20 years ago, again without any access agreement and leading to legal action being taken by the local residents to prevent its use.**

Response: The applicant has confirmed on the ownership certificate that the Club own all of the application site and has provided a copy of the title deeds for the property that appear to confirm this is the case. It is noted that a number of local residents dispute the ownership position, in particular the small area between the recently installed gates and the edge of the pavement on Castle Gate, and that this is currently in the hands of lawyers, however this is essentially a private legal matter between the relevant parties that requires to be resolved. With regard to the pavement itself on Castle Gate, this is a publicly adopted footpath under the control of South Lanarkshire Council. The historic issues with the previously installed access gates are noted, however they are not material to the assessment of the current application.

- c) **Road safety, as the proposed new access is located on a dangerous corner, with limited visibility. Further, the safety of children who play on the communal landscaped area to the east of the new gates may be compromised, particularly by larger maintenance vehicles that may utilise the access. There is an existing adequate access off the main road, Castle Avenue, why can this not be used for access for emergency vehicles? If this is not suitable, an alternative, new access from Castle Avenue, on an old road through the woodland could be reinstated, avoiding the need for this new proposed access on Castle Gate?**

Response: Roads and Transportation Services have been consulted on this application and have offered no objections. With regard to the use of the existing access, this will continue to be utilised for other parts of the sports club's grounds. Finally, the potential reuse of an old access through the woodland onto Castle Avenue is also noted, however this service can only assess the details submitted by the applicant under this current application.

- d) **Concerns that the new access will be used by maintenance vehicles (an ambiguous term), and by additional non-emergency vehicles. The new access is not required for the purpose stated, noting that the rugby pitch is barely used at present and that the applicant is seeking to use the site for additional future uses, music festivals etc. If however, the application is granted, a planning condition should be placed on any approval, restricting the use of the access to emergency vehicles only, and consideration given to painting yellow lines on the adjoining affected area of road, to restrict parking by visitors/players to the club.**

Response: These concerns are noted, however, the application can only be assessed in terms of the information submitted, and not on the basis of what other potential use/purposes may be utilised by the access gates. The applicant has confirmed that the principle required use of the access will be for emergency vehicles only, following a recent health and safety audit. A restrictive planning condition may be attached to any approval Committee is minded to grant, stating that the access can only be used for emergency vehicles. With regard to the painting of yellow lines on the road, to prevent unauthorised/dangerous parking, this is an issue that can be looked at by the Council's Roads and Transportation Services, separate from the planning application assessment.

- e) **The applicant has never needed an access for emergency or maintenance vehicles at this location in the last 30 years, why is it now required? Further, the plans are marked Ex – Rugby, inferring that the use of the nearest pitch to the access is no longer active. If this is the case then the emergency access point will be further away from the sports activities within the site. Clarification of the use of the access is required, including details of all vehicles that will potentially be crossing the public footpath in front of the new gates.**

Response: As stated above, the new emergency access is required as a result of a recent health and safety audit by the club. With regard to the plans, they state Ex Rugby Pitch and Ex Cricket Pitch, inferring that this stands for existing, not ex, as in no longer required. Turning to clarification of the use of the access and associated vehicles, the width of the access gates (4 metres) and the road geometry at the access point will physically restrict the use of the access by large vehicles. Further, the applicant has stated that the access will only be used by emergency vehicles, most likely an ambulance given it's an access to a sports pitch.

- f) **The proposals will lead to increased traffic and noise, encouraging players and spectators to park on Castle Gate, creating further issues of road safety.**
Response: The new access and gates are located to the south west of the Cricket and Sports Club premises, adjacent to an area of open space/landscaping. Similar open space and landscaping adjoin the site to the south, across Castle Gate. There is a single dwelling located to the immediate west of the site, however after careful consideration it is considered that the occasional, limited use of the access for emergency vehicles will not increase traffic and noise to an unacceptable degree. With regard to road safety issues, as stated above, the Council's Roads and Transportation Services have no objections to the application.
- g) **Approval of the new access will give a "green light" to future residential use on the site behind the new gates.**
Response: Any approval of the new access proposed will in no way provide any guarantee that the site could be considered acceptable for any alternative use, including residential. Planning applications are assessed on their individual merits.
- h) **The new gates have an industrial appearance that materially damage the character of the local surrounding area. Further, it is regrettable that the loss of the area of hedge where the gates have been installed will have destroyed an area of wildlife habitat.**
Response: The new gates recently installed are of a design and colour typical of access gates to sports facilities and are not considered to be of an "industrial" appearance that detract from the character of the surrounding streetscape. With regard to the loss of wildlife habitat following the removal of part of the established hedge, this is regrettable, however the immediate surrounding area offers substantial compensatory wildlife habitat opportunities.
- i) **The existing access to the residential properties from Castle Gate is already used as an overflow car park by the Cricket and Sports Club when events are taking place. If this continues cars may park in front of the new access, preventing emergency vehicles from accessing the site.**
Response: These concerns are noted, however any required changes to the existing footpath on Castle Gate, including the provision of a formal drop kerb footway crossing, should make it obvious that the gates require to be left clear for emergency vehicle access.
- j) **The Cricket and Sports Club have shown a lack of respect for the law and the role of the Council in assessing planning applications, evidenced by a number of alleged breaches of planning control at the club.**
Response: The additional alleged breaches of planning control will be investigated by the Council's Planning Enforcement Team, and appropriate action taken. Notwithstanding this, it should also be noted that when the installation of the current access gates was drawn to the attention of the Council, the applicant promptly submitted a retrospective planning application.
- k) **The most concerning information given to numerous Castle Gate residents is the confirmation from Club Management and their contractors that this gate will be approved, regardless of Castle Gate residents' concerns, and I quote, they "have friends in the Council so it doesn't matter, it's a done deal". Further, once approved, the gate will be used for more than emergency use.**

Response: The objector's have however not provided any evidence to substantiate this claim. This application has been dealt with in an appropriate manner and due to the level of objections received it is being reported to the Planning Committee for determination in accordance with the approved scheme of delegation.

5.2 These letters are available for inspection on the planning portal.

6 Assessment and Conclusions

6.1 The applicant seeks detailed planning consent (part retrospective), for the installation of vehicular access gates for emergency vehicles, with associated side panels, and for the formation of an associated vehicular access at the Uddingston Cricket and Sports Club, Castle Gate, Uddingston. The main determining issues in assessing this proposal are whether it accords with adopted local development plan policy, its impact upon residential and visual amenity, and on road safety.

6.2 In terms of the adopted South Lanarkshire Local Development Plan 2, the relevant policies to be considered for this application are Policies 2, 3, 5 and 13. Policy 2 – Climate Change states that in order to meet Scottish Government targets relating to climate change and the reduction of greenhouse gases, any new development proposals should seek to minimise and mitigate against such effects. Proposals should ensure that they are sustainably located, avoid areas of medium to high flood risk, have no significant adverse impacts on the water and soils environment, air quality, biodiversity and blue/green networks. Policy 3 - General Urban Areas states that within urban areas and settlements proposals for uses that are ancillary to residential areas will be assessed on their individual merits, with particular regards to their effect on the amenity and character of the area. 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.

6.3 Policy 5 (Development Management and Placemaking) seeks to ensure that development takes account of and is integrated within, the local context and built form. Proposals should have no significant adverse impacts on the local community and include where appropriate measures to enhance the environment.

6.4 Policy 13 (Green Network and Greenspace) sets out the requirements in relation to proposals affecting the Green Network, Priority Greenspace and Green Infrastructure. With specific reference to the Green Network, the policy states that development proposals should safeguard the Green Network, as identified on the proposal map, and identify opportunities for enhancement and/or extension which can contribute towards:

- placemaking,
- mitigating greenhouse gases and adapting to the impacts of climate change,
- supporting biodiversity,
- enhancing health and quality of life,
- providing water management including flood storage, and buffer strips,
- development of blue-green networks using existing watercourses,
- improving air quality,
- providing areas for leisure activity,
- providing areas for allotments and community growing areas, and
- promoting active travel.

- 6.5 Following a detailed assessment of the application, it is considered that the installation of the new access gates for emergency vehicle access to the existing sports facilities within the site accord with the policies of the adopted South Lanarkshire Local Development Plan 2. In this respect, the site has been utilised as a sports facility for an extensive period and has been the subject of a recent health and safety audit which has recommended that a new access for emergency vehicles be created off Castle Gate, providing direct access to the existing rugby pitch. The proposals are considered to accord with the criteria of Policy 2 – Climate Change, in that they are sustainably located within the existing settlement, avoid areas of medium to high flood risk and have no significant impacts on the water or soils environment, on air quality or on biodiversity. The proposals will also have no significant impact upon the Green Network and, indeed, the continued use of the wider site for sports/leisure activities, enhancing health and quality of life is specifically noted as positively contributing towards enhancement of the Green Network in Policy 13 – Green Network and Greenspace.
- 6.6 With regards to the scale and design of the proposed access gates and associated side panels, it is considered that they will have no significant adverse impact upon the character or amenity of the area or upon the amenity of residents living nearby. The proposed new access would not be located immediately adjacent to any dwellings, and the use of the access to the site for occasional emergency vehicles is also considered to be unlikely to generate any significant noise or traffic issues. The proposals are therefore considered to accord with Policies 3 and 5 of the adopted South Lanarkshire Local Development Plan 2.
- 6.7 With regards to road safety, the application has been subject to consultation with the Council's Roads and Transportation Services. In response to the consultation, they have advised that the general impact of the development proposed is suitable, and there is adequate visibility from the new access onto Castle Gate. They also advise that a Road Opening Permit would be required for the works onto Castle Gate (a formalised drop kerb footway crossing) and that the Roads service would wish to support the application. A number of objectors have raised concerns that the new access will be utilised for additional, unstated purposes, and that it will result in increased traffic and road safety issues. These concerns are noted, however, the applicant has confirmed that a restrictive planning condition, stating that only emergency vehicles can utilise the access, will be acceptable.
- 6.8 In summary, following a full and detailed assessment of the proposed development, it is considered that it would have no significant adverse impact upon amenity, the character of the area, road safety or upon the Green Network. The proposals are therefore considered to be in accordance with the adopted South Lanarkshire Local Development Plan 2 (adopted April 2021). As such, the granting of planning permission is recommended.

7 Reasons for Decision

- 7.1 The proposals will have no significant adverse impact on either residential or visual amenity and comply with Policies 2, 3, 5 and 13 of the South Lanarkshire Local Development Plan 2 (adopted April 2021). Further, there are no additional material considerations which would justify refusing planning permission.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 30 July 2021

Previous references

- ◆ None

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated 23 April 2021
- ▶ Newspaper Advert, Hamilton Advertiser, 6 May 2021

- ▶ Consultations
 - Roads Development Management Team 10.05.2021
- ▶ Representations
 - Mr Alan Wilson, 3 Lairds Gate, Uddingston, G71 7HR Dated: 06.05.2021
 - Mrs Anfrances Duggan, 5 Lairds Gate, Lairds Gate, Uddingston, G71 7HR 06.05.2021
 - Mrs Maureen Blessing, 26 Lairds gate, Castle gate, Uddingston, G718sr 07.06.2021
 - Mrs Eunice McAllister, 22 Viscount Gate, Bothwell, Bothwell, G718SR 07.06.2021
 - Mr Daniel McSherry, 4 Viscount Gate, Bothwell, G71 8SR 07.06.2021
 - Mr Jonathan Pender, 5 Viscount Gate, Bothwell, Glasgow, G71 8SR 08.06.2021
 - Mrs Fiona Strang, 29 Castle Gate, Uddingston, Glasgow, G71 7HU 07.06.2021
 - Mrs Lindsey Blessing, 3 viscount gate, 3 viscount gate, Bothwell, G718sr 07.06.2021
 - Mrs Geraldine McGann, 9 Knights Gate, Bothwell, Glasgow, G71 8SS 07.06.2021
 - Mr Paul Moffat, 3 Marquis Gate, Uddingston, Glasgow, South Lanarkshire, G71 7HY 22.04.2021

Contact for further information

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

Stuart Ramsay, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB
Phone: 01698 453601
Email: stuart.ramsay@southlanarkshire.gov.uk

Detailed planning application

Paper apart – Application number: P/21/0540

Conditions and reasons

01. That the use of new access gates and associated vehicular access hereby approved shall be solely for the purpose of emergency vehicles, and for no other type of activity without the prior written approval of the Council as Planning and Roads Authority.

Reason: In the interests of amenity and road safety.

02. That for the avoidance of doubt the access gates hereby approved shall only open inwards, into the grounds of the Cricket and Sports Club.

Reason: In the interests of road safety.

P/21/0540

Uddingston Cricket and Sports Club



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South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

8

Report to:	Planning Committee
Date of Meeting:	10 August 2021
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/21/0054
Planning proposal:	Change of use of site of demolished sports centre to a raised bed growing area with associated alterations including the installation of storage containers, boundary fencing, ground level changes and an access ramp

1 Summary application information

Application type:	Detailed planning application
Applicant:	South Lanarkshire Council
Location:	Site of Former Burnhill Sports Centre Toryglen Road Rutherglen Glasgow South Lanarkshire

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: N/A
 - ♦ Council Area/Ward: 12 Rutherglen Central and North
 - ♦ Policy Reference(s): **South Lanarkshire Local Development Plan 2 (adopted 2021)**
Policy 3 - General urban areas
Policy 5 - Development management and placemaking
Policy 13 - Green network and green space
Policy DM1 - New Development Design
- Development Management, Placemaking and Design Supplementary Guidance (2015)**
Green Networks and Greenspaces Supplementary Guidance (2015)

◆ **Representation(s):**

▶	9	Objection Letters
▶	0	Support Letters
▶	2	Comment Letters

◆ **Consultation(s):**

Roads Development Management Team

Environmental Services

Estates Services - Housing and Technical Resources

Planning Application Report

1 Application Site

- 1.1 The application site is the site of the former Burnhill Sports Centre, Toryglen Road, Rutherglen. The sports centre was closed and demolished several years ago, however the foundation, concrete floor slab and car park have been left in place. The site is located within the general urban area, with residential properties located to the south of the site and football pitches to the north and west, with the car park serving the football grounds located to the east. The site is also located within the designated Green Network.

2 Proposal(s)

- 2.1 The proposal involves the re-use of the site to form a raised bed growing area, which it is understood would be managed by the Council on a similar basis to allotment sites. Council residents would be able to apply to rent the use of raised beds to grow food, in the same way that applications can be made for allotments.
- 2.2 In terms of the proposed physical development of the site, as the site is in an area of potential ground contamination the food growing area would be designed to sit on top of the existing retained concrete slab, with a liner and stones used to level the site and provide additional distance from the ground. The food growing area would comprise mainly of raised beds, with two containers located within the site to act as storage for equipment and materials. A small seating area and composting bay are also proposed, together with a portable toilet. A rainwater collection system would be implemented to provide safe water for use on the site.
- 2.3 The existing boundary fencing would remain and be replaced as required to enclose the whole site, together with the existing front pedestrian and vehicular gates. The car park would remain available for use by those maintaining a raised bed, and access up to the growing area would be via the existing access ramp, which would be altered and finished to meet current access standards.

3 Background

3.1 Local Plan Status

- 3.1.1 In this regard the application site and associated proposal is affected by the following policies contained in the adopted South Lanarkshire Local Development Plan 2:

Policy 3 - General Urban Area

Policy 5 - Development Management and Placemaking

Policy 13 - Green network and green space

Policy DM1 - New Development Design

- 3.1.2 An assessment of the proposal against these specific policies is contained in Section 6 of this report.

3.2 Relevant Government Advice/Policy

- 3.2.1 Scottish Planning Policy (Revised 2020) (SPP) advises that proposals that accord with up-to-date plans should be considered acceptable in principle.
- 3.2.2 Under the Community Empowerment Act (Scotland) 2015, the Local Authority has a duty to provide allotment sites which can include raised beds as in this instance.

3.3 Planning Background

- 3.3.1 There is no recent planning history pertaining to this vacant site.

4 Consultation(s)

- 4.1 **Roads Development Management Team** – The existing car parking spaces would need to be reconfigured so that they could function effectively. This would result in the loss of a few spaces, but this would be acceptable at this location. A condition should be included relating to the reconfiguration of the car park.

Response: Noted. These requirements can be addressed through the use of a planning condition, if appropriate.

- 4.2 **Environmental Services** – The site is on the Environmental Protection Service's priorities list of potential contaminated land sites. A contamination action plan should be prepared in advance of works commencing on site and a report detailing the measures put in place to break the possible contamination pathway should be provided. Details of the drainage arrangements and their ongoing maintenance should also be provided, to ensure that on-site contamination is not mobilised and new pollution pathways are not created. In addition, details of the storage and collection of waste should be provided before works commence on site. Finally, a noise assessment should be undertaken to determine the impact of noise from the proposed development on nearby dwellings and any other noise sensitive premises.

Response: Noted. A report has been provided by the applicant detailing the measures put in place to break the possible contamination pathway and the composition of the site assists with this as the foundations and floor slab of the former sports centre remain in place and are not intended to be removed as part of the development. A condition can be imposed on any consent to ensure that the measures noted in the report are implemented on site. Information on the sustainable drainage system proposed has also been provided, and together with the rest of this site, this would be managed by the applicant alongside the Council's other allotments and raised bed sites.

With regards to the noise assessment, it is considered that the use of the site as a community growing area is unlikely to generate any significant amount of noise, particularly in relation to the noise generated from the use of the adjacent football pitches, or significant noise during unsociable hours. As such, it is considered that a noise assessment would not be required in this instance. The other matters raised can be controlled by suitably worded conditions and advisory notes, as appropriate.

- 4.3 **Estates Services – Housing and Technical Resources** – No objections.

Response: Noted.

5 Representation(s)

- 5.1 Statutory neighbour notification was undertaken and the proposal was further advertised in the local press. Nine letters of objection and two letters of comment have been received as a result of this publicity and the grounds of objection and matters raised are summarised below:

- a) **Concerns regarding a lack of consultation with the local community. Concerns that a decision was made without asking local people how they feel about the idea. A suggestion has been made that Council representatives arrange to meet with local residents to discuss the application to bring the community on-board and possibly provide local residents with a sense of 'ownership' of the site.**

Response: These comments are noted, however the planning application has been subject to the standard levels of consultation (neighbour notification of properties close to the site and an advert in local newspaper). It is understood that some would have liked additional pre-planning consultation when proposals for the space were being developed, but this is separate to the

planning process, and this is not a material planning consideration. In addition, with regards to the option for a meeting with local residents, current coronavirus legislation makes the holding of physical meetings more challenging at this time. It is considered that the standard methods of consultation on the planning application were sufficient in this instance.

- b) **Concerns regarding parking and increasing traffic on an already busy street. Toryglen Road is already very busy, and on football match days many residents find it difficult to park. The development will contribute to the parking issues. The community has already been advocating for speed bumps or speed cameras in the area.**

Response: Roads and Transportation Services have been consulted on this application and have offered no objections to the proposal. The site does not appear to be of a scale that would result in significant additional traffic or parking in the area. Colleagues in Roads and Transportation Services would assess the need for any traffic calming or speed cameras in the wider area.

- c) **The current site is an eyesore or health and safety issue, and that any sort of improvement can only be a good thing.**

Response: Noted. The site is fenced off and it is not considered to be any significant health and safety risk, but it is agreed that redevelopment of the site would improve its appearance.

- d) **How will the community allotment benefit the people of Burnhill? How will they be looked after? People in the area should be able to use the site free of charge as there are many people in flats with no gardens.**

Response: It is understood that the site would be managed by the Council alongside other allotment and raised bed sites across South Lanarkshire, with local residents being able to apply for a raised bed if desired. There is a set fee for renting a raised bed, however this is not a material planning consideration. A further benefit to the area would be the redevelopment of the currently vacant site and the improvement to its appearance.

- e) **Concerns that the site should be used for community use. The community should get to decide what is best for this space as it is in their neighbourhood. The space should be used for containers for storage purposes by the residents of Burnhill or for a kids play park.**

Response: It is noted that there are other potential ways to develop this site, however when a planning application is submitted an assessment of that proposal requires to be undertaken. As part of the assessment of any planning application, people can make their views known via the submission of a letter of representation and the contents of these letters are taken into consideration as part of the assessment of the proposal.

- f) **Concerns that the land is contaminated as the concrete foundations and floor slab from the former Sports Centre were left in place. How will this be managed?**

Response: The site is potentially contaminated and the proposal has therefore been carefully designed to avoid contamination pathways. The existing foundations and floor slab would remain in place and food would only be grown in raised beds, separated from the surrounding land. A contamination action plan has been submitted to detail the precautions.

- g) **Concerns regarding anti-social behaviour, that people may break into the site and injure themselves falling from the storage containers.**

Response: The site would be appropriately fenced to stop unauthorised access to the site. The Police would be able to investigate any instances of anti-social behaviour in the area.

5.2 These letters are available for inspection on the planning portal.

6 Assessment and Conclusions

6.1 The applicant seeks detailed planning consent for the change of use of the site of the demolished Burnhill Sports Centre, Toryglen Road, Rutherglen, to form a raised bed growing area with associated alterations. The main determining issues in assessing this proposal are whether it accords with adopted local development plan policy and its impact upon residential and visual amenity.

6.2 In terms of the adopted South Lanarkshire Local Development Plan 2, the relevant policies to be considered for this application are Policies 3, 5 and DM2. Policy 3 (General Urban Area) states that within urban areas and settlements residential developments will generally be acceptable, and proposals for uses ancillary to residential areas will be assessed on their individual merits, with particular regards to their effect on the amenity and character of the area. 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.

6.3 Policy 5 (Development Management and Placemaking) seeks to ensure that development takes account of and is integrated within, the local context and built form. Proposals should have no significant adverse impacts on the local community and include where appropriate measures to enhance the environment.

6.4 Policy 13 (Green Network and Greenspace) sets out the requirements in relation to proposals affecting the Green Network, Priority Greenspace and Green Infrastructure. With specific reference to the Green Network, the policy states that development proposals should safeguard the Green Network, as identified on the proposal map, and identify opportunities for enhancement and/or extension which can contribute towards:

- placemaking,
- mitigating greenhouse gases and adapting to the impacts of climate change,
- supporting biodiversity,
- enhancing health and quality of life,
- providing water management including flood storage, and buffer strips,
- development of blue-green networks using existing watercourses,
- improving air quality,
- providing areas for leisure activity,
- providing areas for allotments and community growing areas, and
- promoting active travel.

6.5 Finally, Policy DM1 (New Development Design) states that new development will require to promote quality and sustainability and should enhance and make a positive contribution to the character and appearance of the environment. New developments will require to:-

- Respect the local context and be appropriate to the character and topography of the site in terms of layout, scale, proportion, massing and appearance.
- Be of a high quality design which is sympathetic to local traditions of form, detailing and materials.

- Ensure that any archaeological, built heritage, landscape features and natural conservation interests on or adjacent to the site are identified and incorporated into the overall layout and design, with appropriate measures taken to enhance and/or protect the setting of these features.
- Address sustainable development issues including the incorporation of energy efficient designs and layouts, the re-use/recycling of materials, water and waste, and the use of alternative energy sources.
- Incorporate the use of sustainable drainage systems (SUDs).

- 6.6 The use of the site as a raised bed growing area is considered to be generally acceptable. In this respect, the site has been vacant for some time and, given the ground contamination concerns, the base layers of the former sports centre and car park have required to be retained. The proposed development will contribute positively to the visual amenity and character of the area by covering the remaining concrete foundations and floor slab and forming a new raised bed growing area on this site, thereby bringing the site back into productive use. The proposal will have no significant impact upon the Green Network and, indeed, the use of the site for community growing areas and allotments is specifically noted as positively contributing towards the Green Network in Policy 13.
- 6.7 With regards to the size, scale and design of the proposed development, I am content that it will have no significant adverse impact upon the character or amenity of the area or upon the amenity of residents living near. The proposed site would not be located immediately adjacent to any dwellings, and the only structures proposed for the site would be the two storage containers and the portable WC. The overall site would be a significant visual improvement upon the existing situation and the structures proposed would not result in any loss of amenity to local residents. The use of the site as a raised bed growing area is also considered to be unlikely to generate any significant noise or noise at unsociable hours, and it would be managed by the Council alongside its other allotments and raised bed sites, with those renting the raised beds required to follow the site rules.
- 6.8 With regards to public safety, the site has been designed to avoid any ground contamination coming into contact with the raised bed growing area and it would make use of a carefully designed sustainable drainage and rainwater collection system to provide safe and usable water for use on the site. A carefully designed composting bay would also form part of the proposal. Suitable conditions can be used to ensure that these measures are implemented and retained. In addition, the existing vehicular access and car park will be retained, albeit with the car park reconfigured to create usable parking spaces for modern vehicles. The parking layout can be controlled by a suitable condition. The level of traffic and parking that would be expected would not be of a level that would be likely to impact upon public safety. Finally, the existing access ramp would be altered to meet modern access standards for all up to the growing area. As such, the proposal is considered to comply with the relevant policies of the adopted Local Development Plan 2.
- 6.9 In summary, following a full and detailed assessment of the proposed development, it is considered that it would have no significant adverse impact upon amenity, the character of the area, public safety or upon the Green Network and that it is in accordance with the adopted South Lanarkshire Local Development Plan 2 (2021). As such, the granting of planning permission is recommended.

7 Reasons for Decision

- 7.1 The proposal will have no significant adverse impact upon amenity, the Green Network or public safety and it complies with the relevant policies of the adopted South Lanarkshire Local Development Plan 2 (2021) (Policies 3, 5, 13 and DM1).

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 15 July 2021

Previous references

- ◆ None

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Development Management, Placemaking and Design Supplementary Guidance (2015)
- ▶ Green Networks and Greenspaces Supplementary Guidance (2015)
- ▶ Neighbour notification letter dated 27 January 2021
- ▶ Newspaper Advert, Rutherglen Reformer dated 03 February 2021
- ▶ Contamination Action Plan and Report, South Lanarkshire Council dated 9 June 2021
- ▶ Correspondence with applicant, various dates

- ▶ Consultations

Roads Development Management Team

Dated:
22 February 2021

Environmental Services

08 March 2021

Estates Services - Housing And Technical Resources

28 January 2021

- ▶ Representations

Ms Kim Jackson, 34 Westmuir Place, Rutherglen, G73 1HF

Dated:
04 March 2021

Miss Elizabeth McDonald, 73 Toryglen Road, Glasgow, G73 1HZ

10 March 2021

Miss Jackie French, 43 Toryglen Road, Rutherglen, G73 1HZ

11 March 2021

Miss Diane Dickson, 115 Toryglen road, Rutherglen, G73 1HY

13 March 2021

Ms Patricia Elliott, 87 Toryglen Road, Glasgow, G73 1HY

10 March 2021

Mrs Margaret Kane, 105 Toryglen Road, Rutherglen South Lanarkshire, G73 1HY

11 March 2021

Miss Elizabeth Stevenson, 81 Toryglen Road, Rutherglen, Glasgow, G73 1HZ

10 March 2021

Miss Margaret Mcmillan, 85 Toryglen road, Rutherglen, G731HY 10 March 2021

Mr Tony McDonald, 18 Penman, Rutherglen, G73 1HO 11 March 2021

Mrs Lesley Colligan, 82 Pinkerton Ave, Rutherglen, Rutherglen, G73 1HT 10 March 2021

Mrs Denise Galloway, 77 Toryglen Road, Rutherglen, Glasgow, G731HZ 13 March 2021

Contact for further information

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

Andrew Muir, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455058

Email: andrew.muir2@southlanarkshire.gov.uk

Conditions and reasons

01. For the avoidance of doubt, the development shall be carried out in accordance with the approved drawings and as set out in the Contamination Action Plan and Report, dated 09 June 2021, unless otherwise agreed in writing with the Council as Planning Authority.

Reason: In the interest of public safety and in order to avoid the spread of ground contamination.

02. That, prior to the development hereby approved being completed or brought into use, a plan showing the proposed reconfiguration of the existing car park to provide functional parking spaces shall be provided for approval by the Council as Planning and Roads Authority.

Reason: In the interests of amenity and road safety.

03. That before any development commences on site, details of facilities for the storage of refuse within the site, including design, location, external finishes and access for its uplift, shall be submitted to and approved in writing by the Council as Planning Authority. No dwelling unit shall be occupied until these facilities have been provided in accordance with the approved scheme or such alternative as may be agreed in writing with the Council as Planning Authority.

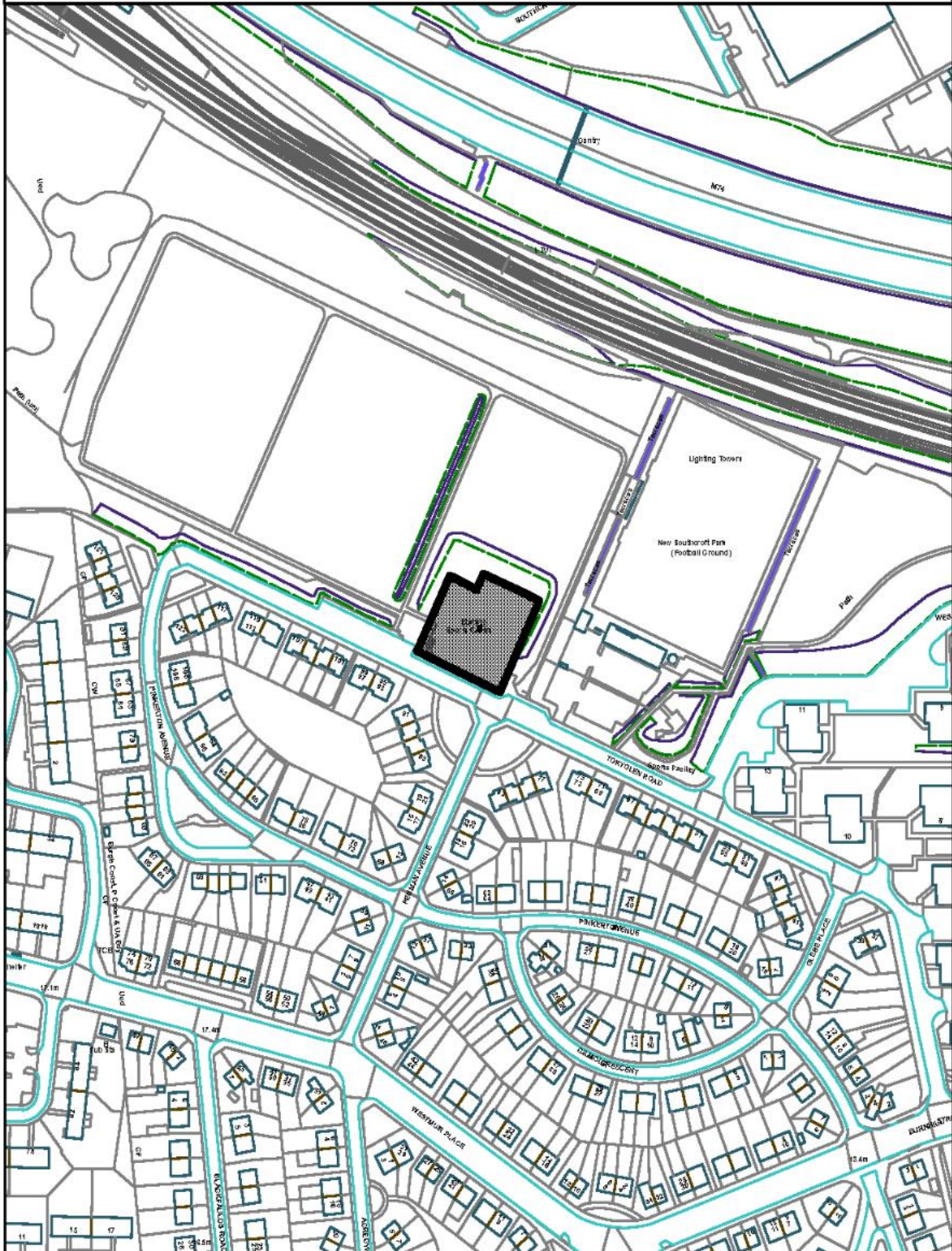
Reason: To ensure that adequate refuse arrangements are provided that do not prejudice the enjoyment of future occupiers of the development or neighbouring occupiers of their properties, to ensure that a satisfactory external appearance is achieved and to ensure that appropriate access is available to enable refuse collection.

04. 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.

P/21/0054

Site of former Burnhill Sports Centre, Toryglen Road, Rutherglen



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Scale:
1:2,500
Date:
07/07/2021



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

9

Report to:	Planning Committee
Date of Meeting:	10 August 2021
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/20/1847
Planning proposal:	Erection of residential (over 55's community) dwellings, 60 bedroom care home, associated onsite commercial centre and leisure facilities, associated roads, access, landscaping, open space, parking and supporting infrastructure (Planning Permission in Principle)

1 Summary application information

Application type:	Permission in principle
Applicant:	Lannraig Wellbeing Resort Ltd
Location:	Kersewell Mains Farm A70 From Carnwath to Boundary by Tarbrax Carnwath Lanark ML11 8LG

2 Recommendation(s)

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

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

2.2 Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application.
- (2) If planning consent is granted, the decision notice should be withheld until a Planning Obligation in respect of the following matters has been concluded between the applicant and the Council.
 - A phasing plan to ensure that the residential dwellings are built in tandem with the associated leisure resort
 - A restriction on the occupancy of the development by way of ensuring that the dwellings are restricted to at least one occupant of 55 years or more
 - A commuted sum in lieu of onsite affordable housing provision for use within the Clydesdale Housing Area
 - The provision of at least 1.5 hectares of canopy cover through compensatory tree planting
 - The provision of a shuttle bus
 - The provision of a cycle/foot path running along the northern boundary of the site

The applicant will be responsible for meeting the Council's reasonably incurred legal expenses in respect of the legal agreement and restoration guarantee quantum.

In accordance with agreed procedure, should there be no significant progress, on behalf of the applicant, towards the conclusion of the Legal Agreement 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 Legal Agreement, 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 Legal Agreement.

3 Other information

- ◆ Applicant's Agent: Lesley McGrath
- ◆ Council Area/Ward: 03 Clydesdale East
- ◆ Policy Reference(s): South Lanarkshire Development Plan 2
Policy 1 Spatial Strategy
Policy 2 Climate change
Policy 4 Green Belt and Rural Area
Policy 5 Development Management and Placemaking
Policy 11 Housing
Policy 12 Affordable Housing
Policy 14 Natural and Historic Environment
Policy 15 Travel and Transport
Policy 16 Water Environment and Flooding
Policy DM1 New Development Design
Policy SDCC2 Flood risk
Policy SDCC3 Sustainable Drainage Systems
Policy DM15 Water Supply
Policy DM16 Foul Drainage and Sewerage
Policy NHE2 Archaeological Sites and Monuments

◆ Representation(s):

- | | | |
|---|----|-------------------|
| ▶ | 38 | Objection Letters |
| ▶ | 2 | Support Letters |
| ▶ | 7 | Comment Letters |

◆ Consultation(s):

Scottish Forestry Central Scotland Conservancy

Environmental Services

Countryside and Greenspace

Business Development

Scottish Water

Tarbrax Community Council

Black Mount Community Council

Carnwath Community Council

Roads Development Management Team

West of Scotland Archaeology Service

SEPA Flooding

Roads Flood Risk Management

Arboricultural Services

Nature.Scot

Housing Services

Planning Application Report

1 Application Site

- 1.1 The planning application site relates to an area of land extending to approximately 42.14 hectares. It comprises a mixture of established woodland and agricultural grazing. The northern boundary of the site comprises the A70 public road with the site being bounded to the south and west with further agricultural land. The eastern boundary is defined by an existing, unclassified road, leading from the A70 to the settlement of Kersewell, which is located directly south-east of the application site. Beyond this road to the east is further woodland and agricultural grazing.
- 1.2 The application site is located within a larger landholding owned by the applicants that currently benefits from an extant planning permission in principle for a leisure development including a golf course, hotel, leisure pool, spa and gym as well as approximately 700 holiday lodges. This larger application site, hereon referred to as the Leisure Resort, comprises the current application site and then extends eastwards to include the agricultural land and farm complex of Kersewell Mains Farm, the extent of which is defined by tree belt and rougher grazing fields which slope down to the North Medwyn River.

2 Proposal(s)

- 2.1 Planning permission in principle is sought for the erection of a residential, retirement development for over 55 year olds (described as the Pentland Villages). The residential development would comprise a mixture of approximately 300 permanent dwellings and a 60 bed care home. These residential premises would also be served by an on site commercial centre incorporating retail and café/ dining as well as resident's gym and swimming pool, library, lounge, tennis court, coffee shop, convenience store and concierge service. A new vehicular access is proposed off the A70. The site includes two extensive clearings within the woodland and the indicative site plan shows both these roundels being the main areas for development to minimise tree removal. As noted, the application is for planning permission in principle only and whilst a masterplan has been submitted it is indicative only at this stage.
- 2.2 In support of the applicants a planning statement has been submitted which states that the overall leisure and retirement village is a fresh and dynamic concept for the current health focused lifestyle market, whilst delivering environmental and economic benefits to the local area, South Lanarkshire and the wider central belt of Scotland. It would bring together the 'connecting threads' of Wellbeing, Sustainability, Community and Nature. The proposal addresses the growth in the older population with people living longer, healthier lives and reflects the move towards inclusive multi-generational developments. The Lannraig Community & Resort comprises 3 main 'sectors' ie Pentland Villages which will create the 'Community' at the heart of the Resort which also reflects recent trends that successful resorts are based around 'full-time' residents rather than transient visitors. Secondly the Family Resort comprising 400 lodges designed and sympathetic to the surroundings along with a 200 bed hotel. The resort will be set around a central hub, with the commercial and amenity centre offering an emphasis on family experiences. Finally, the Wellness & Golf Sector comprising a spa and thermal suite, golf course and an Integrated Medical Wellness Centre. The proposals do not involve the provision of mainstream housing and the applicant proposes that there would be restrictions on the age of any occupant for it to be classified as "retirement living".
- 2.3 As well as the indicative masterplan, the application is supported by a suite of technical documents to inform consideration of the proposals. These include a Design and Access Statement, Ecological Surveys and Assessments including Arboriculture

3 Background

3.1 National Policy

3.1.1 National Planning Framework 3 (NPF3) June 2014 identifies 4 primary outcomes for the long-term spatial development of Scotland:

- A successful sustainable place
- A low carbon place
- A natural resilient place
- A connected place

3.1.2 Scottish Planning Policy advises that the planning system is about where development should happen, where it should not and how it would interact with its surroundings. Proposals should, inter alia, take a positive approach to sustainable and high-quality development and make efficient use of land to deliver long-term benefits for the public whilst protecting and enhancing natural and cultural resources and the wider environment. The planning system should, in all rural areas, promote a pattern of development that is appropriate to the character of that particular area, encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality. Further, SPP advises the planning system should enable the development of attractive, well designed, energy efficient, good quality housing that contributes to the creation of successful and sustainable places and allocate a generous supply of land to meet identified housing requirements across all tenures.

3.2 Development Plan Status

3.2.1 Under the terms of 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. In this case, the development plan comprises the approved Glasgow and the Clyde Valley Strategic Development Plan 2017 (GVCSDP) and the adopted South Lanarkshire Local Development Plan 2 (SLLDP2) 2021.

3.2.2 The proposed development requires to be considered against the Glasgow and Clyde Valley Strategic Development Plan 2017 (GCVSDP). This strategic plan sets a vision of making the Clydeplan region a resilient, sustainable, compact city region attracting and retaining investment and improving the quality of life for people and reducing inequalities through the creation of a place which maximises its economic, social and environmental assets and fulfils its potential by 2036. The GCVSDP acknowledges the role housing plays in the overall economic, social and environmental success of the city region and recognises that house building delivers wider benefits to society through employment creation and benefits to local community facilities.

3.2.3 On 17 August 2020, the Directorate for Planning and Environmental Appeals issued its report of the Examination of SLLDP2 and a number of modifications to the plan were recommended. At the Planning Committee on 1 December 2020 members agreed to the approval of all of the modifications; the publication and public deposit of the Plan, as modified; and the submission of the Plan to Scottish Ministers. SLLDP2 was formally adopted on 9 April 2021. In this regard the application site and associated proposal is affected by the following policies contained in SLLDP2:

Policy 1 Spatial Strategy
Policy 2 Climate change
Policy 4 Green Belt and Rural Area
Policy 5 Development Management and Placemaking
Policy 11 Housing
Policy 12 Affordable Housing
Policy 14 Natural and Historic Environment
Policy 15 Travel and Transport
Policy 16 Water Environment and Flooding
Policy DM1 New Development Design
Policy SDCC2 Flood risk
Policy SDCC3 Sustainable Drainage Systems
Policy DM15 Water Supply
Policy DM16 Foul Drainage and Sewerage
Policy NHE2 Archaeological Sites and Monuments

3.3 Planning Background

- 3.3.1 The proposals involve a major development as the site area is over 2 hectares in size and therefore the applicant was required to carry out statutory pre-application consultation (Planning Ref: P/20/0011/PAN). A Pre-Application Consultation Report has been submitted as part of this application.
- 3.3.2 Due to the scale and nature of the application, an Environmental Impact Assessment (EIA) screening was carried out prior to the application being submitted (Planning Ref: P/20/1069). It was assessed that the proposals did not constitute an EIA development.
- 3.3.3 The application site sits within a larger landholding extending to approximately 193 hectares on which planning permission in principle was granted in March 2011 (CL/05/0439) for a hotel, leisure, golf course and chalet development. The consent was subject to a section 75 agreement to control the phasing of the development.
- 3.3.4 A section 42 application CL/13/0455 to extend the period for the submission of matters of approval conditions attached to the Planning Permission in Principle was granted in February 2014.
- 3.3.5 A Section 42 approval CL/16/0482 was granted in February 2017 to vary Conditions 1, 2 and 7 of Consent CL/13/0455 for Leisure Resort Development to amend timescale for submission of ecological studies and surveys. Reference to ecology and habitat surveys was omitted entirely from condition 1. Condition 2 was varied to take account of potential changes to the masterplan resulting from recommendations contained in the ecological reports. In addition, condition 7 was re-worded to address this matter as a separate issue requiring the survey information to be submitted within 18 months of the date of the consent or 6 months of the date of the submission of the masterplan required by condition 1, whichever is the sooner. This was to give the applicant the necessary flexibility to carry out this work but ensure control over the development.
- 3.3.6 A further Section 42 approval (P/20/0179) was granted in May 2020 to vary condition 1 of CL/16/0482 to add a requirement for all external lighting, including floodlighting and street lighting to be a matter specified by condition (MSC) and requiring to be addressed through any said further MSC application(s). This permission in principle is the extant planning permission that is currently in place on the larger site and referred to as the Leisure Resort.

4 Consultation(s)

4.1 **Roads and Transportation Services (Development Management)** – Access to the development is proposed to be via a newly formed ghost island junction off the A70. This arrangement is in keeping with the previously approved access arrangements to the wider Leisure Resort and is acceptable in principle providing design standards can be met. Information has been provided to demonstrate that the design of the ghost island junction generally meets the design standards. In terms of visibility the appropriate visibility of 4.5mx215m has been identified and shown on the submitted plans. This visibility is shown to be achievable with site clearance and alterations to road levels as a result of the construction of the access road and the ghost island junction. The applicant has provided a Stage 1 Road Safety Audit for the proposed junction. In response a series of recommendations have been suggested in relation to signage, speed limits and pedestrian facilities and they have been accepted by the applicants.

The initial length of the internal access road should be 7.3m in width to provide resilience in the event of emergencies / road works being undertaken as this is the sole access point. Public Utilities must be installed in a manner that will allow future access to them without the need to close the road. This will be agreed at the Road Construction Consent stage. To ensure emergency access can be provided to the development a cycleway which can also be used as an emergency access should be provided. The remainder of the internal roads are to be designed in accordance with Designing Streets and the National Roads Development Guide (NRDG).

Constraints along the A70 mean that the applicant is unable to deliver a cycleway which conforms to Cycle by Design along the A70. As a result the applicant has undertaken discussions with neighbouring land owners and has agreement in principle to create a cycleway conforming to Cycle by Design on their land. This cycleway would be adopted by South Lanarkshire Council and run largely parallel with the A70.

Hourly bus services have been identified in Carnwath which link to Lanark Bus Station and Carstairs Railway Station. The provision of the dedicated cycleway from the development to Carnwath would make the use of these services more likely. The applicant has also submitted a Bus Service Strategy (20118Rep01 – Bus Service Strategy) detailing the applicants' proposals to provide a shuttle bus service to both the wellbeing resort and the retirement village. The Strategy is acceptable and should be implemented prior to any occupation of dwellings to ensure travel choice is available from the outset.

The Transport Assessment submitted with the application included an assessment of trips to the development by treating the residential element as standard residential opposed to retirement whilst also undertaking an updated profiling exercise on visitors to the wellbeing resort and accounting for staff. The combination of these elements result in a realistic trip generation being estimated. The junction modelling undertaken shows that the proposed site access, the A70/A721 mini-roundabout and the A70/B7016 singalised junction would operate within capacity.

Response: Noted. The Planning Obligation will include requirements in relation to the provision of the new cycle and footway and the details of the proposed bus service. Other matters will be addressed at the detailed application stage and conditions are proposed to be attached to the Permission in Principle if granted to ensure this.

4.2 **Environmental Services** – have no objections to the proposals subject to dust mitigation and details of the storage and collection of commercial waste requiring further approval. Also requested advisory notes relating to Health and Safety requirements for commercial premises, non-domestic food preparation, potential

contaminated land and construction standards for operation are added to any decision notice if issued.

Response: Noted. Appropriate conditions and advisory notes will be added to any consent if issued.

- 4.3 **Scottish Water** – have no objections to the proposals. Note that they currently have water capacity in the area to serve the development but that there is no public waste water infrastructure within the vicinity of the site and therefore the applicant may be required to investigate private treatment options.

Response: Noted. Waste water management forms part of the recommended matters specified by condition.

- 4.4 **Nature.Scot** – have no objection and note that whilst the application site is approximately 12km from a Special Protection Area and Ramsar site (Westwater SPA and Westwater Ramsar site) it is unlikely to have an impact upon the integrity of the qualifying interest of either the SPA or the Ramsar. Therefore there is no appropriate assessment required as part of the application. Also referred to general standing advice for protected species.

Response: Noted regarding the appropriate assessment. Further surveys for protected species will be required prior to any construction activity and therefore forms part of the recommended matters specified by condition.

- 4.5 **Scottish Forestry** – note that whilst 1.4ha of canopy coverage is to be removed only 1.25ha is proposed in compensation. Compensatory planting should be at least equivalent in size to the removal area. Also require further details of woodland removal and management scheme.

Response: Following this concern being raised with the applicant, compensatory planting of 1.5ha canopy cover is now proposed within the wider landholding which would be secured by a legal agreement to ensure its delivery. Woodland removal and management forms part of the recommended matters specified by condition.

- 4.6 **West of Scotland Archaeology Service (WOSAS)** – no objections to the proposals subject to a suitable archaeological condition.

Response: Noted and archaeological mitigation forms part of the recommended matters specified by condition.

- 4.7 **Countryside and Greenspace** – consider the woodland management plan should require additional detail in relation to the duration of herbicide use, Japanese Knotweed control to ensure it is only treated on site and changes the variety of tree species to be more beneficial to pollinators as well as increasing shrub layer species within the existing woodland and not just the proposed planting areas. The planning submission notes that there is a risk of garden waste dumping impacting upon the woodland if not controlled. The submission also notes that the proposed housing and gardens could be designed to provide biodiversity benefits. SUDS and swales could also be designed to incorporate biodiversity benefits. In terms of access they are content with the proposed linkages through the site. There is a potential Right of Way on third party land adjacent to the site which could be linked onto.

Response: Noted and as set out in 4.5 above, woodland removal and management forms part of the recommended matters specified by condition. It is considered that given the rural nature of the site and the applicant's commitment to sustainable development including biodiversity, it is appropriate to require biodiversity to be at the forefront of the design of the proposals and therefore a biodiversity statement forms part of the recommended matters specified by condition. An access strategy also forms part of the recommended matters specified by condition. This would include linking to all existing paths within the locale where possible.

- 4.8 **Arboriculture Services**– raised issues regarding level of compensatory planting and require further details of woodland management.

Response: The level of compensatory planting has now been increased to slightly over the 1.4ha to be removed. Woodland management and planting form part of the recommended matters specified by condition.

- 4.9 **Housing Services**– note the bespoke nature of the tenure as described above and do not consider it would be compatible with on-site provision of affordable housing. Therefore, request that a commuted sum is provided to fund affordable housing within the Clydesdale Housing Area.

Response: The affordable housing contribution forms part of the recommended legal agreement. It should be noted that the applicant is willing to provide the commuted sum as requested.

- 4.10 **Business Development**– have reviewed the Economic Assessment submitted with the application and are content that the proposals, in tandem with the Leisure Resort would bring economic benefit to the locale.

Response: Noted.

- 4.11 The following consultees had no comments to make in relation to the proposed development:

Black Mount Community Council
Carnwath Community Council
Tarbrax Community Council
SEPA Flooding
Roads Flood Risk Management

5 Representation(s)

- 5.1 The proposal was publicised as an application requiring advertisement due to the non-notification of neighbours and development which is contrary to the development plan in the Lanark Gazette on 13 January 2021. Following this publicity and the carrying out of neighbour notification, 38 letters of objection have been received. The points raised are summarised as follows:-

(a) The proposed development is contrary to the Local Development Plan including not being zoned for housing

Response: This matter is assessed in detail in Section 6 below.

(b) Impact on local infrastructure including schools, medical facilities, the public water network and Affordable Housing.

Response: Given the over 55 demographic proposed it is considered unlikely that school age dependents would be prevalent within the development. The proposed development includes quasi medical care for the residents but generally it is not considered that the development is of a scale that would impact medical provision within the area. As noted in 4.3 above, Scottish Water are content there is adequate water capacity within the area. A commuted sum towards affordable housing provision within the Clydesdale Housing Area will be a planning obligation attached to any decision if issued.

(c) Increase in traffic, impact on road and pedestrian safety

Response: Roads and Transportation (Development Management) have no objections to the proposals in terms of the impact on the wider road network and the access into the development. A new cycle and footpath link to Carnwath will

be provided and the applicants are proposing a shuttle bus intended to reduce car travel.

(d) Lack of Public Transport

Response: The applicant has proposed to provide a bus service from the development. This service would also provide public transport for staff and visitors within the Leisure Resort. It is proposed that this planning obligation is secured via a legal agreement.

(e) Loss of privacy

Response: The application is at planning permission in principle stage only and, therefore, if approved, details of window to window distances and other development management criteria would be required to be further assessed through further application(s).

(f) Noise Impact

Response: The application is at planning permission in principle stage only and, therefore, if approved, further details in relation to the noise impact of the proposals, both construction and operation, as with other detailed development management criteria would be required to be further assessed through further application(s). Environmental Services have no objections to the application.

(g) Impact on protected species and wildlife including loss of habitat and trees. Lack of sustainable development and biodiversity.

Response: Protected species surveys and a phase 1 habitat survey have been carried out. Assessment of the ecological impact is set out in section 6 below. In addition, 1.5ha of compensatory canopy is now proposed within the Leisure Resort to replace that which would be removed as part of these proposals. Biodiversity forms a matter specified by condition to ensure more sustainable development through increased biodiversity. It is also noted that there is also an extant permission to develop the site for approximately 700 lodges as part of the Leisure Resort and the principle of development on the site has been established.

(h) Japanese Knotweed on site

Response: The further approval of a suitable strategy for the on-site destruction of this invasive species forms part of the matters specified by condition which would be assessed as part of any further application(s).

(i) Impact on natural drainage of the area including increased flooding

Response: The application is for Planning Permission in Principle and therefore whilst a Drainage Impact Assessment was submitted it is considered that full details of the site's drainage will require detailed assessment through a further application(s). It is again noted that the principle of development on the site has been established by the Leisure Resort and therefore, in principle, drainage and water management have been deemed acceptable.

(j) Management of the construction

Response: A detailed construction management plan forms part of the further matters specified by condition. This would require details of the construction compounds, hours of operations and management of noise, dust and light to be submitted for approval.

- (k) Retirement and care home proposals are within an inappropriate, rural and remote location.**

Response: The proposals involve a well-being community and on-site medical facilities. It is considered that these proposals would result in residents having medical assistance nearby if required.

- (l) The proposals are of a scale that is not appropriate at this location.**

Response: The masterplan approved under the extant permission for the wider landholding identifies the application site being developed for approximately 700 lodges. The footprint of the retirement village would not exceed that of the original concept.

- (m) Impact on Historical Assets**

Response: It is considered that the proposals would have no more additional impact upon the historic environment than the lodges approved under the extant consent. A condition requiring archaeological mitigation forms part of the matters specified by condition. WoSAS have no objections to the proposals as noted in 4.6 above.

- (n) Restricting the properties to the over 55s breaches the Equalities Act**

Response: A potential breach of separate legislation is not a planning matter. Nevertheless legal advice is that a restriction of this nature is appropriate and meets the tests to be considered when preparing a Planning Obligation.

- (o) The development may take decades to be built out, similar development within the area has stalled.**

Response: To ensure the residential development is built out at the same time as the Leisure Resort, a phasing plan controlling the timing of the delivery of the retirement village in association with the carrying out of the different parts of the wider resort forms a requirement of the recommended legal agreement.

- (p) The application site provides walking routes for locals**

Response: The proposals involve connecting the application site with the Leisure Resort and join other established routes where possible. The proposals are not for a gated or secured community and all existing walking routes would remain open to members of the public.

- (q) A legal agreement should be used to ensure the proposals are restricted to over 55.**

Response: As noted in the recommendation and throughout the report, a legal agreement would be used to ensure the occupancy of the development is restricted by age.

- (r) Timing of the application prior to Christmas and within a pandemic. Adequacy of planning submission, especially the Landscape and Visual Impact Assessment.**

Response: The planning system has continued to operate as normal during the pandemic. The applicant followed the correct statutory public consultation procedures that were introduced at the start of the pandemic. There is also nothing to prevent an application being submitted over a holiday period. In addition all representations submitted after the statutory 21 day notification and publicity period have been accepted and referred to in this report.

- (s) Impact on property values**

Response: This is not a material planning consideration.

- 5.2 2 letters of support and 7 letters taking neither a position of support or objection have also been submitted in relation to the application.
- 5.3 These letters are available for inspection on the planning portal.

6 Assessment and Conclusions

- 6.1 Under the terms of 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. In this case, the development plan comprises the approved Glasgow and the Clyde Valley Strategic Development Plan 2017 (GVCSDP) and the adopted South Lanarkshire Local Development Plan 2 2021 (SLLDP2).
- 6.2 In terms of national planning policy, National Planning Framework 3 (NPF3) June 2014 identifies 4 primary outcomes for the long-term spatial development of Scotland:
- A successful sustainable place
 - A low carbon place
 - A natural resilient place
 - A connected place
- 6.3 Scottish Planning Policy (SPP) 2020 builds on the primary outcomes set out within NPF3 and advises that the planning system is about where development should happen, where it should not and how it would interact with its surroundings. Proposals should, inter alia, take a positive approach to sustainable and high-quality development and make efficient use of land to deliver long-term benefits for the public whilst protecting and enhancing natural and cultural resources and the wider environment. SPP also emphasises the importance of the plan-led approach to development, which is especially important in the provision of housing land. The planning system should, in all rural areas, promote a pattern of development that is appropriate to the character of that particular area, encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality. SPP introduces a presumption in favour of sustainable development and states that the planning system should support economically, environmentally and social sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. In paragraph 29, SPP sets out the principles that should be taken into account when assessing whether a proposal supports sustainable development. Giving due weight to net economic benefit and improving health and well-being by offering opportunities for social interaction and physical activity are two of these principles.
- 6.4 In terms of the Glasgow and Clyde Valley Strategic Development Plan 2017 (GCVSDP), this strategic plan sets a vision of making the Clydeplan region a resilient, sustainable, compact city region attracting and retaining investment and improving the quality of life for people and reducing inequalities through the creation of a place which maximises its economic, social and environmental assets and fulfils its potential by 2036. The proposals are of a scale that would be likely to impact on the vision and spatial development strategy of the SDP. However they would be located on a site already identified for development through the extant consent. In addition as described later in this section they will bring significant economic benefits to the wider area, incorporate opportunities to enhance the natural environment through woodland planting and involve the retention and enhancement of existing foot and cycleways.
- 6.5 In terms of the adopted South Lanarkshire Local Development Plan 2, Policy 1 'Spatial Strategy' of the SLLDP2 states that the Plan will encourage sustainable economic growth and regeneration, protect and enhance the built and natural environment and

move towards a low carbon economy and that this will be achieved, inter alia, by supporting 'development that accords with and supports the policies and proposals in the development plan and supplementary guidance.

- 6.6 The site is located within land designated as Rural Area in SLLDP2 and the application therefore requires to be assessed under Policy 4 'Green Belt and Rural Area'. This states that support will not be given for development proposals within the Rural Area, unless they relate to uses which must have a countryside location. Nevertheless Policy 4 recognises that there are specific circumstances where proposals may require to be located within a rural area if it can be demonstrated that there is an established need for the proposed development. Further guidance on appropriate uses within the Rural Area are set out within Policy GBRA2 Business Proposals within Green Belt and Rural Area.
- 6.7 In general terms the principle of development on the application site and the wider landholding has been established by the various consents that have been granted. The form of development approved relates to leisure which is an appropriate use in the countryside. The approved masterplan identifies the current application site for around 700 holiday lodges which itself would have an impact on the amenity and character of the area and on the local road network in terms of traffic generation. It is noted that the consent for the wider leisure development does not require a bus service to be provided nor for active travel provision into Carnwath. Nevertheless proposals for residential development of the scale intended is not compatible with planning policy in the rural area and therefore it is concluded the proposals do not accord with the development plan.
- 6.8 This outcome is acknowledged by the applicants and they have submitted a justification in support of the application as described in section 2.2. They contend that the retirement village should be seen in the context of, and relationship with, the wider leisure development on the adjoining land in their ownership. They point to the environmental and economic benefits to the local area, South Lanarkshire and the wider central belt of Scotland and that in overall terms all of the elements proposed bring together the 'connecting threads' of Wellbeing, Sustainability, Community and Nature.
- 6.9 Detailed consideration has been given to whether this argument is sufficient to merit a departure from policy. The creation of a well-being community is a modern concept that has not been fully introduced into Scotland before. Nevertheless there is evidence of this type of model being delivered in other parts of the world and indeed many of the 'threads' referred to are emerging through planning policy at a national level. As a standalone development the creation of a retirement village in this rural location would not be appropriate. However the links with the wider leisure resort are strong and the presence of a permanent community would enhance the overall development. As noted above, NPF3, SPP and the GCVSP seek to create development that provides a high quality of life. It is considered that a development focused on the well-being of its community is intrinsically wedded to this ideal. The proposals are for a bespoke retirement living style which focuses on healthy living with onsite leisure provision tied into the Leisure Resort. It is considered that the existence of the Leisure Resort sets the current proposals apart from mainstream housing.
- 6.10 In addition the economic benefits would be significant in terms of employment and investment in the local economy. An Economic Assessment (EA) formed part of the planning submission which states that the construction impact of the proposals would result in approximately 1,477 full time jobs over a 7 year construction period, bringing some £8 million of annual economic output within South Lanarkshire during the first 5

years of construction. This is significantly greater than would be involved in the construction of the approved lodges. Further the EA concludes that a fully developed Leisure Resort together with the well-being community would provide 930 full time jobs with an annual, economic output of approximately £26.4 million once fully developed. This is significant in the context of the local economy especially as it recovers from the pandemic. In addition it is considered that the permanency of the dwellings ensures a definite user of the facilities which may not be seen through seasonal holiday lodges where full occupancy is not guaranteed.

- 6.11 The replacement of approximately 700 holiday lodges with a well-designed, low carbon community is considered to represent a net environmental gain overall and the design principles proposed, in tandem with the net economic gain and high quality of life that would be provided are considered material considerations that, in this instance, add weight to the principle of the proposals being acceptable where they do not fully accord with the strategy of the Development Plan. It is therefore considered that, on balance, the principle of the proposals can be supported. To ensure the site is not subsequently developed for mainstream housing or the dwellings occupied as envisaged by the applicants it is intended that the occupancy of the dwellings in the village is restricted by age. This would be achieved through a Planning Obligation and is a matter the applicants have agreed to. In addition it is essential that the phasing of the retirement village in relation to the leisure resort is closely managed to ensure both elements are delivered in tandem. The Planning Obligation would therefore include a phasing element.
- 6.12 Notwithstanding the above for the application to be acceptable a range of other material considerations have to be addressed to ensure the proposals are appropriate. Policy 2 'Climate Change' of the SLLDP2 states that proposals for new development must, where possible, seek to minimise and mitigate against the effects of climate change. This is further supported through Policy 5 Development Management and Placemaking which states that development proposals should take account of and be integrated within the local context and built form. New development should also have no significant adverse impacts on the local community. Policy DM1 New Development Design provides additional design criteria in support of both these policies.
- 6.13 As previously noted the application is for planning permission in principle and whilst the design details submitted are only indicative, the planning submission states a commitment to sustainable, low carbon design including district heating. It is considered that proposals for low carbon design, such as energy efficient layouts, green construction such as garden roofs and rain water recycling would result in a low carbon and sustainable development as well as adding to the biodiversity of the area. It is considered that low carbon construction and design including district heating and biodiversity creation would be matters that would be required to be submitted as further matters specified by condition. In terms of the design of the proposals in relation to the local context and the impact on the local community, it is considered that the rural nature of the site with surrounding woodland ensures that their visual impact within the landscape would be minimal. The proposals are not immediately adjacent to any existing neighbour and it is considered that, subject to good design, they would not impinge upon the amenity of any local community. It is considered that, subject to these conditions, the proposals comply with the relevant criteria of the development plan in this regard.
- 6.14 Policy 11 Housing states that there will be a minimum five year effective supply of housing land at all times during the lifetime of the plan. It is considered that as this is bespoke, non-mainstream housing on an undesignated site it would not be included

within any effective housing land supply and would not have any impact on housing provision within the Council boundary.

- 6.15 Policy 12 Affordable Housing states that on sites of 20 units or more, the Council would expect developers to provide 25% of the site's capacity for affordable housing or, if on-site provision is not appropriate, a commuted sum may be considered acceptable if there is no alternative provision. In this instance, given the specific tenure of the proposals, Housing Services consider that on-site provision of affordable housing would not be suitable for affordable housing and therefore are content to accept a commuted sum equivalent to 25% of the site's capacity. The applicant has committed to providing a commuted sum and this forms part of the recommended legal agreement. The sum would be used on affordable housing provision within the Clydesdale Local Housing Area.
- 6.16 Policy 14: Natural and Historic Environment provides the context for assessing all development proposals in terms of their effect on the character and amenity of the natural and built environment. It is noted that the site already has an extant permission in principle to be developed through the Leisure Resort which must be borne in mind as part of any assessment.
- 6.17 There are no designated historic assets such as listed buildings or Conservation areas within the application site. There is 1 scheduled monument running along the northern edge of the application boundary which is a Roman Road that is assumed to have connected the Roman forts at Craiglockhart, near Edinburgh to one at Castledykes, Carstairs. The Roman Road is thought to run under what is now this part of the A70. Policy NHE2 Archaeological Sites and Monuments states that Scheduled monuments shall be preserved in situ and in an appropriate setting. In this instance the scheduled monument does not have its own setting given it is located under the A70. The planning submission contains a Cultural Appraisal which notes the scheduled monument, depending on its exact location under the A70 may be affected by the proposed access but given that it is currently hidden, it could not have a significantly adverse impact upon its setting. The Cultural Appraisal proposes archaeological monitoring of all works on and adjacent to the Roman Road to preserve the Roman Road by record. WoSAS have no objections to the proposals and it is considered that, in principle, the archaeological mitigation is acceptable subject to the detail requiring further approval. The site itself has a reasonably high archaeological potential and WoSAS recommend archaeological mitigation through a schedule of archaeological works, including trial trenching within the development area. These works would also form a matter specified by condition if permission were to be granted. It should be noted that to ensure the works in relation to the Roman Road are specific to this scheduled monument, they should require their own further approval and should be separated from any general scheme of archaeological works for the site as a whole.
- 6.18 There are 4 listed buildings within 1km of the application site but it is considered that they would be unaffected by the proposals given the distance they are from the site, intervening screening including woodland, the A70 and the settlement of Kersewell.
- 6.19 In terms of the natural environment, the application site does not contain any ecological designation. Policy 14 requires development not to have an adverse impact upon protected species. An Ecological Appraisal, including an extended phase 1 habitat survey has been submitted in support of the proposals which concluded that there would be no adverse effect on protected species. It is considered that the areas of agriculture are cultivated land that are not of great habitat value. In relation to the woodland that would be required to be removed, this does have a good habitat value, although it is noted that the proposed woodland removal would result in a loss of only

approximately 8% of the surrounding woodland and that this would be replaced through compensatory planting. The proposals would allow the opportunity for new habitat creation and biodiversity improvements as part of any works. Nature Scot have no objections to the proposals, noting the findings of the Ecological Appraisal. Given the proposals are only in principle, it is considered that further surveys should be carried out prior to any development commencing on site and therefore further survey work is a recommended further matter specified by condition.

- 6.20 3 Sites of Special Scientific Interest (SSSI) are within 2km of the site boundary. Carstairs Kames SSSI and River Clyde Meanders SSSI are both located on the fringes of the 2km distance from the site. Both are designated for their geological features and therefore these qualifying features would not be affected by the proposals in any way. The Carnwath Moss SSSI is closer to the site but still over 1km away. This SSSI is designated for its bogland and it is considered that given the distance it is from the application site they are not hydrologically connected.
- 6.21 Policy NHE13 Forestry and Woodland states that development proposals should seek to manage, protect and enhance ancient semi-natural woodland and in all cases where woodland removal is proposed, compensatory planting will be proposed. In this instance, the proposals do involve the loss of ancient semi-natural woodland. Firstly it is noted that the principle of the woodland removal has been established through the Leisure Resort consent. The current planning submission proposes minimising woodland removal where at all possible by concentrating the main development within the existing roundels within the site. The proposed access would require the loss of trees and in total approximately 1.4ha of canopy cover would be removed as part of the development. Compensatory planting of 1.5ha is proposed within the wider Kersewell estate to offset this loss. Formal woodland management of the remaining woodland is also proposed. This formal woodland management would benefit the remaining woodland by active management which would ensure the woodland is maintained in an optimum condition for the trees to flourish. It is considered that the full detail of the woodland management should be a matter specified by condition. In terms of the compensatory planting, as it is located within the larger Leisure Resort area and not within the current application site, it is considered more appropriate for it to be secured via a planning obligation within a legal agreement. Again this forms part of the recommendation.
- 6.22 Policy NHE18 Walking, Cycling and Riding Routes requires the Council to safeguard existing and proposed walking, cycling and riding routes. The proposals involve the creation of footpath and cycling routes to connect into the Leisure Resort and the wider path network. The proposals do not involve the closing of any designated routes and paths and instead these would be improved to benefit the well-being ethos of the proposals. Any construction that may temporarily impact upon existing routes would require suitable diversions to be put in place. Again, as the application is for permission in principle, the details of all paths and any temporary diversions are a matter requiring further detailed approval.
- 6.23 Policy 15 Travel and Transport requires that new development does not impact upon any existing walking or cycle route and promotes sustainable travel, where at all possible. As noted internal walking and cycling routes are proposed as part of the well-being concept of the proposals. A cycleway is to be provided along the northern boundary of the site running parallel with the A70. A bus service is to be provided to serve the application site as well as to provide public transport for members of staff for both this site and the Leisure Resort. In addition Roads are content that with the conclusions of the Transport Assessment that trip generation will not impact on the

local road network. It is, therefore, considered that the proposals accord with the relevant criteria of this policy.

- 6.24 Policy 16 Water Environment and Flooding states that development proposals within areas of flood risk or that are detrimental to the water environment will not be supported. Policies SDCC2 Flood Risk and SDCC3 Sustainable Drainage Systems provide further detailed advice in support of Policy 16. DM15 and DM16 provide further policy criteria in relation to water supply and waste water respectively. The application site is not identified as having a high risk of flooding on SEPA's flood risk map. A Drainage Impact Assessment and Flood Risk Assessment have been submitted in support of the application. Both documents provide evidence that the proposals would not exacerbate potential flooding in the area and the site would be drained adequately using a suitable drainage system. Scottish Water have confirmed that there is adequate connection to the water supply for the proposals but in relation to waste water there are no connections within the locale for the development to utilise. The Drainage Impact Assessment notes that the nearest sewerage is 1.5km away and suggests the development would connect into this system. However Scottish Water assume that a private treatment facility would be utilised. As with the Leisure Resort approval, it is considered that in principle waste water can be managed subject to the applicant providing further details of an acceptable waste water treatment. It is therefore considered that, subject to the exact details and method of waste water treatment and onsite drainage requiring further applications as a matter specified by condition, the proposals comply with the relevant criteria of the development plan in this instance.
- 6.25 In conclusion it is therefore considered that the proposals do not accord with the development plan. Taking into account the economic benefit of the proposals in tandem with the concept of providing a high quality of living through the well-being ethos proposed, the sustainable nature and low carbon design principles proposed and that the dwellings are connected to an extant Leisure Resort permission, it is considered that on balance these material considerations are of sufficient weight to, exceptionally, justify a departure from the development plan in this instance. It should be noted that this is predicated on the occupancy restriction as proposed by the applicant, the phasing plan that ensures this current application is built in tandem with the building of the Leisure Resort to ensure that they are indeed linked and that the proposed low carbon design concept, including community heating, are used throughout the development. It has also been concluded that the proposals, subject to further detailed matters specified by condition, accord with policy on development management matters in the development plan.
- 6.26 It is therefore recommended that a departure from the development plan is acceptable for the reasons set out below and that planning permission in principle be granted subject to the conclusion of a Planning Obligation to address the matters described on the front page of the report.
- The creation of a well-being community in tandem with the leisure resort accords in principle with planning policy emerging at a national level in particular in terms of the themes of Wellbeing, Sustainability, Community and Nature
 - The proposals in tandem with the wider leisure development would result in significant economic benefits in terms of employment and investment in the local economy.

- The proposals represent a net environmental gain overall compared to the 700 lodges that would have been developed on the site particularly in terms of the design principles proposed and the commitment to enhance woodland creation and management and biodiversity
- The associated Planning Obligation that is proposed will ensure, through a restriction on the occupancy of the dwellings by age, that the retirement village will function in perpetuity and that its delivery will progress in tandem with the creation of the leisure resort
- There are no infrastructure implications associated with the development and there would not be an adverse impact on the built and natural environment.

7 Reasons for Decision

7.1 For the reasons set out in 6.26 above.

Michael McGlynn

Executive Director (Community and Enterprise Resources)

Date: 30 July 2021

Previous references

- ◆ P/20/0011/PAN
- ◆ P/20/1069
- ◆ CL/05/0439
- ◆ CL/14/0101
- ◆ CL/13/0455
- ◆ CL/16/0482
- ◆ P/20/0179

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification adverted dated 13 January 2021
- ▶ Consultations

Scottish Forestry Central Scotland Conservancy	01.04.2021
Environmental Services	11.01.2021
Countryside And Greenspace	19.07.2021
Business Development	19.07.2021
Scottish Water	29.12.2020
West of Scotland Archaeology Service	12.01.2021
Roads Development Management Team	21.07.2021
Aboricultural Services	23.04.2021
Nature.Scot	09.03.2021
Housing Services	08.06.2021

► Representations Marissa Harding, Sent Via Email	Dated: 29.01.2021
Mrs Karen Lindsay, Woodlea, Kersewell, Lanark, Edinburgh	07.02.2021
Mrs Louise Hayley-Murray, 118, Knocklea, BIGGAR, ML12 6EF	07.02.2021 20.01.2021
Dr Kirsty Jensen, Stanemuir Cottage, Edinburgh Road, Carnwath, ML11 8LQ	13.01.2021
Mrs Anne Stillman, 4 Woodside Crescent, Kaimend, Carnwath, ML11 8LD	20.01.2021
Mrs Claire Hardie, Crarae, Kerswell Avenue, Carnwath, ML11 8LE	17.01.2021
Ms Cherylwyn Stephenson, 1 Finlayson Lane, Carnwath, ML11 8ta	23.01.2021
Lauren Thompson, 22 Bertram House, Bertram Avenue, Carnwath, ML11 8TB	18.01.2021
Sarah Mottram, Rhencuile, 7 Kersewell Avenue, Carnwath, Lanark, ML11 8LE	02.02.2021
Gareth Waters, via Email	19.01.2021
Mr Chris Vennall, Treefell, Woodside Crescent, Carnwath, ML11 8LD	27.01.2021
Mr Chris Vennall, via Email	28.01.2021
Miss Louise Ferguson, Heron Rise, Kersewell, Lanark, ML11 8LF	29.01.2021
Mr Craig Wills, 15 Finlayson Lane, Carnwath, ml11 8ta	17.01.2021
Mr Elliot Ferguson, Heron Rise, Kaimend, Lanark, ML11 8LF	29.01.2021
Mrs Lesley Ferguson, Heron Rise, Kersewell, Lanark, ML11 8LF	29.01.2021
Penny Millar, 2 Kersewell Terrace, Kaimend, Carnwath, ML11 8TL	19.01.2021
Mrs Amy Taylor, 21 Craiglea, Kaimend, Carnwath, ML11 8lb	17.01.2021
Miss Eleanor Macintyre, 19 oggscastle road, Walston, ML11 8nf	17.01.2021
Mrs K Lindsay, Woodlea, Access For Kersewell College From A70 To Kersewell Avenue, Carnwath Lanark, South Lanarkshire, ML11 8LF	18.01.2021
Mr And Mrs CS Muir, North Lodge Kersewell, A70 From Carnwath To Boundary By Tarbrax, Carnwath, Lanark, South Lanarkshire, ML11 8LG	12.01.2021
Mark Harding, via Email	21.01.2021
Rosa Muir, 35 Woodside Crescent, Kaimend, ML11 8LD	20.01.2021
Cherylwyn Stephenson, Received Via Email	25.01.2021

Mrs Paul Walker, 3 Warrack Close, Kaimend, Carnwath, Lanark, ML11 8TD	28.01.2021
Mr Graeme Tweedie, 4, Lang whang court, Carnwath, ML118QX	17.01.2021
Mrs Angela Murray, 1 Kerswell Terrace, Kaimend, ML11 8TL	14.01.2021
Mr Alex Muir, 35 Woodside Crescent, Kaimend, Carnwath, ML11 8LD	14.01.2021
Mr Charlie Kean, 7 Couthally Terrace, Carnwath, ML11 8HY	16.01.2021
Mr Brian Lindsay, Woodlea, Kersewell, Lanark, ML11 8LF	18.01.2021
Chris Chittock, Via Email	27.01.2021
Miss Helen Comloquoy, 5 Kersewell Terrace, Kaimend, Lanark, ML11 8TL	24.01.2021
John Proffitt, Via Email	27.01.2021
David McMunn, Via Email	27.01.2021
Mrs Barbara Harding, 3 Kersewell Terrace, Kaimend, Carnwath, ML11 8TL	14.01.2021
Richard Clay, Received Via E-mail	01.02.2021
Mrs Julie Brown, Cone View, Dolphinton, EH46 7HQ	17.01.2021
Mr Euan Taylor, Craiglea,, 21 Carnwath Road, Kaimend, Carnwath, ML118LB	17.01.2021
Mr Alex Muir, 35 Woodside Crescent, Kaimend, Lanark, ML11 8LD	14.01.2021
Alex Muir, 35 Woodside Crescent, Carnwath, Lanark, South Lanarkshire, ML11 8LD	15.01.2021
Barbara Harding, 3 Kerswell Terrace, Kaimend, Carnwath, ML11 8TL	15.01.2021
Dave And Angela Murray, 1 Kerswell Terrace, Kaimend, ML11 8TL	15.01.2021
Mr Richard Clay, 5 Kersewell Terrace, Kaimend, Carnwath, ML118TL	29.01.2021
Mr Alex Muir, 35 Woodside Crescent Carnwath, Lanark, ML11 8LD	16.02.2021
Mr Paul Goodman, 7 Marchfield Crescent, Dundee, DD2 1LE	09.04.2021
Ms Shona Finlayson, 9 COOPER COURT, CARNWATH, Lanark, ML11 8HE	06.05.2021
Lauren Thompson, Bertram House,	10.06.2021

Contact for further information

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

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Phone: 01698 455903

Email: james.wright@southlanarkshire.gov.uk

Conditions and reasons

01. Prior to the commencement of development on site, a further application(s) for the approval of any of the matters specified in this condition must be submitted to and approved by the Council as Planning Authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

These matters are as follows:

- (a) the layout of the site, including all roads, footways, parking areas and open spaces;
- (b) the siting, design and external appearance of all building(s) 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 in relation to a fixed datum, preferably ordnance datum.
- (d) the design and location of all boundary treatments including walls and fences;
- (e) the landscaping 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 and timing of all planting;
- (f) the means of drainage and sewage disposal.
- (g) details of measures to incorporate low and zero carbon energy generating technologies and design.
- (h) Community heating proposals
- (i) A detailed scheme for surface water drainage. Surface water from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland and with the Council's Sustainable Drainage Design Criteria and requirements and shall be agreed in writing with the Council as Planning Authority in consultation with SEPA.
- (j) 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
- (k) archaeological interests including a programme of evaluation trial trenching throughout the site
- (l) archaeological interests specific to the Roman Road Scheduled Monument including a programme of monitoring and reporting throughout the A70 access works
- (m) design of all driveway access including visibility splays and all parking provision
- (n) Onsite habitat and biodiversity creation
- (o) Provision of electric vehicle recharging infrastructure
- (p) A Construction Environmental Management Plan which shall include a detailed construction programme including any utility diversions and details of any traffic management required on the A70. The plan should also 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. The plan should also detail how any of these measures may change as the site is developed.
- (q) details of the proposed hours of operations of all commercial premises, predicted noise levels from the commercial uses and commercial waste disposal regime
- (r) all external lighting

- (s) pre-construction protected species surveys
- (t) details of all residential waste collection
- (u) Programme and methodology in relation to mitigating Japanese Knotweed
- (v) Woodland Removal and ongoing Management Plan
- (x) Access Management Plan

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

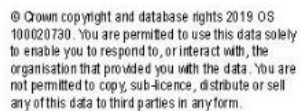
- 02 That the further application(s) required under condition 1 above shall include the detailed design of the new vehicular access into the site from the A70. For the avoidance of doubt, the new access should be designed in accordance with the Design Manual for Roads and Bridges and be subject to a full Safety Audit, in accordance with the Institute of Highways and Transportation Guidelines. It shall also incorporate a visibility splay of 4.5 metres by 215 metres measured from the road channel shall be provided on both sides of the vehicular access and everything exceeding 0.9 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines. No dwelling shall be occupied or any commercial use implemented prior to the access being constructed as approved by the Council, as Planning Authority.

Reason: In the interests of road safety

- 03 That prior to the 201st unit becoming occupied an emergency access link, designed to the satisfaction of the Council as Roads and Planning Authority, shall be constructed.

Reason: In the interests of road safety

Kersewill Mains Farm



Scale:
1:35,000

Date:
17/05/2021



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

10

Report to:	Planning Committee
Date of Meeting:	10 August 2021
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/21/0555
Planning proposal:	Material placement, remodelling and landscaping of western open space area of masterplan site (amendment to planning consent (CR/15/0004))

1 Summary application information

Application type: Detailed planning application

Applicant: Taylor Wimpey West Scotland Ltd
 Location: Newton Farm
 Newton Farm Road
 Cambuslang
 G72 7UQ

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:
- ♦ Council Area/Ward: 14 Cambuslang East
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan 2**
 Policy 1 Spatial Strategy
 Policy 2 Climate change
 Policy 3 General Urban Areas
 Policy 5 Development Management and Placemaking

♦ **Representation(s):**

▶	52	Objection Letters
▶	3	Support Letters
▶	2	Comment Letters

♦ **Consultation(s):**

Environmental Services

Countryside and Greenspace

Halfway Community Council

Planning Application Report

1 Application Site

- 1.1 The application site relates to an existing area of open space within the existing Newton Farm Community Growth Area (CGA). The site covers an area of 1.2ha and sits behind Mitchell Avenue, Westburn which is to the south. To the north-east/east are two housing 'pods' currently under construction by the applicants - Taylor Wimpey - and to the north are two groups of trees within a larger area of open space. To the south of the site is the Newton Burn and several mature trees. The site runs up from the Newton Burn to the two areas of trees in a south to north direction. Currently, there is an informal footpath running through the area and a formal path running to the east and north-east of the site. A significant area of open space is located within the overall CGA, including the application site.

2 Proposal(s)

- 2.1 The applicants - Taylor Wimpey - propose the regrading, remodelling and landscaping of an existing area of open space within the Newton Farm CGA. These works will include significant tree and shrub planting. Specifically, this planting will consist of native trees such as Alder, Birch and Hazel together with plants such as Hawthorn, Aspen and Blackthorn. Whilst a new footpath will be formed to the east and north-east of the site, no formal footpath will go through the application site. To facilitate these works, soil will be imported from the adjacent housing sites to the east and north-east which the applicants are currently developing (Pods 2I and 2J). As part of the application, the applicants have submitted an updated ecological survey.

3 Background

3.1 Local Plan Status

- 3.1.1 In determining this planning application the Council must assess the proposed development against the policies contained within the adopted South Lanarkshire Local Development Plan 2 (2021).
- 3.1.2 In this instance the relevant policies are 1 – Spatial Strategy, 2 – Climate Change, 3 – General Urban Area/Settlements 5 – Development Management and Placemaking.

3.2 Planning Background

- 3.2.1 The site is identified as open space as part of the previously approved Newton Farm Community Growth Area (CR/09/139). Consent was also previously granted for earthworks on site as part of the distributor road consent granted in 2015 (CR/15/0004)

4 Consultation(s)

- 4.1 **Countryside and Greenspace** – no objections.
Response: Noted.
- 4.2 **Environmental Services** – no objections subject to a condition relating to dust management.
Response: Noted. This condition will be attached to a consent issued.
- 4.3 **Halfway Community Council** - object to the planning application on the following basis:-

The proposal to move substantial amounts of soil to the proposed site is not and has never been part of the approved masterplan at Newton farm. While it is appreciated that Taylor Wimpey owns this land and are looking to reduce their costs at the same time as reducing their carbon footprint, we believe there are significant concerns around the land, wildlife and natural flora and fauna to support this application being rejected. We have concerns that the action of moving, dumping and then landscaping many, many tonnes of soil on this small area of greenbelt would significantly disrupt the natural habitat of the local wildlife on this site. They have already had their habitat significantly disturbed by the huge amount of residential development in Newton farm as witnessed by locals. While we understand there is no plan to remove existing trees or shrubs the very action of moving the soil could easily damage and/or destroy nearby plants/ trees/ shrubs some of which are protected themselves and some of which we know are the homes and habit of protected species.

The local community wish for the remaining areas of natural greenbelt to remain 'as is' and not to be further disturbed and developed.

No objection to the planting of additional trees and shrubs to enhance the area.

Response: All works proposed and those carried out previously have been supervised by an ecologist. In addition, the updated ecological survey has raised no issues for the application site. The works proposed will increase the quality of open space with new, native species whilst protecting flora and fauna. In addition, native planting is proposed with a view to encouraging wildlife back into the area.

5 Representation(s)

5.1 Statutory neighbour notification was undertaken, and the proposal was advertised in the Rutherglen Reformer for non-notification of neighbours. Following this, 52 letters of representation, 3 letters of support and 2 letters of comment have been received. The points raised are summarised as follows:

- a) **This is a thriving wildlife natural habitat which thrives year on year. We have been told that there would never be anything built on this piece of land due to protected species and trees within this area. This area offers the local resident's outdoor space in an area which over the years has become more built up.**

Response: No construction is proposed, and no habitats are being destroyed. This has been confirmed by the ecological survey. The application site will be re-graded and additional native planting will take place. This will further increase the biodiversity and will improve access for both the public and wildlife.

- b) **There is no need for the path.**

Response: There is no new path proposed through the application site. Whilst a proposed path is being formed to the east of the site, it is part of the previously approved masterplan. The site will see improved open space with the introduction of additional native species.

- c) **The RSPCA have been called on many occasions due to wildlife being displaced. Noise coming from machinery and lorries causes disruption on our roads and streets. Granting the proposal will encourage the applicants to develop further.**

Response: It is acknowledged that there has been a significant amount of construction work in the locality, however this proposal is for landscaping work to provide improved open space. As soil is being imported from the neighbouring sites, lorry movement will be significantly reduced. There is no more housing proposed beyond what is within the masterplan. All works on site have been supervised by a qualified ecologist and all proposed works will have no detrimental impact on biodiversity.

d) The works will generate significant dust in the vicinity.

Response: A dust monitoring condition will be attached to any consent granted. This will ensure that the applicants will be required to take steps to prevent dust emanating from the regrading of the land.

e) The Council has consistently sold land to developers over the last decade with no thought for the wildlife.

Response: The land being developed is private and there has been no Council involvement in ownership. The entire masterplan site has been designed in conjunction with an ecologist. There is a significant area of open space retained within the entire masterplan site, amounting to approximately 50% of the CGA.

f) The woods have been there for well over a century.

Response: No trees will be removed as a result of the proposed works. Additional native trees will be planted.

g) Without some explanation of the technical background to this proposal and the benefits it will bring to the communities and the existing wildlife in the area, the work appears to be an unnecessary disruption to one of the few pieces of land in the area where no housebuilding or associated work is taking place.

Response: The proposal is the result of the importation of soil from the housing sites adjacent. It will allow the grassed area to be regraded and improved by virtue of native planting of trees and shrubs. In addition, the works will prevent soil being moved off site thereby reducing lorry movements and the associated carbon footprint.

(h) The plans are not clear about where trees are to be planted, the three circles right behind Lapwing drive plots 33-38. There is concern if trees are planted right behind the house as they will block sunlight to the adjacent properties and affect house insurance.

Response: There is no new planting proposed adjacent to any housing. The trees shown behind plots 33-38 are existing and will be retained.

5.2 These letters are available for inspection on the planning portal.

6 Assessment and Conclusions

6.1 The determining issue in this instance is the proposal's compliance with local development plan policy and any other material considerations. In this instance the adopted South Lanarkshire Local Development Plan 2 (2021) supports the use of the site as a Community Growth Area for residential development with associated open space. Thus, in general land use and policy terms the principle of the proposed landscaping is acceptable.

- 6.2 This application is for the material placement of earth from two housing areas which are currently under construction. In this regard, the principle of the formal open space provision development has been firmly established by approval of planning permission in principle (PPP). This was granted in September 2014 following Committee approval in 2010.
- 6.3 With regard to the adopted South Lanarkshire Local Development Plan 2 (SLLDP2), the application site, as stated above, is identified as being both a proposed housing masterplan site as per Policy 1 – Spatial Strategy and located within a general residential area where Policy 3 applies. All planning applications are subject to policy 5 – Development Management and Placemaking. Both policy 3 and policy 5 require all proposals to take account of their surroundings and not result in a detrimental impact on amenity.
- 6.4 As with all applications, it requires to be assessed in terms of Climate Change where policy 2 is relevant. It is considered to be in accordance with the overarching principles relating to climate change issues as set out in Policy 2. This is due not only to the re-use of soil from elsewhere in the CGA but, more importantly, the additional planting and encouragement of new habitats. The site, covering an area of approximately 10.7ha, will be retained for open space with new native species being planted. This will include Alder, Birch and Hazel trees and Hawthorn, Blackthorn and Aspen shrubs. Moreover, the site will be re-graded by virtue of using soil from an adjacent construction site. This will reduce vehicular movement around the vicinity of the site and will avoid the need for material to be placed off site. The site is currently open space and will continue to be open space with additional native planting.
- 6.5 Currently, the site is an area of open space, and this will not change. It has not been designed for formal use in that there is no footpath or other facility being proposed. The site will be available for informal use as with the majority of the open space in Newton CGA. The proposal has also been assessed by the Council's Countryside and Greenspace Service who have offered no objections. In addition, the updated ecological survey has not raised any concerns in relation to biodiversity. In this regard, I am satisfied that the proposal complies with policies 2, 3 and 5, respectively.
- 6.6 A number of representations have been received raising concerns over the loss of ecological habitat, trees and increased housebuilding. The proposal will allow the site to increase the planting of native species and as per the aim of the masterplan, will improve open space. Whilst a significant amount of housebuilding has taken place throughout the CGA, 50% of it is useable open space and 100% of the application site will be open space. In addition, no consultees have raised any objections.
- 6.7 Given the above, I am satisfied that the proposal will have no negative impact on amenity and complies with all the relevant policies in the adopted South Lanarkshire Local Development Plan 2.

7 Reasons for Decision

- 7.1 The proposal will have no detrimental impact on amenity and complies with policies 1, 2, 3 and 5 of the adopted South Lanarkshire Local Development Plan 2.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 21 July 2021

Previous references

- ◆ CR/09/0139
- ◆ CR/15/0004

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Consultations
 - Environmental Services 02.06.2021
 - Countryside and Greenspace 17.05.2021
 - Halfway Community Council 20.06.2021
- ▶ Representations Dated:
 - Miss Jennifer Laming, 7 Honeysuckle Drive, Newton Farm, Glasgow, G72 6PE 06.05.2021
 - Mrs Carolann Walker, 150 Westburn Road, Glasgow, G72 7SZ 06.05.2021
 - Mr Ross Cunningham, 71 Mitchell Avenue, GLASGOW, G72 7SJ 07.05.2021
 - Mrs Christina Maschinsky, 36 Henderson Avenue, Glasgow, G72 7SA 07.05.2021
 - Miss Donna Clements, 50 Mitchell Ave, Westburn, Glasgow, G72 7SG 06.05.2021
 - Mrs Maureen Dolan, 73 Mitchell Ave, Westburn, Glasgow, G72 7SJ 07.05.2021
 - Miss Gillian Woods, 27 Redlawood Road, Cambuslang, G72 7UZ 06.05.2021
 - Mrs Sadie McGrath, 7 Northbank Street, Westburn Cambuslang, Glasgow, G72 8LB 06.05.2021
 - Mrs Margaret MacDonald, 14, Henderson Avenue, Cambuslang, G72 7SA 06.05.2021
 - Mrs Michelle How, 15 Northbank Avenue, Cambuslang, G72 7TF 07.05.2021

Miss Jennifer Hamilton, 117 Westburn road, Cambuslang, G72 7SU	14.05.2021
Mrs Karen Crooks, 57 Henderson Ave, Westburn village, Cambuslang, G72 7SB	06.05.2021
Miss Angela Park, 6 Lockhart Drive, Cambuslang, G72 7RU	06.05.2021
Mrs Jacqueline Campbell, 26 Mitchell Ave, Westburn Cambuslang, Glasgow, G72 7SQ	06.05.2021
Miss Charlene Gartshore, 18 Westburn avenue, Glasgow, G72 7RY	06.05.2021
Mr Brian Hay, 22 Northbank Ave Westburn, Glasgow, G72 7TF	06.05.2021
Mr Craig Crawford, 55 Henderson Avenue, Cambuslang, Glasgow, G72 7SB	06.05.2021
Miss Angela McNally, 29 McIver Street, Westburn, Cambuslang, G72 7TA	06.05.2021
Mrs Debbie Cunningham, 31 Henderson Avenue, Westburn, Cambuslang, G72 7SB	09.05.2021
Mrs Lisa Hepworth, 4 Loanend Cottages, Cambuslang, Glasgow, G72 8YD	04.06.2021 04.06.2021
Miss Pauline Cunningham, 19 Dunlop Street, Cambuslang, Glasgow, G72 7SD	05.05.2021
Miss Lindsay Drummond, 29 Lapwing Drive, Cambuslang, Glasgow, G72 6AT	05.05.2021
Miss Karen Murray, 1 McKenzie Gate, Glasgow, G72 7TQ	06.05.2021
Mr Ross Smith, 4 Riverside Place, Westburn, Glasgow, G72 7SL	06.05.2021
Miss Mandy Goldstein, 9 Westburn Ave, Cambuslang, G72 7RY	06.05.2021
Mrs Monica Genelli, 140 Westburn road, Glasgow, G72 7SZ	07.05.2021
Mr Steven Blair, 21 Henderson Avenue Westburn, Cambuslang, G72 7SB	07.05.2021
Miss Elizabeth McNally, 38 Elm Drive, Cambuslang, G72 7LR	07.05.2021
Miss Kayleigh McGowan, 55 Mitchell Avenue, Westburn, Glasgow, G72 7SG	06.05.2021

Mrs Margaret Martin, 9 Henderson Ave, Westburn, Cambuslang, G72 7SA	07.05.2021
Mr Iain McAnally, 2 Eastwood View, Westburn, Cambuslang, G72 7SN	07.05.2021
Mrs June Rowan, 1 Cherrytree Drive, Cambuslang, Glasgow, G72 7XZ	05.05.2021
Mrs Sharon Mullan, 17 Henderson Avenue, Glasgow, G72 7SA	07.05.2021
Mr Tom Bowie, 18 Westburn Avenue, Westburn, Cambuslang, G72 7RY	08.05.2021
Mr Stewart Taylor, 29 Lapwing Drive, Cambuslang, Glasgow, G72 6AT	04.05.2021
Miss Jade Whitelaw, 49 Mitchel Avenue, Westburn, Cambuslang, G72 7SG	06.05.2021
Miss Dawn Paterson, 68 Newton Avenue, Westburn, Cambuslang, G72 7RT	06.05.2021
Ms Bernadette Bradley, 54, Mitchell Avenue, South Lanarkshire, G72 7SG	06.05.2021
Ms Sharon McGowan, Mitchell Ave, Westburn, Cambuslang, G72 7sg	06.05.2021
Mrs Maureen Mclean, 213 Westburn Road, Westburn, Cambuslang, G72 7TB	06.05.2021
Mr Stephen Whitelaw, 48, Mitchell AVE, Glasgow, G72 7SG	05.05.2021
Mrs Angela Molloy, 1 Northbank Street, Cambuslang, G72 7TE	06.05.2021
Mr Andrew McInroy, 2 Cornfield Court, Westburn, G72 7ST	06.05.2021
Miss Agnes Miller, Mitchell Ave, Westburn, Glasgow, G72 7SG	07.05.2021
Mr Graham Crowe, 78 Collie Wynd, Newton Farm, Cambuslang, G72 6WF	04.05.2021
Mrs Kirsty Moore, 8 Greenwood, Glasgow, G72 7SW	06.05.2021
Mrs Margaret Broome, 57 Mitchell Ave, Westburn, Cambuslang, G72 7SG	07.05.2021
Miss Marcia Graham, 39 Lightburn Road, Cambuslang, Glasgow, G72 8UB	06.05.2021

Miss Christine Lloyd, 32 Newton Avenue, Cambuslang, 06.05.2021
Glasgow, G72 7RT

Miss Natasha Escott, 15 Dunlop Street, Westburn village, 07.05.2021
Glasgow, G72 7SD

Miss Pamela McLaren, 71 Mitchell Avenue, Glasgow, G72 7SJ 07.05.2021

Miss Karen Rankin, 75, Mitchell Ave Westburn Cambuslang, 08.05.2021
Glasgow, G72 7SJ

Mrs Shona Taylor, 60 Newton Avenue, Westburn, 09.05.2021
Cambuslang, G72 7RT

Ms Carol Davison, 28 McIver Street, Cambuslang, Glasgow, 07.05.2021
G72 7TA

Mr Andrew McGee, 11, Saffronhall Lane, Hamilton, ML3 6LS 18.05.2021

Mr Danny Broome, 57 Mitchell Ave, Cambuslang, G72 7SG 07.05.2021

Mr Raymond Crooks, 57 Henderson Ave, Westburn Glasgow, 07.05.2021
Glasgow, G72 7SB

Contact for further information

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

Iain Morton, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455048

Email: iain.morton@southlanarkshire.gov.uk

Conditions and reasons

01. Prior to development commencing on site, a scheme for the control and mitigation of dust shall be submitted to and approved in writing by the Council as Planning Authority. No changes to the approved scheme shall take place unless agreed in writing by the Council as Planning Authority. The scheme shall thereafter be implemented in accordance with a programme to be agreed in writing with the Council as Planning Authority.

Reason: To minimise the risk of nuisance from dust to nearby occupants.

02. That no trees within the application site shall be lopped, topped, pollarded or felled, and no shrubs or hedges shall be removed from the application site 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.

03. That the landscaping scheme as shown on the approved plan 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 the 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.

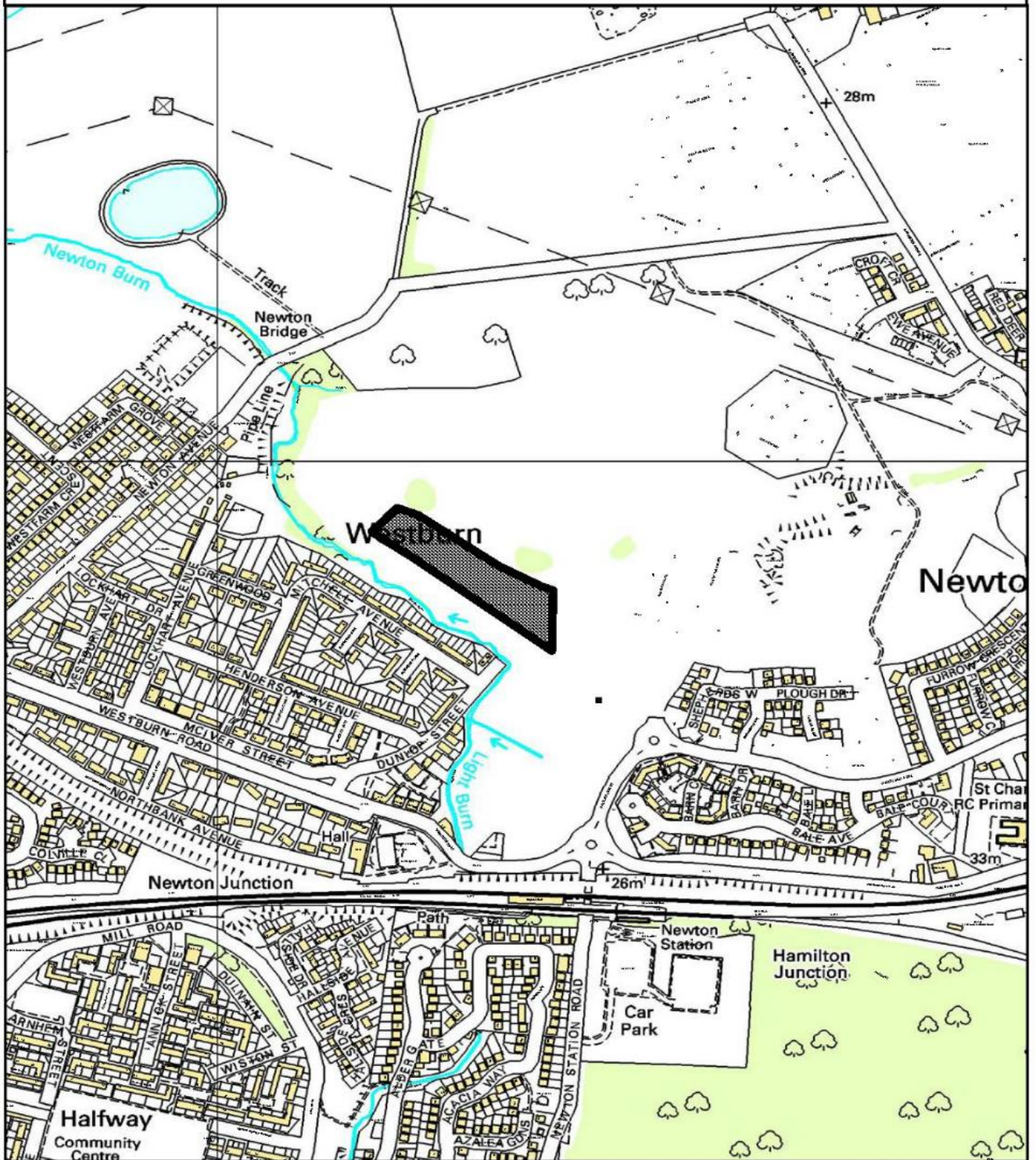
Reason: In the interests of the visual amenity of the area.

04. That prior to any work commencing on site, site results of the extended habitat survey should be updated with a further walkover survey to determine whether there have been any changes in habitats or occupancy by protected species.

Reason: To ensure that any ecological species on site are protected and suitable mitigation measures are put in place.

P/21/0555

Newton Farm, Newton Farm Road, Cambuslang



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Scale:
1:6,000
Date:
20/07/2021



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

11

Report to:	Planning Committee
Date of Meeting:	10 August 2021
Report by:	Executive Director (Community and Enterprise Resources)

Subject	Planning Application No. HM/15/0466 – Residential Development (Planning Permission in Principle) at Greyfriars, Greyfriars Road, Uddingston
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1. Purpose of Report

1.1 The purpose of the report is to:-

- ♦ advise and update Committee on progress associated with the issue of the decision notice for the above planning application and in particular the amendment of the proposed obligations in terms of the required legal agreement, following a previous report to Committee in September 2020

2. Recommendation(s)

2.1 The Committee is asked to approve the following recommendation:-

- (1) Agree to alter the requirements/content of the associated Section 75 Obligation to reflect the developer's contribution of £5,000 per unit.

3. Background

3.1 In terms of the development proposals at the site of the former Greyfriars Monestary, Greyfriars Road, Uddingston there are three inter-related planning applications, as follows:-

- HM/15/0466 for Residential Development for 19 units (Planning Permission in Principle),
- HM/17/0415 – Conversion and extension to Grade B listed Building to form 10 flatted Units (Listed Building Consent), and
- HM/17/0428 Conversion and extension to Grade B listed Building to form 10 flatted Units (Detailed Planning Permission)

3.2 On the 28 March 2017, application HM/15/0466, was presented to the Planning Committee for determination. After due consideration it was agreed to issue consent subject to conditions and the conclusion of an appropriate Obligation under Section 75 of the Planning Act. This agreement was considered necessary to secure financial contributions towards community facilities in lieu of on-site play facilities, the provision of educational facilities and affordable housing. Whilst the works proposed by application's HM/17/0415 and HM/17/0428 would be determined under the Council's approved Scheme of Delegation, these would also form part of the Section 75 Obligation.

- 3.3 The existing Greyfriars property has been the subject of vandalism and arson attacks over the years which has resulted in significant damage to the interior and roof of the main building. The proposed new build element would provide the necessary funding to facilitate the retention and conversion of the Category B Listed Building.
- 3.4 Since the application was originally reported to Committee in 2017, detailed discussions have taken place with the applicant to progress and conclude a legal agreement, thereby allowing the relevant planning applications to be determined. However, concerns were raised that the level of financial contributions being sought by the Council rendered the overall proposal unviable and the applicant requested that the requirement relating to the financial contributions be removed from the agreement.
- 3.5 In assessing this request it is advised that Armour Construction Consultants were appointed to independently assess the viability of the proposed development. Their assessment concluded that given the probable development costs it was unlikely that there would be sufficient residual value to permit the payment of a financial contribution without affecting the viability of the project.
- 3.6 In reaching the decision to recommend the approval of additional residential units within the grounds of the former Greyfriars Monastery, it was considered that this was necessary as enabling works to permit the retention of the existing Category B listed Building. As previously stated, the existing building's condition has deteriorated significantly since the submission of the original application and there is a danger that should these enabling works not proceed, the existing building may be lost.
- 3.7 The report presented to the Committee in September 2020 noted the points made above and recommended that the requirements for the provision of a financial contribution be removed from the Section 75 Obligation. However, an Obligation would still be necessary to ensure that the implementation of any new build works are carried out in a phased manner to ensure the retention, conversion and extension of the existing building on site and that the conversion of the existing building is carried out within an appropriate timeframe. Following consideration of the report by the Committee, it was agreed that the Obligation should be revised to retain the requirement to pay a financial contribution, if justified as part of a claw back agreement.
- 3.8 Following the decision of the Committee, discussions were undertaken with the applicant in order to try to reach an agreement. However, agreement could not be reached. Instead, the applicant has reconsidered and revised their position, and are now offering to make a payment of £5,000 per unit. Taking into consideration the various aspects of the proposals, including the listed building and the positive negotiations, it is considered that the payment of £5,000 per unit is reasonable in this instance. It is therefore recommended that this offer is accepted and the Obligation concluded on this basis, thereby allowing the planning application to be determined.

4. Employee Implications

- 4.1. None

5. Financial Implications

- 5.1. None.

6. Climate Change, Sustainability and Environmental Implications

- 6.1. There are no implications for climate change, sustainability or the environment in terms of the information contained in this report.

7. Other Implications

- 7.1. There are no risks associated with this proposal.

8. Equality Impact Assessment and Consultation Arrangements

- 8.1. This report does not introduce a new policy, function or strategy or recommend a change to an existing policy, function or strategy and therefore, no impact assessment is required.
- 8.2 There is also no requirement to undertake any consultation in terms of the information contained in the report.

Michael McGlynn

Executive Director (Community and Enterprise Resources)

20 July 2020

Links to Council Values/Ambitions/Objectives

- Improve the availability, quality and access of housing
- Work with communities and partners to promote high quality, thriving and sustainable communities

Previous References

- Report to Planning Committee 28 March 2017 in respect of application HM/15/0466
- Report to Planning Committee 22 September 2020 in respect of application HM/15/0466

List of Background Papers

- None

Contact for Further Information

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

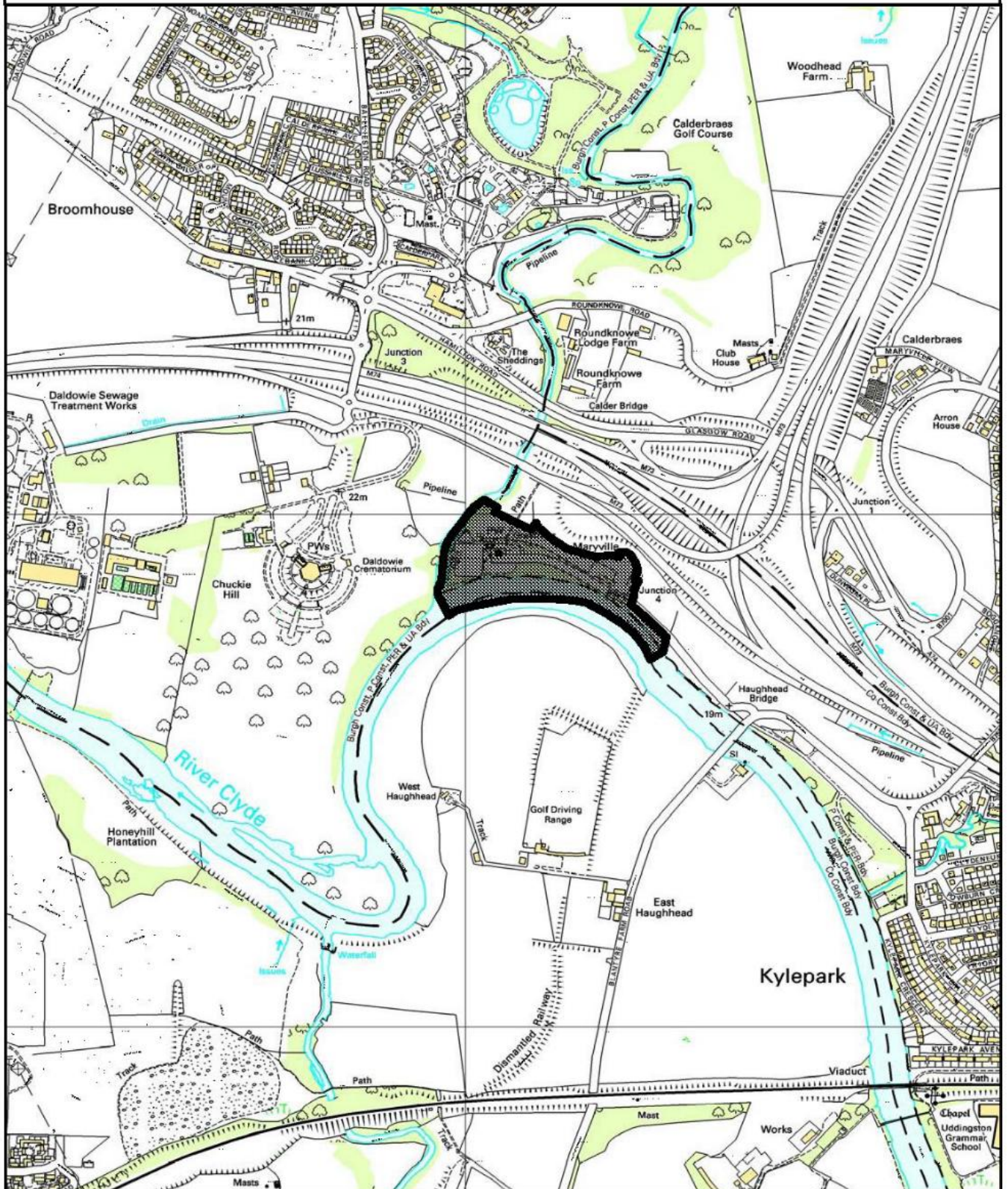
James Watters, Montrose House, 154 Montrose Crescent, Hamilton ML3 6LB

Ext: 4970 (Tel: 01698 454670)

E-mail: planning@southlanarkshire.gov.uk

HM/15/0466

Greyfriars, Greyfriars Road, Uddingston



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Scale:
1:10,000
Date:
07/07/2021



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

12

Report to:	Planning Committee
Date of Meeting:	10 August 2021
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/21/0786
Planning proposal:	Change of use from Class 1 (Retail-hairdressing salon) to Class 2 (Office-estate agent)

1 Summary application information

Application type: Detailed planning application

Applicant: Clyde Property Ltd
Location: 290 Stonelaw Road
Rutherglen
G73 3RP

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: Thomas McNally
- ◆ Council Area/Ward: 11 Rutherglen South
- ◆ Policy Reference(s): **South Lanarkshire Development Plan 2**
Policy 2 Climate Change
Policy 5 Development Management and Placemaking
Policy 8 Employment
Policy 9 Network of Centres and Retailing

◆ Representation(s):

▶	21	Objection Letters
▶	0	Support Letters
▶	0	Comment Letters

♦ **Consultation(s):**

None

Planning Application Report

1 Application Site

- 1.1 The application site relates to a retail shop at 290 Stonelaw Road, Burnside, Rutherglen. The site is bound by a funeral director to the south and an access close to the three storey tenements above and a café / delicatessen to the north. To the west of the site is a road junction where Dukes Road meets Stonelaw Road on the opposite side of the main road. The application site is located within a neighbourhood centre (Burnside) and comprises a mixture of businesses including a large number of shops, several class 2 units (dentist, optometrist, betting shop, estates agents etc) together with both hot-food takeaways and restaurant / café uses. It is noted that there is a good mix and choice of shops and other services at this location, with around 50% of the units remaining as shops (retail use). Most of the commercial units are situated on the ground floor with residential flats on the first and second floor.

2 Proposal(s)

- 2.1 The applicant seeks detailed planning permission for a change of use from Class 1 (retail) to Class 2 (office). The applicant intends to operate an estate agent from the site. There would be minimal external changes to the property.
- 2.2 The current use of the unit is a hairdresser (Class 1 Retail). The shop unit is however currently vacant with the hairdressers no longer trading.

3 Background

3.1 Local Plan Status

- 3.1.1 In determining the application, the Council must assess the proposed development against the policies contained within the adopted South Lanarkshire Development Plan 2 (SLDP2).
- 3.1.2 In land use terms, the site lies within a Neighbourhood Centre, where Policy 9 – Network of Centres and Retailing of the SLDP2 applies. This policy requires these areas to retain an appropriate mix of uses to serve the local community as a commercial and community focal point. In addition, Policy 8 – Employment of the adopted SLDP2 states that the Council will support sustainable economic growth and regeneration by encouraging the development of business in South Lanarkshire through the identification of employment land uses. It further states that Class 2 offices shall be supported in town and neighbourhood centres. Policy 5 – Development Management and Placemaking of SLDP2 is also relevant and states that all development proposals will require to take account of and be integrated with the local context and built form. Development proposals should have no significant adverse impacts on the local community and, where appropriate, should include measures to enhance the environment. Policy 2 – Climate Change is also relevant and seeks to minimise and mitigate against the effects of climate change. The proposal would involve minimal change to an existing shop unit with the applicant utilising the existing floorspace within the unit. The proposals do not involve any large scale construction and, therefore, would not have a detrimental impact upon the local environment nor biodiversity and air quality.

3.3 Planning Background

- 3.3.1 There is no recent planning history pertaining to this site.

4 Consultation(s)

- 4.1 No consultations have been carried out regarding this application.

5 Representation(s)

5.1 Statutory neighbour notification was undertaken and 21 letters of objection were received. The issues raised in these representations can be summarised as follows:-

- a) **There are already 6 estate agents within the neighbourhood centre. The loss of another retail unit would not benefit the area. Diversity needs to be encouraged to increase the attractiveness of the area as a local shopping centre.**

Response: While it is noted that there are 6 estate agents in this area, this represents around 15% of the total number of units, which is not considered excessive for a neighbourhood centre. Following a site visit, it was noted that there are several vacant units in the neighbourhood centre, including this unit, a former hair salon. Given the recent impact of Covid-19 on the ability of shops to trade, it is considered that, in this instance, increased weight can be given to the economic benefits of a new business with additional employment being brought into the area. Whilst it is acknowledged that a hairdresser provides a service to Stonelaw Road and while the Planning Service supports a diverse and interesting neighbourhood centre, a decision has to be taken on this proposal for a change of use to a Class 2. Given the relatively high number of shops that will remain in the locality and the current adverse economic conditions, there would be no planning reasons to merit refusal of the application. It is further considered that the change of use proposal would not result in a substantial change to the character or vitality of this neighbourhood centre given the number of commercial units available and the relatively good health of the centre as is apparent by the range of goods and services on offer.

- b) **There are more than enough Estate Agents, (already 5 or 6) in Burnside. It would be more beneficial for it to remain in a retail status.**

Response: Noted. This matter has been addressed at point a), above.

- c) **Adding another estate agent will further reduce the ability for the current smaller businesses to thrive with varied footfall and the residents to better local choice.**

Response: This matter has been addressed at point a), above.

- d) **As a Council you should be supporting the local community by encouraging diversity in retail. Delis, cafes, grocers, fishmongers, butchers. If retail variety is lost further then more and more units will become empty due to decline in footfall.**

Response: The Council is not responsible for closing a privately owned business and has no involvement in the rental/ownership situation relative to the units. It is evident that there is still a demand for estate agents to have a high street presence.

- e) **If the Covid pandemic has taught us anything, being able to shop locally is an ideal situation. This is being eroded with businesses like estate agents being allowed to open in this area.**

Response: Noted. This matter has been addressed at point a), above.

- f) **The main street in Burnside has fewer and fewer amenities to visit. Replacing a salon with an estate agent does a disservice to the area.**

Response: Noted. This matter has been addressed at point a), above.

- g) **Having lost to appeal another change of use in Stonelaw Rd, Burnside we simply cannot have another shop unit lost to more office type space**

rather than a shop. In the time of (hopefully) coming out of the pandemic we need local shops more than ever for our community.

Response: It should be noted that the previous change of Use application (Class 1 to Class 2) referred to was refused at Planning Committee on 26 January 2021. The decision was subsequently appealed and the Reporter allowed the grant of planning permission. The Reporter intimated in his decision letter dated 4 June 2021 that he was satisfied that by allowing this change of use, the local centre would still maintain a mix of uses appropriate to the area and that the number of estate agencies already present is not so significant to impact on the existing retail offer. He concluded that an additional class 2 use should therefore not impact, detrimentally, on the local centre.

- h) The Scottish Government is promoting the '20 minute neighbourhood' where people can access everything they need on a daily basis within 20 minutes of their homes. There should be greater thought and support put in by all agencies to proactively manage and encourage our high streets to thrive and meet this ambition.**

Response: Through the policies within the adopted local development plan the Council aim to control and manage local shopping areas to encourage a diverse mix of uses. As stated previously, it is considered that the change of use proposal would not result in a substantial change to the character or vitality of this neighbourhood centre given the number of commercial units available and the relatively good health of the centre as is apparent by the range of goods and services on offer.

- i) There is a need to maintain a good mix of retail, office and food/hospitality in the area. At the moment there is 16.7% office, 16.7% food related / hospitality and 61.9% retail there is also 4.7% unoccupied which were retail. A further reduction in retail would lead to a diminution of the attractiveness of the area as a local shopping centre. A previous application in the area was refused in January 2021 as the Planning Committee felt Class 1 retention would protect the vibrancy and diversity of the neighbourhood centre. Retaining this unit as retail would do this.**

Response: While it is agreed that there is a need to maintain a good mix of uses in the local shopping area, it is considered that increased weight can be given to the economic benefits of a new business with additional employment being brought into the area, given that this unit is currently lying vacant. As mentioned above, the previous Change of Use application (Class 1 to Class 2) referred to was refused at Planning Committee in January 2021, the decision was subsequently appealed and the Reporter allowed the grant of planning permission in June 2021. The Reporter was satisfied that by allowing the change of use, the local centre would still maintain a mix of uses appropriate to the area and that the number of estate agents already present is not so significant to impact on the existing retail offer. He concluded that an additional class 2 use should therefore not impact, detrimentally, on the local centre.

5.2 These letters are available for inspection on the planning portal.

6 Assessment and Conclusions

- 6.1 The applicant seeks detailed planning permission for a change of use from Class 1 (retail) to Class 2 (office). The applicant intends to operate an estate agent from the site. There are minimal external changes proposed to the property. The application site is located within a neighbourhood centre which currently comprises of a mix of class 1 (shops) class 2 (professional services), class 3 (food and drink) and sui generis uses (i.e. hot food take away).

- 6.2 In determining the application, the Council must assess the proposed development against the policies (Policy 2: Climate Change, Policy 5: Development Management and Placemaking, Policy 8: Employment and Policy 9: Network of Centres and Retailing) contained within the adopted South Lanarkshire Development Plan 2021 (SLDP2).
- 6.3 With regard to Policy 2 (Climate Change), minimal change is proposed to the existing unit with the proposals not involving any large scale construction. Therefore, the proposals would not have a detrimental impact upon the local environment nor biodiversity and air quality. In terms of Policy 8 (Employment), it is noted that the principle of a class 2 office within Local Centres is supported. Any proposals for change of use will be assessed with regard to the provision of an appropriate mix of uses that will meet economic and social need. In terms of the principle of the development, it is noted that Policy 9 of the SLDP2 states that within Local Centres, such as Burnside, there are typically small groups of shops including grocers, newsagents, chemists, bakers and other services which serve the local community. They provide a day-to-day service and are particularly important to less mobile people in communities. It is important to preserve the retail function of these centres. In this regard, it is noted that while the proposal will result in the loss of a retail unit (in this instance a vacant unit, previously a hairdressers), over 50% of the remaining units will still be shop units (class 1). As such, given that this part of Stonelaw Road primarily serves the Burnside area only, this is considered to be a relatively substantial and healthy number of shop units remaining to serve the community. Furthermore, given the recent economic impact of Covid-19 and the resultant increase in online shopping, it is considered that the economic benefits of a new business, which seeks to invest in the area, outweighs any potential adverse impact in terms of the loss of this particular service (hairdressers) to this neighbourhood centre. In addition, there are other existing hairdressers' businesses operating in Stonelaw Road and a hairdressers business could locate within another unit locally if any unit was to become vacant and the business was a viable option.
- 6.4 In respect of general development impacts, Policy 5 (Development Management and Placemaking) seeks to ensure that any development does not have an adverse impact on local amenity. In this regard, it is considered that an estate agent is an appropriate use for this Local Centre and will not have an adverse impact on local amenity. As such, the proposal is considered to comply with Policies 2, 5, 8 and 9 of the South Lanarkshire Development Plan2 (2021). Whilst it is noted that 21 objections have been raised, in this instance, it is considered that the objections are not sufficiently strong material considerations to recommend refusal of the application.

7 Reasons for Decision

- 7.1 The proposal will have no adverse impact on climate change, nor on amenity or the vitality of the neighbourhood centre and is, therefore, in compliance with Policies 2, 5, 8 and 9 of the adopted South Lanarkshire Development Plan 2. The objections received are not considered to be a sufficient material consideration in this case to outweigh the policy presumption in favour of approval.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 20 July 2021

Previous references

- ♦ None

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated 14 May 2021

- ▶ Consultations
 - None

- ▶ Representations
 - | | |
|--|-------------------|
| Mrs Sheona Brightey, 12 Chatelherault Avenue, Cambuslang, Glasgow, G72 8BJ | Dated: 17.05.2021 |
| | |
| Mrs Marianne McKay, 37 St Ronans Dr, Burnside, Glasgow, G73 3SR | 18.05.2021 |
| | |
| N/A Burnside Community Council, 23 Blairbeth Road, Rutherglen, Glasgow, South Lanarkshire, G73 4JF | 20.05.2021 |
| | |
| Moira Shaw, 52 Highburgh Drive, Rutherglen, G73 3RZ | 28.05.2021 |
| | |
| Mr Joe Timms, 160 Stonelaw Road, Rutherglen, Glasgow, G73 3PB | 02.06.2021 |
| | |
| Mrs Jean Leitch, Flat 1/2, 3 Highburgh Drive, Glasgow, G73 3RR | 28.05.2021 |
| | |
| Mrs Paula Ogilvie, 196 Dukes Road, Burnside, Glasgow, G735AA | 03.06.2021 |
| | |
| Mr Barry Hope, 82 Blairbeth Road, Burnside, G73 4JA | 07.06.2021 |
| | |
| Mrs Jennifer Payne, 30 East Kilbride Rd, Rutherglen, G73 5EB | 08.06.2021 |
| | |
| Dr M Todd, 17 Highburgh Drive, Glasgow, G73 3RR | 07.06.2021 |
| | |
| Mr Graeme Hunter, 46 Rowantree Avenue, Blairbeth, Rutherglen, G73 4NB | 07.06.2021 |
| | |
| Miss Vivienne Vine, 1/2, 1 Highburgh drive, Burnside, Glasgow, G73 3RR | 08.06.2021 |
| | |
| Mrs Christine Prentice, 19 Drumsargard Road, Burnside, Rutherglen, G73 5 AJ | 17.05.2021 |
| | |
| Mrs Claire Kavanagh, 7 Larchfield Drive, Burnside, Rutherglen, G73 4HA | 17.05.2021 |
| | |
| Ms Stella Sichi, 15, Dunkeld Place, Newton Mearns, Glasgow, G77 5UB | 27.05.2021 |
| | |
| Ms Ann Gordon, 53 Springfield Park Rd, Burnside, Rutherglen, G73 3RQ | 27.05.2021 |

Mr Colin Beck, 15 Dunkeld Place, Newton Mearns, Glasgow, 27.05.2021
G775UB

Mrs Charlotte Wight, 6 Wardlaw Avenue, Rutherglen, 02.06.2021
Glasgow, G73 3EL

Mrs Anna Timms, 160 Stonelaw road, Burnside, Glasgow, G73 02.06.2021
3PB

Mrs Jean Wynne, 141 Dukes Road, Burnside, Glasgow, G73 23.05.2021
5ae

Miss Alison Black, 23 Blairbeth Road, Glasgow, G73 4JF 19.05.2021

Contact for further information

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

Maud McIntyre, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3
6LB

Phone: 01698 455043

Email: maud.mcintyre@southlanarkshire.gov.uk

Detailed planning application

Paper apart – Application number: P/21/0786

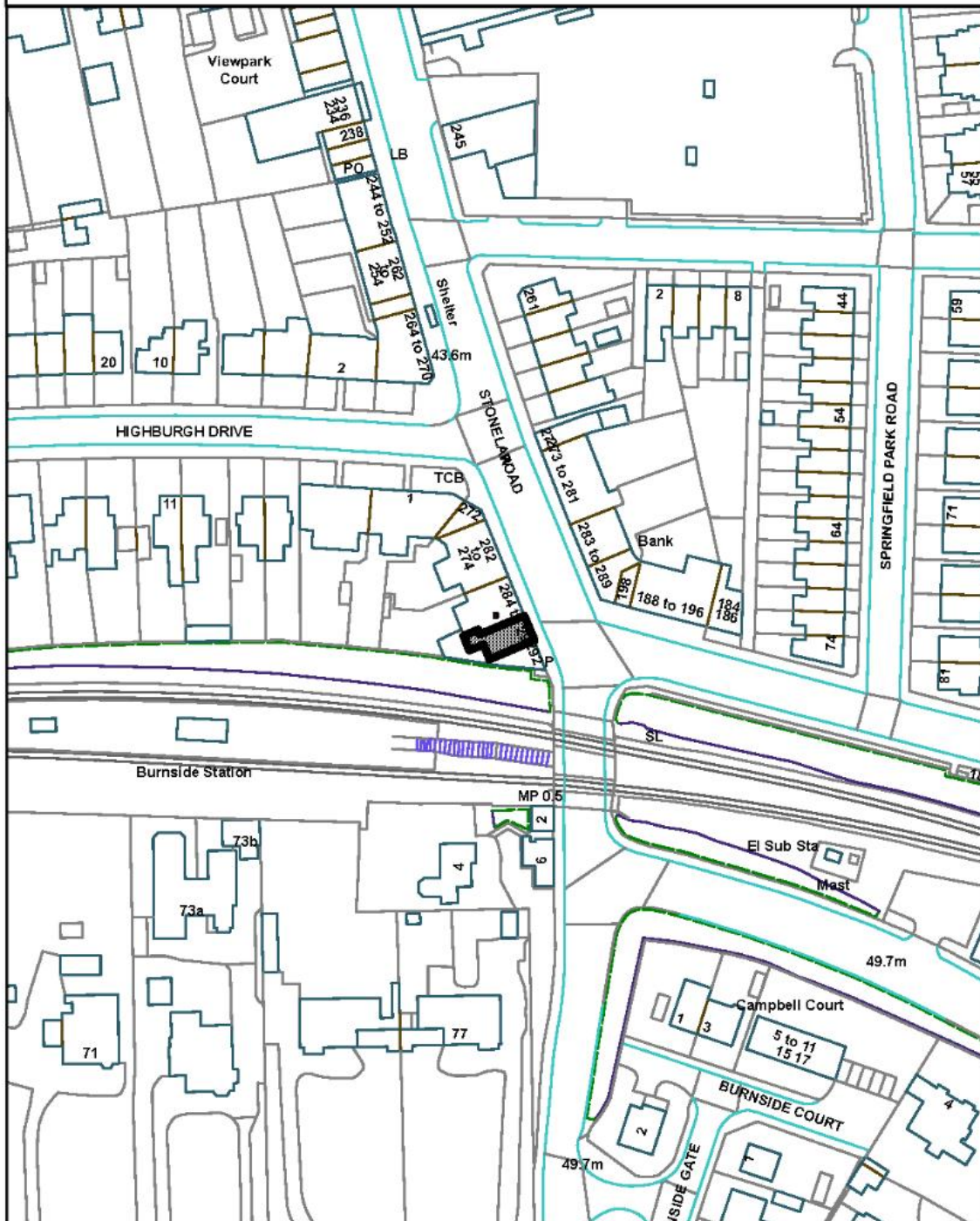
Conditions and reasons

01. No conditions to be attached.

Reason: Planning permission is granted unconditionally.

P/21/0786

290 Stonelaw Road, Rutherglen



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Scale:
1:1,250
Date:
07/07/2021



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

13

Report to:	Planning Committee
Date of Meeting:	10 August 2021
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/21/0802
Planning proposal:	Demolition of coal bunker and erection of pergola

1 Summary application information

Application type:	Householder
Applicant:	Councillor Alistair Fulton
Location:	42 Dryburgh Avenue Rutherglen G73 3EU

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: N/A
- ◆ Council Area/Ward: 12 Rutherglen Central and North
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2 (adopted 2021)**
Policy 3 - General Urban Areas
Policy 5 - Development Management and Placemaking
Policy DM2 - House Extensions and Alterations

Development Management, Placemaking and Design Supplementary Guidance (2015)

◆ Representation(s):

- | | | |
|---|---|-------------------|
| ▶ | 0 | Objection Letters |
| ▶ | 0 | Support Letters |
| ▶ | 0 | Comment Letters |

♦ **Consultation(s):**

None

Planning Application Report

1 Application Site

- 1.1 The application site is a quarter villa upper cottage flat, located at 42 Dryburgh Avenue, Rutherglen. The site is located within an established residential area within the town and the surrounding land uses are predominantly residential.

2 Proposal(s)

- 2.1 The proposals relate to the back garden of the property, which is partially shared by the lower floor neighbour, given the nature of this type of dwelling. The proposals involve the demolition and removal of an existing redundant coal bunker, located within the rear corner of the garden, and the erection of a new freestanding pergola. It is understood that the coal bunker is no longer required for storage purposes, and it is therefore intended to be removed to make space for the pergola, which would also be located to the far end of the garden and would partially overlap the site of the existing coal bunker. The pergola structure would be comprised of 4 pillars with a flat open cross-beamed roof. It is intended to measure approximately 4 metres in width by 2.3m in depth, and 2.3m in height.

3 Background

3.1 Local Plan Status

- 3.1.1 In this regard the application site and associated proposal is affected by the following policies contained in the adopted South Lanarkshire Local Development Plan 2:

Policy 3 - General Urban Area

Policy 5 - Development Management and Placemaking

Policy DM2 - House Extensions and Alterations

- 3.1.2 An assessment of the proposal against these specific policies is contained in Section 6 of this report.

3.2 Relevant Government Advice/Policy

- 3.2.1 Scottish Planning Policy (Revised 2020) (SPP) advises that proposals that accord with up-to-date plans should be considered acceptable in principle.

3.3 Planning Background

- 3.3.1 There is no recent planning history pertaining to this site.

4 Consultation(s)

- 4.1 Given the scale and nature of the proposal, no formal consultations were required to be undertaken in respect of this application.

5 Representation(s)

- 5.1 Statutory neighbour notification was undertaken in respect of this application and no letters of representation have been received in connection with this publicity.

6 Assessment and Conclusions

- 6.1 The applicant seeks detailed planning consent for the demolition and removal of a redundant coal bunker and for the erection of a freestanding pergola within the rear garden of an existing cottage flat at 42 Dryburgh Avenue, Rutherglen. The main determining issues in assessing this proposal are whether it accords with adopted local development plan policy and its impact upon residential and visual amenity.

- 6.2 In terms of the adopted South Lanarkshire Local Development Plan 2, the relevant policies to be considered for this application are Policies 3, 5 and DM2. Policy 3 (General Urban Area) states that within urban areas and settlements residential developments will generally be acceptable, and proposals for uses ancillary to residential areas will be assessed on their individual merits, with particular regards to their effect on the amenity and character of the area. 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.
- 6.3 Policy 5 (Development Management and Placemaking) seeks to ensure that development takes account of and is integrated within, the local context and built form. Proposals should have no significant adverse impacts on the local community and include where appropriate measures to enhance the environment.
- 6.4 Policy DM2 (House Extensions and Alterations) states that house extensions and alterations will be considered favourably where it can be demonstrated that the proposal complies with the following criteria:
1. The siting, form, scale, design and materials respect the character of the existing dwelling and the wider area. Within this context, high quality, innovative design will be encouraged where it complements the character of the building and its surroundings.
 2. It does not dominate or overwhelm the existing dwelling, neighbouring properties or street scene in terms of size, scale or height.
 3. It does not significantly adversely affect adjacent properties in terms of overlooking or loss of privacy, daylight or sunlight.
 4. It retains adequate car parking, usable garden ground and bin storage within the site.
 5. It does not have an adverse impact on traffic or public safety.

The guidance contained within the Development Management, Placemaking and Design Supplementary Guidance (2015) on householder alterations is also relevant to the assessment of this proposal.

- 6.5 It should be noted that planning consent is only required for this type of development as the property is a cottage flat. If the proposal was a dwellinghouse, the work likely would have been able to be undertaken under householder permitted development rights, however these permitted development rights do not extend to works within the garden of flatted dwellings. Also, this scale of planning application would normally be dealt with under delegated powers, however as the applicant is a local member, a Committee decision is required in this instance.
- 6.6 The proposed works are considered to be relatively minor in scale and they would not have a significant impact upon neighbouring residents or the character of the wider area. In this respect, the proposal relates to works ancillary to an existing flatted dwelling only and it would not introduce any new uses into this residential area. The removal of redundant outbuildings is not an uncommon form of development, and the demolition and removal of this coal bunker will have no significant impact upon the character or amenity of the area. The proposed pergola is not of a size, scale or design that would appear out of character and given its scale and position it would not result in significant overshadowing or any loss of privacy to neighbouring residents. There would also not be any material loss of useable garden ground as part of this development. As such, the proposal is considered to comply with the relevant policies of the adopted Local Development Plan 2.

- 6.7 In summary, following a full and detailed assessment of the proposed development, it is considered that it would have no significant adverse impact upon amenity and that it is in accordance with the adopted South Lanarkshire Local Development Plan 2 (2021). As such, the granting of planning permission is recommended.

7 Reasons for Decision

- 7.1 The proposal will have no significant adverse impact upon residential or visual amenity and it complies with the relevant policies of the adopted South Lanarkshire Local Development Plan 2 (2021) (Policies 3, 5 and DM2).

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 15 July 2021

Previous references

- ◆ None

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Development Management, Placemaking and Design Supplementary Guidance (2015)
- ▶ Neighbour notification letter dated 9 June 2021

Contact for further information

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

Andrew Muir, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455058

Email: andrew.muir2@southlanarkshire.gov.uk

Detailed planning application

Paper apart – Application number: P/21/0802

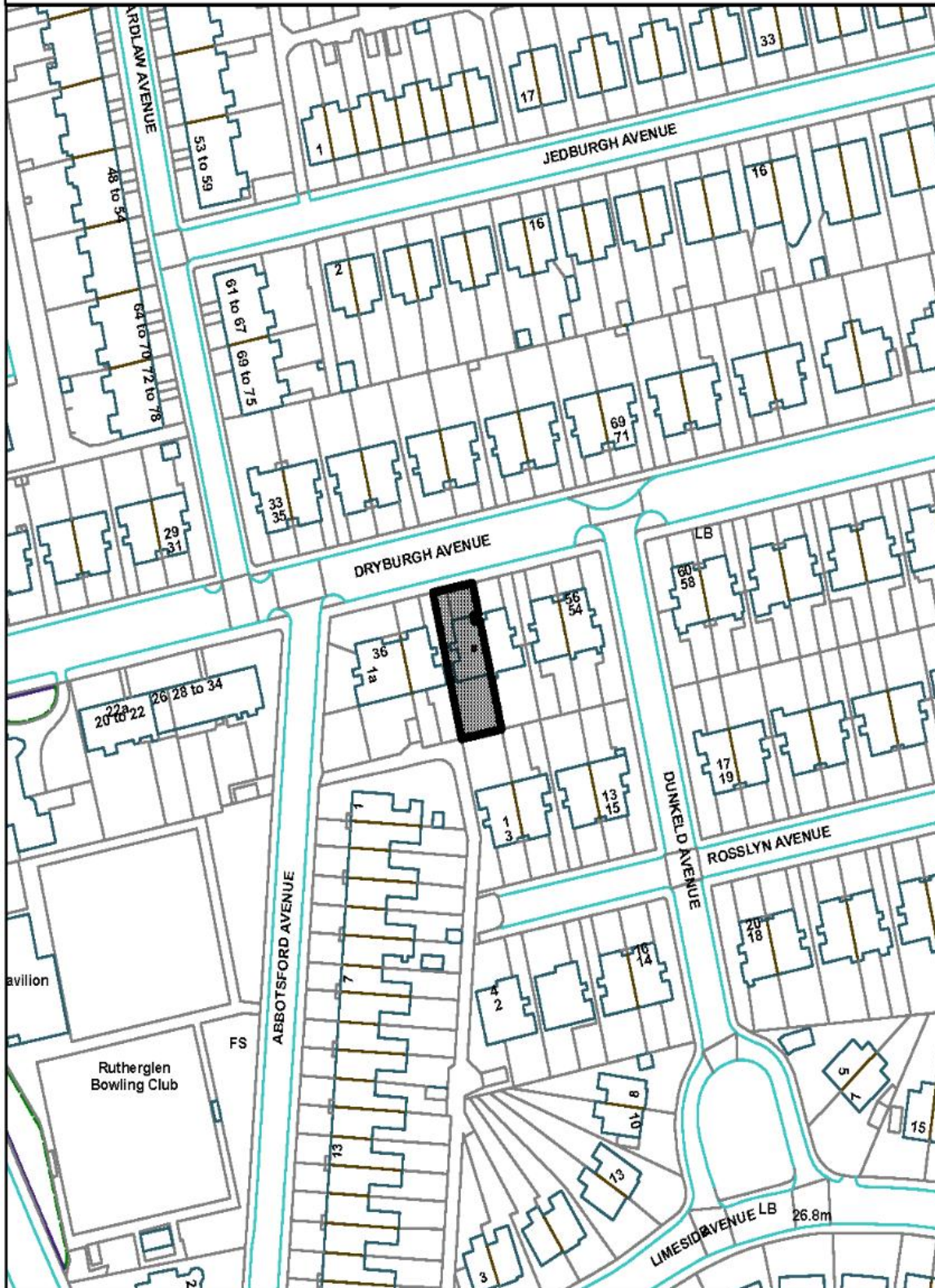
Conditions and reasons

01. No conditions to be attached.

Reason: Planning permission is granted unconditionally.

P/21/0802

42 Dryburgh Avenue, Rutherglen



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Date:
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