



Council Offices, Almada Street
Hamilton, ML3 0AA

Monday, 18 May 2020

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, 26 May 2020

Time: 10:00

Venue: Committee Room 1, Council Offices, Almada Street, Hamilton, ML3 0AA

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

Yours sincerely

Cleland Sneddon
Chief Executive

Members

Isobel Dorman (Chair), Mark Horsham (Depute Chair), John Ross (ex officio), Alex Allison, John Bradley, Archie Buchanan, Jackie Burns, Stephanie Callaghan, Margaret Cowie, Peter Craig, Maureen Devlin, Mary Donnelly, Fiona Dryburgh, Lynsey Hamilton, Ann Le Blond, Martin Lennon, Richard Lockhart, Kenny McCreary, Davie McLachlan, Lynne Nailon, Carol Nugent, Graham Scott, David Shearer, Collette Stevenson, Bert Thomson, Jim Wardhaugh

Substitutes

John Anderson, Walter Brogan, Janine Calikes, Gerry Convery, Margaret Cooper, Allan Falconer, Ian Harrow, Ian McAllan, Catherine McClymont, Colin McGavigan, Mark McGeever, Richard Nelson, Jared Wark, Josh Wilson

BUSINESS

1 Declaration of Interests

2 Previous Meeting

3 - 6

Note of Delegated Decisions taken by the Chief Executive, in consultation with the Group Leaders, on items of business relating to the Planning Committee on 5 May 2020, submitted for information. (Copy attached)

Item(s) for Decision

- | | | |
|----------|---|---------|
| 3 | Application P/20/0252 for Construction of Park and Ride Facility Including Carriageway Widening, Lighting, Drainage, CCTV and Electric Vehicle Community Charging Hub at Site of Former Rosebank Service Station, Bridge Street, Cambuslang
Report dated 14 May 2020 by the Executive Director (Community and Enterprise Resources). (Copy attached) | 7 - 18 |
| 4 | Application P/19/0969 for Erection of Single Storey Dog Boarding Kennels and Formation of Associated External Dog Walking Area, Landscaping and Car Parking at Crooklands Farm, Haywood Road, Forth
Report dated 30 April 2020 by the Executive Director (Community and Enterprise Resources). (Copy attached) | 19 - 30 |
| 5 | Application P/19/1544 for Conversion of Existing Public House to Form One Class 3 (Food and Drink) Unit, One Hot Food Takeaway (Sui Generis) and One Class 3 (Retail) Unit with Associated Alterations to the Structure of the Building and Formation of New Car Park and Access at Burnhill Bar, 18 Chapel Street, Rutherglen
Report dated 14 May 2020 by the Executive Director (Community and Enterprise Resources). (Copy attached) | 31 - 44 |
| 6 | Application P/20/0156 for Erection of Single Storey House with Attic Accommodation, Formation of 2 House Plots and Re-siting of Existing Access at Norwood, Craigenhill Road, Kilncadzow
Report dated 30 April 2020 by the Executive Director (Community and Enterprise Resources). (Copy attached) | 45 - 58 |

Urgent Business

7 Urgent Business

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

For further information, please contact:-

Clerk Name: Pauline MacRae

Clerk Telephone: 01698 454108

Clerk Email: pauline.macrae@southlanarkshire.gov.uk

Planning Committee Agenda of 5 May 2020 – Delegated Decisions taken by the Chief Executive, in consultation with Group Leaders

1 Declaration of Interests

No interests were declared.

2 Minutes of Previous Meeting

Decided: that the minutes of the meeting of the Planning Committee of 10 March 2020 be approved as a correct record.

3 Application P/19/1792 for Erection of 56 Houses with Associated Roads and Landscaping at Land at Torheads Farm, Phase 8, Meikle Earnock Road, Hamilton

Decided:

- (1) that planning application P/19/1792 by Bellway Homes for the erection of 56 houses with associated roads and landscaping at land at Torheads Farm, Phase 8, Meikle Earnock Road, Hamilton be granted subject to:-
 - ◆ the conditions specified in the Executive Director's report
 - ◆ the conclusion of a Legal Agreement to ensure the submission of an equitable financial contribution, on an agreed pro-rata basis, in relation to infrastructure and other costs associated with the Hamilton Community Growth Area, namely Roads Infrastructure, Education Provision, Community Facilities and Affordable Housing
 - ◆ the applicant meeting the Council's legal costs associated with the Section 75 Agreement and/or other legal agreements
- (2) that it be noted that, in accordance with the agreed procedure, should the Legal Agreement not be concluded within 6 months of the date of the decision being taken, the proposed development could be refused as being contrary to the requirements of:-
 - ◆ Policy 5 of the South Lanarkshire Local Development Plan as the works, which were required to ensure the educational/transport/community impacts of the development were addressed, could not be undertaken
 - ◆ Policy 13 of the South Lanarkshire Local Development Plan as the contribution required to meet the affordable housing needs across South Lanarkshire would not be provided
- (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 Planning Obligation.

[Reference: Minutes of 21 June 2011 (Paragraph 3)]

4 Application P/19/1888 for Deletion of Part 9 of Section 75 Agreement Associated with Planning Consent HN/95/0630 Prohibiting Development Other Than Access Roads at Land at Torheads Farm, Phase 8, Meikle Earnock Road, Hamilton

Decided: that planning application P/19/1888 by Bellway Homes for the deletion of Part 9 of the Section 75 Agreement associated with planning consent HN/95/0630 prohibiting development other than access roads at land at Torheads Farm, Phase 8, Meikle Earnock Road, Hamilton be granted unconditionally.

[Reference: Minutes of 21 June 2011 (Paragraph 3)]

5 Application P/20/0179 – Section 42 Application to Vary Condition 2 of Planning Consent CL/16/0482 Relating to a Leisure Development at Kersewell Mains Farm, Carnwath, Lanark to Allow Details of External Lighting Arrangements to be Included in Submissions for Approval

Decided: that planning application P/20/0179 by Kersewell plc under Section 42 of the Town and Country Planning (Scotland) Act 1997 to vary condition 2 of planning consent CL/16/0482 relating to a leisure development at Kersewell Mains Farm Carnwath, Lanark to allow details of external lighting arrangements to be included in further submissions for approval be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 21 February 2017 (Paragraph 11)]

6 Application P/19/1850 for Installation of 3.2 Kilometres 33kv Underground Cable and Associated Infrastructure and Substation at Kype Muir Wind Farm, Kype Highway, Strathaven

Decided: that planning application P/19/1850 by Banks Renewables (Harting Rig Wind Farm) for the installation of 3.2 kilometres 33kv underground cable and associated infrastructure and substation at Kype Muir Wind Farm, Kype Highway, Strathaven be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 29 January 2019 (Paragraph 12)]

7 Application P/20/0082 for Erection of 67 Houses (Including 16 Cottage Flats) with Associated Roads and Landscaping at Land 85 Metres North of 54 Tyne Avenue, Shields Road, East Kilbride

Decided: that planning application P/20/0082 by Taylor Wimpey West Scotland for the erection of 67 houses (including 16 cottage flats) with associated roads and landscaping at land 85 metres north of 54 Tyne Avenue, Shields Road, East Kilbride be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 29 November 2016 (Paragraph 3)]

8 Application P/19/1856 for Erection of 15 Flats (3 Storey Block) and 9 Houses (Semi-detached and Terraced) and Formation of Access Road, Associated Parking and Landscaping at Site of former Columba Social Club, 52 Carlowrie Avenue, Blantyre

Decided: that planning application P/19/1856 by Nutrire Limited for the erection of 15 flats (3 storey block) and 9 houses (semi-detached and terraced) and formation of access road, associated parking and landscaping at the site of the former Columba Social Club, 52 Carlowrie Avenue, Blantyre be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 21 June 2011 (Paragraph 3)]

9 Application P/19/0896 for Erection of Data Centre (Class 4 Business) and Associated 12MW Solar Farm and 7.5MW Gas Turbine with Light Industrial (Class 5) Area and Associated Infrastructure (Planning Permission in Principle) at Land 700 Metres North of Birkhill Mill, Cairnhouses Road, Douglas, Lanark

Decided: that planning application P/19/0896 by C Capital London Limited for the erection of a data centre (Class 4 Business) and associated 12MW solar farm and 7.5MW gas turbine with light industrial (Class 5) area and associated infrastructure (planning permission in principle) at land 700 metres north of Birkhill Mill, Cairnhouses Road, Douglas, Lanark be granted subject to the conditions specified in the Executive Director's report.

10 Application P/19/0941 for Erection of Detached House and Formation of 4 House Plots at Land 50 Metres East of 10 Woodhall Road, Braidwood, Carluke

Decided:

- (1) that planning application P/19/0941 by A and J Watson for the erection of a detached house and formation of 4 house plots at land 50 metres east of 10 Woodhall Road, Braidwood, Carluke be granted subject to the conditions specified in the Executive Director's report; and
- (2) that it be noted that the development constituted Development Contrary to the Development Plan, but that a departure from the Development Plan could be justified in this case for the following reasons:-
 - ◆ the objectives of Scottish Planning Policy, in terms of the purposes of the green belt would not be compromised
 - ◆ the proposal would enable the rounding off of the current irregular settlement edge and the creation of a robust and defensible boundary
 - ◆ the small scale nature of the development would not have an adverse impact on the character of the area
 - ◆ the additional tree planting would enhance the landscape character of the area
 - ◆ there would be no adverse impact on residential or visual amenity, infrastructure or biodiversity

11 Application P/19/1665 for Demolition of 2 Houses and Erection of 21 Unit Residential Development and Associated External Works, Parking and Landscaping at 21 Douglas Street, Hamilton

Decided: that consideration of planning application P/19/1665 by Wilson Developments Scotland for the demolition of 2 houses and the erection of a 21 unit residential development and associated external works, parking and landscaping at 21 Douglas Street, Hamilton be deferred to a later date.

12 Application P/19/1684 for Erection of House and Detached Double Garage at 93 Broompark Road, Blantyre

Decided: that planning application P/19/1684 by M MacDonald for the erection of a house and detached double garage at 93 Broompark Road, Blantyre be granted subject to the conditions specified in the Executive Director's report.

13 Application P/19/1698 for Installation of 2 Dormer Windows to House, Demolition of Outbuildings and Erection of Detached Garage with Attic Space at 1 Hill Cottage, Hill Road, Netherburn, Larkhall

Decided: that planning application P/19/1698 by J Smith for the installation of 2 dormer windows to house, demolition of outbuildings and erection of detached garage with attic space at 1 Hill Cottage, Hill Road, Netherburn, Larkhall be granted subject to the conditions specified in the Executive Director's report.

14 Urgent Business

There were no items of urgent business.

Report

3

Report to:	Planning Committee
Date of Meeting:	26 May 2020
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/20/0252
Planning proposal:	Construction of a park and ride facility including carriageway widening, lighting, drainage, CCTV and electric vehicle community charging hub

1 Summary application information

Application type:	Detailed planning application
Applicant:	South Lanarkshire Council
Location:	Site Of Former Rosebank Service Station Bridge Street Cambuslang 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: Colin Park
- ◆ Council Area/Ward: 13 Cambuslang West
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
Policy 2 - Climate Change
Policy 4 - Development Management and Placemaking
Policy 8 Strategic and town centres
Policy 16 - Travel and Transport
Policy 17 - Water Environment and Flooding

**Supplementary Guidance Development
Management, Place Making and Design
Policy DM1 Design**

**Proposed South Lanarkshire Local
Development Plan 2**
Policy 2 – Climate Change
Policy 5 Development Management and
Placemaking
Policy 9 Network of Centres and Retailing
Policy 15 – Travel and Transport
Policy 16 – Water Environment and Flooding
Policy DM1 New Development Design

◆ **Representation(s):**

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

◆ **Consultation(s):**

Environmental Services

Roads Development Management Team

Roads Flood Risk Management

Scottish Water

Access Panel

Cambuslang Community Council

Planning Application Report

1 Application Site

- 1.1 The application site is located in Bridge Street in Cambuslang. It is a vacant site to the west of Bridge Street. It is bounded by a newly developed residential area to the west, with the site boundary adjacent to the rear gardens of properties, beyond this, residential development is an established industrial area. To the north there is an access road into an established industrial area. To the east, on the far side of Bridge Street, is James Aiton Primary School and to the south are two high rise housing blocks, Rosebank Tower and Stanford Hall, beyond which is Cambuslang Town Centre and Cambuslang Train Station. The site slopes from west to east towards Bridge Street and from south to north down Bridge Street. There are areas of regenerated trees and shrubs to the rear of the site and traces of previous structures and retaining walls. A sewer connection is currently being constructed across the site linking the newly developed residential site to Bridge Street.

2 Proposal(s)

- 2.1 The proposal is to construct a park and ride facility including carriageway widening, lighting, drainage, CCTV and electric vehicle community charging hub. The park and ride will provide a total of 286 parking spaces, including 25 electric charging spaces. While the proposal does not specifically identify the disabled spaces at this stage, Roads and Transportation Services have confirmed that the provision of disabled spaces in the area surrounding the station is being reviewed to determine the most suitable locations these bays. The facility will be accessed from Bridge Street at the centre of the site. A small substation cabinet will be located in the southern corner of the site measuring 3m x 2.5m x 2.5m high and located in a fenced enclosure measuring 5m x 5m. A 1m chevron retaining wall is proposed close to the north western boundary of the site to retain proposed landscaping and the change in slope in this part of the site. A lighting scheme is proposed for the facility including 13 lighting columns which are 8m high aluminium conical post mounted columns and a small lighting control box close to the entrance measuring 0.6m x 0.4m x 1.2m high. A CCTV scheme is also proposed which will, where possible, use the lighting columns to house cameras to survey the car park.
- 2.2 The applicant has also submitted supporting information in the form of a Planning Statement, Design and Access Statement, Flood Risk Assessment, Ground Investigation Report, and a Parking Provision Survey by AECOM.
- 2.3 In particular, the Planning Statement explains that a strategy for park and ride facilities in the Council area was produced and presented to the Community and Enterprise Resources Committee on 30 October 2018, where it was approved. The strategy identified Cambuslang as a high priority. Consultation took place with stakeholders and local groups, following which an action plan was produced. The action plan identifying various options to be taken forward -
- New surface car park on vacant land adjacent to Bridge street
 - Improve walking and crossing facilities to and around the station (upgrade of the Main Street / Bridge Street traffic signals)
 - Improve and upgrade the cycle access
 - Implement on-street drop-off area near the station

- Improve and relocate the existing bus infrastructure near the station
- Promotion of the existing Maple Tree Court park and ride facility
- Improved signage and wayfinding between park and ride facilities and the station

The statement explains that the approval of this current planning application will allow the action plan to be taken forward. It should be noted that funding from Strathclyde Partnership for transport has allowed the purchase of the vacant land on Bridge Street and a consultant to be commissioned to take forward the project.

- 2.4 During soft site clearance works carried out early in March, a hole was discovered on site. Works were immediately stopped in the area surrounding the hole and an ecological specialist appointed. However, prior to a survey being carried out on site working restrictions were introduced. The applicant will consult SNH in respect of obtaining appropriate licences and any mitigation measures following survey findings, once completed. Separately, the developers of an adjacent site, whilst installing a sewer connection across the site, discovered the hole and appointed their own ecologist who has carried out an initial survey which concluded that the hole was an inactive badger sett.

3 Background

3.1 Local Plan Status

- 3.1.1 The South Lanarkshire Local Development Plan (SLLDP) (Adopted 2015) identifies the site as being within the Strategic Town Centre of Cambuslang under Policy 8 (Strategic and Town Centres). In addition, Policy 2 (Climate Change), Policy 4 (Development Management and Place Making), Policy 16 (Travel and Transport) and Policy 17 (Water Environment and Flooding) also apply. In addition, the following Supplementary Guidance will require to be taken into consideration: Development Management, Place Making and Design.

3.2 Relevant Government Advice

- 3.2.1 Relevant Government guidance is set out within the consolidated Scottish Planning Policy (SPP) 2014 which details the Scottish Government's national outcomes, one of which is "A more connected place". The SPP sets out how the NPF3 aims to strengthen transport links within Scotland are delivered. The SPP introduces a presumption in favour of development that contributes to sustainable development which is guided by the principle of "supporting delivery of infrastructure." The SPP states that "Development plans should identify any required new transport infrastructure."

3.3 Planning History

- 3.3.1 The site was formerly the Rosebank Petrol Station prior to planning consent (Reference CR/01/0177) being granted in October 2001 for a change of use to car sales together with an associated planning consent (Reference CR/01/0176) to relocate advertising hoardings on the site. Following this, the application site formed part of a wider area of land covered by the Planning Permission in Principle (Reference CR/11/0248) granted in March 2012 for a mixed use development for the regeneration of the Hoover/Bridge Street site in Cambuslang, comprising a supermarket, 208 houses, relocation of business and industry, a spine road linking the new junction at Bridge Street through the site to Dallas Drive, a park and ride facility to serve Cambuslang Station, landscaping and footpath links. The first

matters specified in conditions (MSC) application (Reference CR/12/0149) relating to a range of works required to deliver the proposal was granted consent at Planning Committee on 29 January 2013. A second matters specified in conditions (MSC) application (Reference CR/12/0188) relating to further works was granted consent on 17 April 2013. In July 2013, a planning application (Reference CR/13/0179) to operate a car wash on the site was refused.

- 3.3.2 The Planning Permission in Principle (Reference CR/11/0248) has not been taken forward, it has been superseded by a number of detailed planning consents for individual sites within the area. These include planning consent for residential development on the former Hoover factory site and for the vacant site immediately adjacent to this site on Somervell Street which is being developed for social housing by Link Housing Association (Reference CR/17/0195).

4 Consultation(s)

- 4.1 **Roads and Transportation Services (Development Management)** – Roads and Transportation Services are the applicant for this application and multiple specialist teams have contributed to the design and application and have no adverse comment to make.

Response: Noted.

- 4.2 **Roads and Transportation Services (Flood Risk Management Section)** – Roads and Transportation Services are the applicant for this application and multiple specialist teams have contributed to the design and application and have no adverse comment to make.

Response: Noted.

- 4.3 **Environmental Services** – have no objections, subject to conditions in relation to control and mitigation of dust and implementation of any required contamination remediation measures.

Response: Noted. Appropriate conditions and informatives will be added to any consent issued.

- 4.4 **Scottish Water** – have no objections to the proposal.

Response: Noted.

- 4.5 **South Lanarkshire Access Panel** – no response to date

- 4.6 **Cambuslang Community Council (CCC)** - no response to the planning consultation received to date. Separately, CCC has written directly to Roads Services as the applicants enclosing a report entitled “Which way forward for parking in Cambuslang? Developing a Cambuslang Parking Strategy”. Roads Services will continue discussions with CCC and will respond directly on the Strategy submitted.

5 Representation(s)

- 5.1 Statutory notification was undertaken and the proposals advertised in the local press for non-notification of neighbours and nature and scale of development. Following this, no letters of representation were received.

6 Assessment and Conclusions

- 6.1 The applicants propose to construct a park and ride facility including carriageway widening, lighting, drainage, CCTV and electric vehicle community charging hub. The main determining issues in assessing this proposal are whether it accords with local plan policy, its impact on amenity and road safety matters.
- 6.2 In terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, planning applications have to be determined in accordance with the development plan unless other material considerations indicate otherwise.
- 6.3 Scottish Planning Policy (SPP) highlights that development proposals which accord with up-to-date plans should be considered acceptable in principle. In terms of Policy 2 – Climate Change and the associated supplementary guidance, the site is in a sustainable location in relation to access to services and facilities in the town centre and improves access to public transport providing a park and ride facility to increase use of the rail network. The proposals would also involve the redevelopment of brownfield land improving the local environment. No objections have been received from consultees in this regard. The proposal is, therefore, acceptable when assessed against Policy 2 and the Sustainable Development and Climate Change SG.
- 6.4 The site is identified within the adopted South Lanarkshire Local Development Plan as being within Cambuslang Town Centre where Policy 8 - Strategic and Town Centres applies. This states that a mixture of uses would be acceptable in these areas being compatible with the role of the Town Centre as a commercial and community focal point. The inclusion of the site within the town centre is based on the previous consent for a mixed use development on the former Hoover site and surrounding land which proposed a supermarket car park incorporating a park and ride facility on this site. Those proposals have not been implemented and this is an alternative proposal for a park and ride facility. Policy on town centre uses does indicate that uses such as transport facilities are an acceptable land use and, therefore, the principle of this proposal accords with Policy 8.
- 6.5 Policy 4 (Development Management and Placemaking) seeks to ensure that development takes account of and is integrated with 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. The site was formerly a petrol station and has lain vacant for a number of years which, in turn, is having an adverse impact on the amenity of the area. Its redevelopment of what is a prominent site would enhance the amenity and character of the area. The scale and design of the facility is considered acceptable with only a few small structures, a landscaping scheme and improved road frontage it is considered appropriate within the context of the surroundings. The proposed development is considered to be consistent with Policy 4 of the SDLLP and with the policy guidance set out within the associated Supplementary Guidance Development Management, Placemaking and Design.
- 6.6 With regard to road safety, Policy 16 - Travel and Transport - states that new development proposals must consider, and where appropriate, mitigate the resulting impacts of traffic growth, particularly development related traffic, and have regard to the need to reduce the effects of greenhouse gas emissions and at the

same time, support and facilitate economic recovery, regeneration and sustainable growth. It also states that developing public transport networks which provide a viable and attractive alternative to car travel, thus reducing the effects of transport on the environment, will be supported. The proposed facility will encourage use of public transport and has been designed following full assessment of the need for the facility and the impact in terms of traffic growth and capacity of the road network. A Planning Statement and a Parking Survey Report have been submitted in support of the application, which were prepared following a public consultation exercise. The proposal can, therefore, be considered acceptable in transportation terms.

- 6.7 Policy 17 (Water Environment and Flooding) states that developments which have a significant adverse impact on the water environment will not be permitted and that consideration will be given to water levels, flows, quality, features, flood risk and biodiversity within the water environment. The applicants submitted a detailed Flood Risk Assessment and Roads and Transportation Services are the applicant for this application and multiple specialist teams have contributed to the design and application and have no adverse comment to make.
- 6.8 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore, the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan. It is considered that this proposal, in isolation, would not prejudice the redevelopment of the other designated land. In all other respects, policies in SLLDP2 are broadly consistent with the current adopted South Lanarkshire Local Development Plan 1. It is considered that the proposals accord with Policies 2, 5, 9, 15, 16 and DM1 in the Proposed plan.
- 6.9 No letters of representation were received in respect of the proposal, and the requirements of the statutory consultees have been addressed through the use of conditions, where appropriate.
- 6.10 In summary, it is considered that the redevelopment of a brownfield site for a park and ride facility close to Cambuslang rail station and the town centre is appropriate in land use terms, the proposal brings a vacant derelict site into use and improves the environment. The proposal raises no significant environmental or infrastructure issues. The submitted Parking Survey Report and the associated consultation demonstrated the requirement for a park and ride facility in Cambuslang. Following a full and detailed assessment of the proposed development, it is considered that the proposed development is in accordance with the South Lanarkshire Local Development Plan and associated Supplementary Guidance and the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and, on that basis, it is recommended that planning permission is granted.

7 Reasons for Decision

- 7.1 The proposal complies with Policies 2, 4, 8, 16 and 17 of the Adopted South Lanarkshire Local Development Plan and associated Supplementary Guidance Development Management Place Making & Design and Sustainable Development. The proposal also complies with Policies 2, 5, 9, 15, 16, and DM1 of the Proposed South Lanarkshire Local Development Plan 2.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 14 May 2020

Previous references

- ◆ Planning Consent CR/01/0176
- ◆ Planning Consent CR/01/0177
- ◆ Planning Application CR/13/0179 Refused
- ◆ Planning Consent CR/11/0248
- ◆ Matters Specified in Conditions Consent CR/12/0149
- ◆ Matters Specified in Conditions Consent CR/12/0188

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated 3 March 2020

- ▶ Consultations
 - Environmental Services 16.03.2020
&
28.04.2020
 - Roads Development Management Team 28.04.2020
 - Roads Flood Risk Management 28.04.2020
 - Scottish Water 09.03.2020

Contact for further information

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

Morag Neill, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455053

Email: morag.neill@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 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.

04. That before the development hereby permitted is occupied or brought into use, all the fences or walls for which the permission of the Council as Planning Authority has been obtained under the terms of Condition 3, 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.

05. (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.

06. 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.

07. That no consent is hereby granted for any of signage, for which a separate advertisement consent will be required.

Reason: In order to retain effective planning control.

P/20/0252

Site of former Rosebank Service Station, Bridge Street, Cambuslang



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Date:
30/03/2020



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

4

Report to:	Planning Committee
Date of Meeting:	26 May 2020
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/19/0969
Planning proposal:	Erection of single storey dog boarding kennels and formation of associated external dog walking area, landscaping and car parking.

1 Summary application information

Application type:	Detailed planning application
Applicant:	Douglas And Kayleigh Munro
Location:	Crooklands Farm Haywood Road Forth ML11 8ES

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
- ♦ Council Area/Ward: 02 Clydesdale North
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015):**
Policy 3 Green belt and rural area
Policy 4 Development management and placemaking

Supplementary Guidance 2: Green Belt and Rural Area
Policy GBRA1 Economy/business related developments

**Supplementary Guidance 3: Development
Management, Placemaking and Design**
Policy DM1 Design

**Proposed South Lanarkshire Local
Development Plan 2:**

Policy 4 Green Belt and Rural Area

Policy 5 Development Management and
Placemaking

Policy GBRA2 Business Proposals within Green
Belt and Rural Area

Policy DM1 New Development Design

◆ **Representation(s):**

▶	6	Objection Letters
▶	0	Support Letters
▶	0	Comment Letters

◆ **Consultation(s):**

Environmental Services

Roads Development Management Team

Planning Application Report

1 Application Site

- 1.1 The application site is located on land at Crooklands Farm, to the north east of the settlement of Forth. The site is accessed via an existing private access road. The ground level of the site is relatively flat, and sits marginally lower than the access road. The site is bound to the north by open farm land. The applicant's dwellinghouse is located to the west of the site, whilst the site is bound to the east and south by open ground and a farm steading within the applicant's ownership. To the south-west is a neighbouring farm steading and dwellinghouse, with another dwellinghouse located further to the south-west. Adjacent to the private access road to the west, approximately 94m from the application site, is a dwellinghouse with a cattery boarding business.

2 Proposal(s)

- 2.1 The applicant seeks detailed planning consent for the erection of single storey detached dog kennels and an associated outdoor walking area with 3 car parking spaces on land to the east of the applicant's dwelling. The kennels are segregated into 5 bays, each with their own fenced outdoor run. Attached to the kennels is a proposed reception area and associated utility and store room. The applicant proposes a 2m high close boarded timber fence along the north-western boundary of the application site, and along the perimeter of the outdoor walking area. There is landscaping proposed along the boundaries of the fencing. The proposed development will be accessed via an existing private vehicular access road.
- 2.2 The applicant has submitted a Noise Impact Assessment in support of the application.

3 Background

3.1 Local Plan Status

- 3.1.1 With regard to the South Lanarkshire Local Development Plan (adopted 2015), the site is located within the Rural Area where Policies 3 and GBRA1 apply. Policy 4 – Development Management and Placemaking and its associated supplementary guidance are also of relevance to the proposed development.
- 3.1.2 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance, Policies 4 – Green Belt and Rural Area, 5 – Development Management and Placemaking, DM1 – New Development Design and GBRA2 – Business Proposals within Green Belt and Rural Area are considered to be of relevance to the application.

3.2 Planning Background

- 3.2.1 There is no relevant planning history relating to this site.

4 Consultation(s)

- 4.1 **Roads and Transportation Services (Development Management Team)** – offered no objections to the proposed development and are satisfied with the level of car parking provided to serve the development. There are no road safety or traffic concerns.

Response: Noted.

- 4.2 **Environmental Services** – following the submission of a Noise Impact Assessment in respect of the development, Environmental Services offered no objections to the proposed development subject to conditions requiring the recommendations of the Noise Impact Assessment to be implemented on site to their satisfaction. These include detailed specifications for the construction of the new building, the formation of barriers and landscaping and the submission of a noise management plan to address how complaints about noise levels would be dealt with.

Response: Noted. The requested conditions would be attached to any consent issued.

5 Representation(s)

- 5.1 Following the carrying out of statutory neighbour notification and the advertisement of the proposal in the Lanark Gazette for non-notification of neighbours, 6 letters of representation were received. The grounds of objection are summarised below:

- a) **The development will create unacceptable noise nuisance to neighbouring dwellinghouses. Proposed mitigation is not acceptable to address the issue.**

Response: The applicant has submitted a Noise Impact Assessment which has been assessed by the Council's Environmental Service. The existing background noise has been measured, and details provided of mitigation measures to reduce proposed noise to acceptable levels which would prevent a nuisance. The Council's Environmental Service is satisfied with the information submitted and has raised no objection to the proposal subject to conditions. Should consent be granted, conditions will be attached to ensure mitigation measures are carried out prior to the development becoming into use. In view of the above, it is not considered that the proposal will create adverse noise nuisance.

- b) **The proposal will adversely affect farming in the area due to possible disease risk and a risk to livestock from dog attacks and distress from barking.**

Response: The issue of disease risk is not a material planning consideration. In this case, the applicant proposes boundary fencing which will restrict dogs to within the outdoor walking area and individual runs. To prevent possible distress to livestock, the applicant has proposed a 2m close board timber fence along the length of the north-western boundary to restrict direct views by and of the dogs. In view of the above, it is not considered that the proposal will have an unacceptable adverse impact on agriculture or livestock.

- c) **There is sufficient availability of dog kennels within the surrounding area, and there is no need for more.**

Response: This is not a material planning consideration.

- d) **The occupiers of Mansefield should have been notified.**

Response: The Council has carried out statutory neighbour notification to all properties located within 20m of the application site as required. The application was also advertised in the Lanark Gazette due to the non-notification of neighbours.

- e) **The proposal will cause additional vehicle traffic and road safety issues.**

Response: The Council's Roads and Transportation Service has raised no concerns regarding the impact of the proposal on road or traffic safety.

- f) **The proposal will impact adversely on the existing cattery boarding business located approximately 94m to the west of the application site.**

Response: The issue of noise nuisance is addressed in section 5.1a of this report. It should be noted that although it is not considered that the proposal will create unacceptable noise nuisance, should there be concern regarding noise, then the complaint can be raised with the Council's Environmental Services to investigate.

- g) **It is not clear how the noise from the proposal will be measured, monitored or controlled over the long term.**

Response: Should consent be granted, conditions will be attached to ensure that the mitigation measures identified in the Noise Impact Assessment are carried out prior to the development coming into use. Should there be concern regarding noise, then the complaint can be raised with the Council's Environmental Services to investigate.

- h) **It is not clear if there will be restrictions placed on increasing the number of kennels, or the formation of a separate isolation unit.**

Response: Such development would require the applicant to apply for planning permission. Each application would be assessed on its individual merits.

- i) **The existing vehicle access is not suitable for large vehicles associated with construction, and will further damage the road.**

Response: The impact of the development on the condition of the private access road is a private legal matter between the relevant parties.

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 single storey detached dog kennels and an associated outdoor walking area with 3 car parking spaces on land to the east of the applicant's dwellings at Crooklands Farm, Forth. The determining issues in the assessment of this application are its compliance with local development plan policy as well as its impact on surrounding rural and residential amenity. 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 framework against which the proposal requires to be assessed comprises the South Lanarkshire Local Development Plan (adopted

2015) and its associated supplementary guidance. The Proposed South Lanarkshire Local Development Plan 2 is also a material consideration.

- 6.2 In terms of the adopted local development plan, it is noted that the site is located in an area which is designated as Rural Area where Policy 3 states that the Rural Area functions primarily for agriculture, forestry, recreation and other uses appropriate to the countryside. Other uses can also be considered appropriate, but only in specific circumstances including where there is a specific locational need. Policy GBRA1 – Economy/Business Related Developments of the Green Belt and Rural Area Supplementary Guidance document associated with the adopted plan states that the Council will seek to support the rural economy by promoting rural diversification and facilitating job creation through developments of an appropriate type and scale. Uses considered appropriate to the countryside are listed in the policy and includes boarding kennels. The re-use or extension of existing buildings is the preferred option but in other cases new development may be acceptable where it is shown to integrate with an established building group.
- 6.3 In this instance, it is noted that operations such as commercial dog boarding would not necessarily be considered a traditional countryside use, such operations are considered to be potentially acceptable in countryside areas subject to considerations such as siting and amenity. In this regard, it is noted that it can be difficult to source appropriate locations and premises for animal related developments within settlements and that these uses can be more suitably catered for in countryside locations. In this case, the development is proposed within a wider building group at Crooklands Farm rather than in an isolated location in the countryside. Additionally, it is noted that the building is located adjacent to the applicant's dwellinghouse and that, given the nature of operations, there is a need for the development to be sited in a location where 24 hour care to animals can be provided. As such, the view is taken that the principle of the development at this location is considered to be acceptable given that the development relates to an existing building group and there is a specific locational requirement in terms of animal welfare for the development to be established at the property. It is, therefore, considered to be compliant with the principles of Policy GBRA1.
- 6.4 With regard to the specific design and layout of the proposed development, Policy 4 – Development Management and Placemaking requires all proposals to take account of and be integrated with the local context and built form. The policy states that development proposals should have no significant adverse impacts on amenity or the local environment in planning terms. These requirements are further supported by the associated supplementary guidance relating to development management, placemaking and design.
- 6.5 In this instance, the proposed kennels and outdoor walking area are immediately adjacent to the rear of the applicant's dwellinghouse, a farm steading and two residential dwellings to the south west of the site, and a dwellinghouse with a cattery business located approximately 94m to the west of the application site. Given the nature of the proposed use, it was requested that a Noise Impact Assessment be carried out to consider whether the business operations would have any significant adverse amenity impact on neighbouring properties in terms of noise issues. It should be noted that the applicant has amended the proposal to relocate the outdoor walking area to the north-east of the site, with the aim of reducing noise disturbance to neighbouring dwellings. The applicant has added close board fencing along the

north-western boundary to prevent a view from the kennels to the adjoining fields with the aim of minimising the visual stimulation of the dogs. Following the submission of the Noise Impact Assessment, Environmental Services have advised that, subject to conditions to manage noise levels, a significant adverse impact would not occur in this instance.

- 6.6 In terms of context and built form, the single storey building is discretely located within the rural area, adjacent to an existing building group and with a backdrop of an agricultural shed when viewed from the public road. The applicant proposes landscaping along the boundary to reduce the visual impact of the proposed close board fencing. It is considered that the proposal does not have a significant landscape or environmental impact. In addition, the Council's Roads and Transportation Services are satisfied with the level of car parking provided, and there would be no issues in terms of access or road safety associated with the development. In view of the above, it is considered that the proposal would have no significant adverse amenity impact and would comply with Policy 4 of the adopted local development plan as well as all relevant policy and guidance as set out in the associated supplementary guidance.
- 6.7 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore, the Proposed SLLDP2 is now a material consideration in determining planning applications. The submission has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan 1. It is considered that the proposal generally accords with Policies 4, 5, DM1 and GBRA2 in the proposed plan.
- 6.8 In addition to the standard neighbour notification procedure carried out by the Council, the application was also advertised in the local press. Six letters of objection have been received in relation to the proposed development. The points raised are addressed in detail in Section 5 above. It is not considered that the points of objection raised would substantiate grounds for refusing permission.
- 6.9 In conclusion, it is considered that the development is appropriate for the site, and would not significantly adversely affect residential amenity or the character of the rural area, and is compliant with the provisions of the relevant policies of the adopted South Lanarkshire Local Development Plan and its associated supplementary guidance as well as the Proposed South Lanarkshire Local Development Plan 2. It is, therefore, recommended that planning permission is granted for the proposed development subject to the attached conditions.

7 Reasons for Decision

- 7.1 The development has no significant adverse impact on residential amenity or the character of the rural area, and complies with the relevant policies of the adopted South Lanarkshire Local Development Plan and Supplementary Guidance (Policies 3, 4, DM1 and GBRA1) and the Proposed South Lanarkshire Local Development Plan 2 (Policies 4, 5, GBRA2 and DM1).

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 30 April 2020

Previous references

- ◆ None

List of background papers

- ▶ Application form
 - ▶ Application plans
 - ▶ South Lanarkshire Local Development Plan 2015 (adopted)
 - ▶ Proposed South Lanarkshire Development Plan 2
- Lanark Gazette advertisement
- ▶ Neighbour notification letter dated
-
- ▶ Consultations
 - Environmental Services
 - Roads Development Management Team 05.08.2019
-
- ▶ Representations Dated:
 - Amanda Forsyth, Crooklands Farm Bungalow, Haywood Road, Forth, Lanark, ML11 8ES 31.07.2019
 - Alasdair Morrison, Averton View, Haywood, Forth, ML11 8ES 29.07.2019
 - Claire Morrison, Averton View, Haywood, Forth, ML11 8ES 29.07.2019
 - Alexander And Helen Morrison, Averton View, Haywood, Forth, ML11 8ES 29.07.2019
 - Thomas Ballantyne, Bughtknowes Farm, Haywood, Forth, Lanark, ML11 8ES 01.08.2019
 - Ms MADELIENE Milburn, Mansefield, C207 From Haywood To Auchengray C37, Forth Lanark, South Lanarkshire, ML11 8ES 29.07.2019

Contact for further information

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

Pamela McMorran, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455170

Email: pamela.mcmorran@southlanarkshire.gov.uk

Conditions and reasons

01. That prior to the development hereby approved being brought into use, the barrier identified and as specified within the SANDY BROWN Consultants in Acoustics, Noise & Vibration, 19348-R01 B, 16 January 2020, (Crooklands Farm Boarding Kennels) Noise Impact Assessment shall be put in place and thereafter maintained to the satisfaction of the Council as Environmental Services and Planning Authority.

Reason: To reduce the impact of noise from the facility on neighbouring dwellings.

02. That prior to the development hereby approved being brought into use the following mitigation shall be implemented with respect to the kennel building:
- o The building shall be of a masonry construction.
 - o This shall have solid core timber doors fitted, and these shall be closed at night.
 - o The doors from the kennels to the run shall have a minimum sound insulation of Rw 35dB. This would require typically a 54 mm solid core door with effective compression seals around the entire perimeter, including at the threshold.
 - o The slate roof tiles should be installed on a layer of at least 18mm plywood (or equal).
 - o A plasterboard ceiling shall be installed below the main roof structure of the kennel building, and this shall be overlaid with a mineral fibre quilt insulation.
 - o An acoustically absorbent ceiling below the plasterboard ceiling (e.g. hygienic, washable acoustic tiles as used in kitchens) shall be installed to help to reduce reverberant sound levels inside the kennel building.
 - o Windows shall have a minimum of 6mm thick glass and should be closed at night. This may necessitate ventilation, which should also be attenuated.

The measures above shall be carried out in accordance with the SANDY BROWN Consultants in Acoustics, Noise & Vibration, 19348-R01 B, 16 January 2020, (Crooklands Farm Boarding Kennels) Noise impact assessment, and shall be completed and thereafter maintained to the satisfaction of the Council as Environmental Services and Planning Authority.

Reason: To reduce the impact of noise from the facility on neighbouring dwellings.

03. Prior to works commencing on site, a noise management policy shall be submitted for the approval of the Council as Environmental Services and Planning Authority, and shall thereafter be adhered to.

Reason: To ensure the applicant runs in the facility in a manner which prevents noise nuisance.

04. The operation of the development shall ensure that noise from the development meets the following conditions to the satisfaction of the Council as Environmental Services and Planning Authority:

- a) The external levels within the curtilage of any noise sensitive receptor shall not exceed an LAeq,1hr of 50dB daytime (08:00 - 20:00)
- b) The external levels within the curtilage of any noise sensitive receptor shall not exceed an LAeq,15min of 40dB night-time (20:00 - 08:00).
- c) The external levels within the curtilage of any noise sensitive receptor shall not exceed an LA,max of 55dB between 23:00 and 07:00.

Reason: In the interests of residential amenity to neighbouring dwellings .

- 05. That prior to the development coming into use, the 2m close boarded screen fences shall be erected as shown on the Block Plan hereby approved and shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

Reason: In the interests of amenity and to reduce the visibility of the dogs to surrounding activity.

- 06. That before any work commences on the site, a scheme of landscaping for the area indicated on the approved Block Plan 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 proposed 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.

- 07. That the landscaping scheme relating to the development hereby approved shall be carried out simultaneously with the development, or each phase thereof, and shall be completed and thereafter maintained and replaced where necessary to the satisfaction of the Council as Planning Authority.

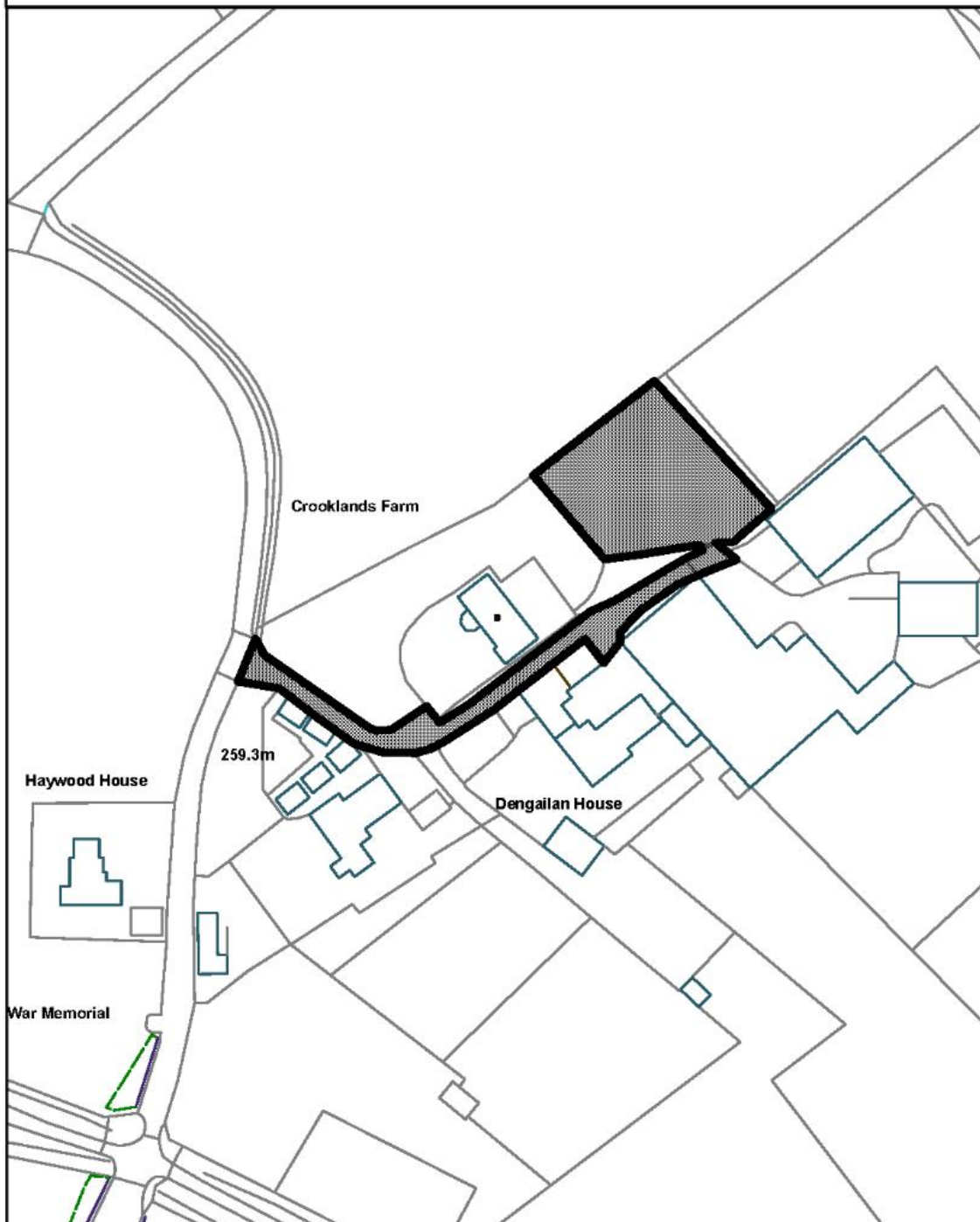
Reason: In the interests of the visual amenity of the rural area.

- 08. Notwithstanding the Block Plan hereby approved, the 3No. car parking spaces indicated shall be extended to a minimum of 2.6m x 6m each, and shall be constructed prior to the development coming into use to the satisfaction of the Council as Roads and Planning Authority.

Reason: To ensure sufficient car parking spaces are provided.

P/19/0969

Crooklands Farm, Haywood Road, Forth



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Scale:
1:1,250
Date:
17/03/2020



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

5

Report to:	Planning Committee
Date of Meeting:	26 May 2020
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/19/1544
Planning proposal:	Conversion of existing public house to form one Class 3 (Food and drink) unit, one hot food takeaway (Sui Generis) and one Class 1 (Retail) unit, with associated alterations to the structure of the building and formation of new car park and access

1 Summary application information

Application type:	Detailed planning application
Applicant:	Mr Nabeel Tariq
Location:	Burnhill Bar 18 Chapel Street Rutherglen G73 1JE

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: Alyn Walsh
- ♦ Council Area/Ward: 12 Rutherglen Central And North
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan (2015)**
Policy 4 -Development management and placemaking
Policy 6 - General urban area/settlements
Policy 10 - New retail/commercial proposals

Supplementary Guidance 3: Development Management, Placemaking and Design

Policy DM1 - Design
Policy DM8 - Hot food shops
Policy DM13 - Development within general urban area/settlement

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

Policy 3 - General Urban Areas and Settlements

Policy 5 - Development Management and Placemaking

Policy 10 - New Retail and Commercial Proposals

Policy DM1 - New Development Design

Policy DM9 – Hot Food Shops

◆ **Representation(s):**

▶	3, plus 2 petitions containing 35 names.	Objection Letters
▶	0	Support Letters
▶	0	Comment Letters

◆ **Consultation(s):**

Roads and Transportation Services (Development Management Team)

Rutherglen Community Council

Environmental Services

Estates Services - Housing and Technical Resources

Planning Application Report

1 Application Site

- 1.1 The application site is located within the established urban area at 18 Chapel Street, Rutherglen. The site comprises a freestanding vacant public house, with a small car park, servicing and landscaped areas to the front (south) of the site. The existing single storey building, with its shallow roof, has been built on a split level site with a low retaining wall running roughly along the centre of the site. An informal footpath also runs along the eastern edge of the building, linking the site to the wider footpath network and a public car park to the north of the site.
- 1.2 The site is surrounded on all sides by existing residential developments, with four storey blocks of flats in particularly close proximity to the east, west and south of the site. The ground floor of one of these blocks of flats, to the east of the site, contains a number of small commercial units including a Class 1 convenience store. The western edge of Rutherglen Main Street is located approximately 160 metres to the east of the site, on the opposite side of the A730 - Glasgow Road.

2 Proposal(s)

- 2.1 The applicant seeks consent for the change of use and physical conversion of the vacant public house (Sui Generis) to form three separate units; one Class 3 (food and drink) unit, one hot food takeaway (Sui Generis) and one Class 1 (retail) unit. This would involve associated alterations to the structure of the building, including the demolition of a small section of the existing structure. An enlarged car park and revised access to the site are also proposed as part of the application.
- 2.2 In terms of the proposed physical changes on site, the proposal would involve the demolition of a projecting front store and a small section of the existing kitchen. New glazed shopfronts would then be formed to serve the three units. Flues would also be installed towards the rear of the building to serve the proposed food units. Internally, the property would be divided into three units, the largest of which would be a class 3 food/drink use, with a smaller hot food takeaway and retail unit in the recessed section of the building furthest from the front of the site. New rear access doors would be installed to serve these units. No other significant alterations to the building are proposed as part of this application.
- 2.3 The proposal does also involve the formation of a slightly larger car park and delivery area to the front of the property, with a re-designed vehicular access. The site would also be regraded slightly to allow for the removal of the existing retaining wall. Bin stores are proposed to be formed to the front of the building to serve the three units.
- 2.4 The applicant has confirmed that they have ownership over the land containing the existing public house and pedestrian entrance to the building, however a sizeable section of the site containing the existing car park is within the Council's ownership with the applicant having a right of access. In order to alter this section of the site to accommodate the proposed replacement car park, it is understood that the applicant has entered into separate discussions with colleagues in Estates Services over the purchase of this area of land. In addition, the applicant has owner-notified

a number of adjacent flats as a section of land within the red line site boundary at the existing vehicular entrance also appears to be held within common ownership of a number of properties including these flats. This access would be altered and slightly enlarged as part of this proposal. Ultimately land ownership is a civil matter and the applicant would require to resolve these matters before the implementation of any planning consent on this site.

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 (2015) (SLLDP) and its associated Supplementary Guidance (SG).
- 3.1.2 In land use terms, the application site is identified within the SLLDP as being within a general residential area. Policy 6 (General Urban Area/Settlements) is applicable and states that residential developments and those of an ancillary nature may be acceptable within urban areas and settlements, provided they do not have a significant adverse impact upon the amenity and character of the area. Developments that will be detrimental to residential amenity will not be permitted.
- 3.1.3 Policy 4 (Development Management and Placemaking) of the SLLDP is also considered to be relevant and requires all development proposals to take account of, and be integrated with, the local context and built form of the area.
- 3.1.4 Policy 10 (New retail/commercial proposals) sets out the criteria that proposals for new retail or commercial development will be assessed against. It also states that major developments should be accompanied by a retail assessment.
- 3.1.5 Policy DM1 (Design) states that the design and layout of all new development will be assessed in relation to policies of the SLLDP as well as the relevant policy guidance contained within the Development Management, Placemaking and Design Supplementary Guidance. Further specific design guidance prepared by the Council is applicable to other forms of development.
- 3.1.6 Policy DM8 (Hot food shops) sets out the criteria that new hot food shops will be assessed against in various settings. There is a general presumption against the granting of new hot food takeaways if residential amenity would be adversely affected to a significant degree or if it was within an industrial area. The applicant will also be required to demonstrate that they have control the implement any ventilation system that may be required.
- 3.1.7 Policy DM13 (Development within general urban area/settlement) states that all development within the general urban area/settlement must satisfy a set criteria. This includes; ensuring that the development relates satisfactorily to adjacent and surrounding development, the character of the area not being impaired, no resultant loss or damage to open spaces or significant landscaping, the site being adequately serviced by multiple transport modes and there being no adverse impact on public safety. Development should also take account of other relevant supplementary guidance prepared by the Council.

3.1.8 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 (SLLDP2) is now a material consideration. In this instance, the following policies are relevant:

- Policy 3 - General Urban Areas and Settlements
- Policy 5 - Development Management and Placemaking
- Policy 10 - New Retail and Commercial Proposals
- Policy DM1 - New Development Design
- Policy DM9 - Hot Food Shops

3.2 Relevant Government Advice/Policy

3.2.1 Given the nature of the proposal there is no specific government guidance relevant to the determination of this application.

3.3 Planning Background

3.3.1 The site has most recently been used as a public house (Sui Generis). The only recent planning consent relating to the site was for the erection of a timber screen fence in 2009 (CR/09/0134). It is understood that the property has now been vacant for several months.

4 Consultation(s)

4.1 **Roads and Transportation Services (Development Management Team)** - Initially raised some concerns with the design of the proposed vehicular access and requested clarification on a number of matters, including the number of parking spaces and the route for delivery and waste collection vehicles. Following the submission of revised drawings altering the design of the vehicular access and clarifying other matters, they have advised that they have no objections to the proposal.

Response: Noted. If applicable, relevant conditions can be added to the decision notice to ensure that the new access and car park are constructed to the required standards.

4.2 **Environmental Services** - No objections to the proposal, subject to the inclusion of conditions related to noise levels and the ventilation system. They have also requested the inclusion of relevant advisory notes.

Response: Noted. Relevant conditions and advisory notes can be added to the decision notice, if applicable.

4.3 **Estates Services - Housing and Technical Resources** – No formal response received.

Response: Noted. Part of the site is within the Council's ownership and it is understood that the applicant has entered discussions with colleagues in Estates Services regarding the sale of this land. Land ownership is a separate civil matter

and this would require to be finalised prior to the implementation of any planning consent being implemented on the site.

4.4 **Rutherglen Community Council** - 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. Three individual letters of objection were received in connection with this proposal, together with two petitions containing the names of 35 objectors.

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

a) **There is no need for these types of businesses. There are already a number of retail units, takeaways and licensed premises in the area. A community hall would be a more appropriate use of the site, which would be affordable to the Council and would benefit the area.**

Response: The Planning Service is required to assess planning applications which are submitted for consideration. Whilst there may well be alternative potential uses for the site, this application is limited to the assessment of the proposal that has been submitted by the applicant.

With regards to the concerns regarding the number of similar businesses in the area I would advise that, on a proposal of this scale, these matters are not a material planning consideration. In this respect, the operation of the proposed businesses would not threaten the viability of the town centre, and commercial completion is not a material planning consideration.

b) **Concerns that the proposal would lead to a loss of privacy and allow for overlooking of neighbouring residents' properties, particularly if existing fencing was removed. The use of a smoking area too could lead to a loss of privacy.**

Response: The proposal is for relatively minor demolition and alteration works to the existing commercial building, and, as such, the proposal would not appear to significantly change the levels of privacy in the local area. A condition can be imposed on any consent to control the design and location of fences and landscaping on site to ensure that neighbours are not significantly impacted in terms of overlooking. No dedicated smoking area has been proposed by the applicant.

c) **Concerns that the proposal would adversely impact upon levels of air pollution due to the increased traffic visiting the site. The car park is also still too small, which will lead to parking issues and road safety issues with cars mounting the pavement to get into the car park. Car headlights will also shine into neighbouring flats.**

Response: The existing public house includes a small car park, and this proposal does not significantly change the location of that access. Roads and Transportation Services have advised that the car park design and size is acceptable for this type of proposal, and that the revised access design would not adversely impact upon public safety. It is not considered that this

proposal would lead to a significant increase in traffic which would impact upon air quality, and indeed the site is within walking distance for a large number of nearby residents who would not need to drive.

- d) **Concerns about the noise and disturbance that would result from this proposal. There would be increased activity and traffic visiting the site, and there may be noise from the ventilation units.**

Response: Given that the existing lawful use of the site is a public house, it is not considered that this proposal would result in a significant change in the level of noise or disturbance that residents would be likely to experience. In the event that consent is granted for the development, a condition can be imposed to control the details of the ventilation system and to control the associated noise levels.

- e) **Concerns regarding anti-social behaviour. The proposal would increase activity and may lead to more underage drinking and people loitering in the area. The former public house had issues, but these were limited to two late evenings per week.**

Response: Again, given that the existing lawful use of the site is a public house, it is not considered that this proposal would result in a significant change in terms of the site's potential to attract anti-social behaviour. These matters would, however, be considered as part of any future licensing application for the proposed units, and the police would be able to take action to address any anti-social behaviour that did occur at this location.

- f) **Concerns about the potential odour from the flues associated with the food units and that the flues themselves may not be tall enough to prevent issues to neighbouring residents.**

Response: In the event that consent for the development is granted, a condition can be imposed to control the final design of the ventilation system installed on site. If the final design required a flue height significantly taller than that shown on the drawings, then a further planning application for that work may be required.

- g) **Concerns regarding drainage in the area. There are already drainage issues that impact upon the surrounding residents, and this proposal may exacerbate these.**

Response: The proposal would not seek to significantly change the area of ground covered by buildings or development, and conditions can be added to any consent to control water running onto the road from the car park and to ensure that suitable landscaping is carried out. As such, the proposal should not have a significant impact upon drainage in the area.

- h) **Concerns regarding bin storage. Previously bins were not collected regularly, leading to waste collecting and littering the area. The proposal may also increase littering from the food businesses. These issues may lead to a rat/vermin problem.**

Response: The location of the proposed bin stores has been indicated on the submitted drawings. Details regarding the frequency of waste collections is not generally a matter for the Planning Service, however, it would be in the best interests of operators of food units in particular to ensure that the waste was collected regularly as rats and vermin can impact upon their ability to

trade. Environmental Services have powers in relation to these matters, and they have been consulted on this proposal and have offered no objections.

i) **Concerns that letters of representation are published, together with the names and addresses of those making the comments. This may put people off expressing their views.**

Response: The processes relating to planning applications and how representations are handled is set out in legislation. Personal details (e.g. phone numbers and private email addresses) are redacted from representations, however the legislation requires that the names and addresses are published. In this instance, more than 35 people have formally made their views on the proposal known by submitting a letter of representation or by signing a petition.

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

6 Assessment and Conclusions

6.1 The applicant seeks detailed planning consent for the conversion of existing public house to form one Class 3 (Food and drink) unit, one hot food takeaway (Sui Generis) and one Class 1 (Retail) unit, with associated alterations to the structure of the building and formation of new car park and access. The determining issues in consideration of this application are its compliance with local development plan policy, the acceptability of the proposal in terms of scale, design, impact upon public safety and the potential impacts upon the residential and visual amenity of the surrounding area.

6.2 Within the adopted 2015 South Lanarkshire Local Development Plan, the application site lies within the settlement boundary of Rutherglen. Policy 4 - Development management and placemaking, Policy 6 - General urban area/settlements therefore apply, together with Policy 10 - New retail/commercial proposals. The proposal also requires to be assessed against the guidance contained within the associated supplementary guidance documents, namely that guidance contained within Supplementary Guidance 3: Development Management, Placemaking and Design. These policies seek to protect the character and amenity of the area and require proposals to take account of and be integrated with the local context and built form.

6.3 Policy 1 - Design sets the criteria by which new development design is to be assessed in relation to. In this instance, the policy confirms that there should be no significant adverse impact on adjacent buildings or the streetscape in terms of layout, scale, massing, design, external materials or amenity, as a result of the proposal. Policy DM8 - Hot foods shops sets the criteria that hot food shops will be assessed against in various settings. There is a general presumption against the granting of new hot food takeaways if residential amenity would be adversely affected to a significant degree or if it was within an industrial area. The applicant will also be required to demonstrate that they have control the implement any ventilation system that may be required. Policy DM13 - Development within general urban area/settlement sets out criteria that new developments within the urban area must satisfy. These relate to the proposal taking account of surrounding development in terms of its layout, design, character and scale, and its impact upon existing open spaces, landscaping and public safety. Development must also be

adequately serviced in terms of a number of transport modes, including public transport.

- 6.4 Following a detailed assessment of this proposal, it is considered that it would not have any significant adverse impact upon residential or visual amenity, or upon public safety in the immediate area. It is recognised that the site is located within a predominantly residential area, and that it is in close proximity to a number of 4 storey blocks of flats. It is, however, also noted that the existing building has a lawful use as a public house and that the uses proposed, a Class 1 retail unit, Class 3 food/drink unit and a hot food takeaway, are not uncommon in residential areas. In addition, it is understood that the public house has been vacant for almost a year now and that this proposal is intended to bring the building and the wider site back into use. It is recognised that there is always the potential for new commercial development to lead to unwelcome anti-social behaviour, however, given the history of the site, the proposed uses would not appear to significantly change the character of the area and the new units will bring increased choice to local residents.
- 6.5 In terms of the detailed design of the proposal, the external alterations to the building would not appear to be of a scale that would materially impact upon the residential amenity of neighbouring residents. In addition, the physical changes to the building would improve its appearance, given that the pub has been vacant for almost a year with its condition deteriorating. A condition could be imposed on any consent to control the final choices of external finishing materials, to ensure that they do not appear out of character in the wider area. The proposed enlarged car park and amended access would not materially impact upon public safety, and the work would enable the site to be tidied and upgraded from its current condition, whilst the existing footpath link through the site would remain. The new access would not appear to significantly impact upon residential amenity and sufficient parking spaces would be provided to serve the units, particularly as it seems likely that a large number of customers living locally would be likely able to walk to these businesses.
- 6.6 The impact upon residential amenity can be further controlled by the use of suitably worded planning conditions. These can be used to control the layout and design of fencing and boundary treatments at the site and to ensure that suitable landscaping is undertaken to improve the visual appearance of the area. In addition, given the proposed uses of the units, a condition can be imposed to ensure that full technical details of the ventilation systems are agreed with the Council prior to any of the relevant businesses opening. This will prevent the operation of the food units from significantly impacting neighbours by way of odours, smells or noise from any such system. The applicant has indicated the location of bin storage for the three units on the submitted drawings. Finally, conditions can be included to control the implementation of the new vehicular access arrangements.
- 6.7 No details of the final operators of the units are available at this stage, however it is noted that any licenced premises will require to apply to the Councils Licensing Service who may impose conditions on the hours of operation where there are concerns about the impact of late hour openings on neighbouring residents. Similarly, hot food takeaways and most retail shops that open beyond 11pm require a late hours catering licence, which may not be issued where there are concerns about anti-social behaviour or disturbance to residents. As such, it is not considered reasonable to add any conditions related to hours of operation at this stage.

- 6.8 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore, the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan. It is, therefore, considered that the proposal also accords with Policies 3, 5, 10, DM1 and DM9 in the proposed plan.
- 6.9 Three individual letters of objection and two petitions containing a further 35 objectors have been received in connection with this proposal. These raise concerns regarding the impact of the proposal upon their general amenity, upon parking and road safety and upon the potential for additional anti-social behaviour. It is, however, not considered that these objections are of sufficient weight or merit, either individually or collectively, to justify the refusal of consent in this instance.
- 6.10 In view of all of the above, and noting that the proposal broadly accords with the policies and guidance of the adopted South Lanarkshire Local Development Plan, its associated supplementary guidance and with the policies of the emerging Proposed South Lanarkshire Development Plan 2, it is recommended that planning permission is granted subject to the attached planning conditions.

7 Reasons for Decision

- 7.1 The proposal will have no significant adverse impact on amenity or public safety, and it complies with the relevant policies of the adopted South Lanarkshire Local Development Plan and Supplementary Guidance (Policies 4, 6, 10, DM1, DM8 and DM13) and the proposed South Lanarkshire Local Development Plan 2 (Policies 3, 5, 10, DM1 and DM9).

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 14 May 2020

Previous references

- ◆ CR/09/0134 - Erection of timber screen fence (Retrospective Application)

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Supplementary Guidance 3: Development Management, Placemaking and Design
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated 23 October 2019
- ▶ Newspaper advert, Rutherglen Reformer dated 30 October 2019
- ▶ Correspondence with agent, various dates

- ▶ Consultations

Dated:

Roads and Transportation Services (Development Management Team)	11.11.2019 & 16.01.2020
Environmental Services	01.11.2019

► Representations	Dated:
Adele McIntyre, 2 Gilmour Crescent, Rutherglen, Glasgow, South Lanarkshire, G73 1HR (Petition)	13.11.2019
Megan Ross, 2-4, 3 Liddoch Way, Rutherglen, Glasgow, South Lanarkshire, G73 1JN (Petition)	15.11.2019
Mrs M & Mr C Madden, 0-4, 1 Liddoch Way, Rutherglen, G73 1JN	11.11.2019
J P Morton, 0-3, 1 Liddoch Way, Rutherglen, Glasgow, South Lanarkshire, G73 1JN	12.11.2019
Mr S Smith, Received Via E-mail	12.11.2019

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 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 by the Council as Planning Authority.

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

03. That before the development hereby permitted is occupied or brought into use, all the fences or walls for which the permission of the Council as Planning Authority has been obtained under the terms of Condition 2, 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.

04. 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.

05. That before the development hereby approved is brought into use, a dropped kerb access to the site shall be constructed in accordance with the specification and to the satisfaction of the Council as Roads and Planning Authority.

Reason: In the interests of traffic and public safety.

06. That before the development is completed or brought into use, the surface of the vehicular access and 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.

07. Before either the Class 3 unit or the hot food takeaway (Sui Generis) unit that form part of this proposal are brought into use, the proposed method(s) of ventilation shall be operational in accordance with the approved details and thereafter maintained to the satisfaction of the Council as Planning Authority.

All odours, fumes and vapours generated on the premises shall be controlled by best practicable means to prevent them causing nuisance to occupants of nearby dwellings or premises.

The ventilation system shall:

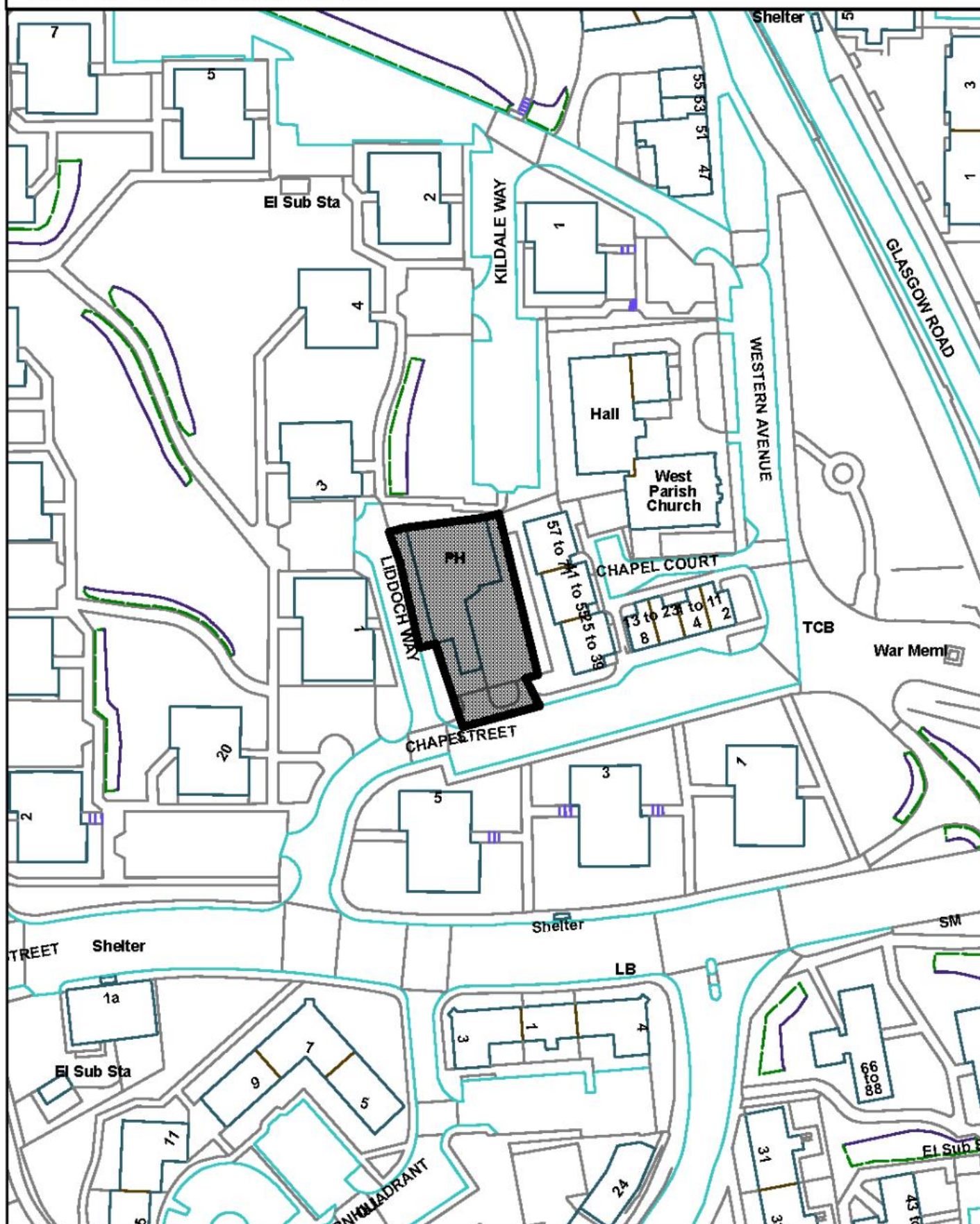
- a) Incorporate systems to reduce the emission of odours and pollutants and shall thereafter be maintained as necessary;
- b) Be constructed, designed, installed and operated employing the principles of best practical means, to minimise noise and vibration transmission via plant and the building structure;
- c) Noise associated with the business shall not give rise to a noise level, assessed with the windows closed, within any dwelling or noise sensitive building, in excess of the equivalent to Noise Rating Curve 35, between 07:00 and 20:00 hours, and Noise Rating Curve 25 at all other times.

Reason: To minimise the risk of nuisance from smells, fumes, vapours and noise to nearby occupants.

08. Between the hours of 0800 and 2000 the measured noise level emitted from the premises (LAeq (1hour)) shall not exceed the pre-existing background noise level (LA90(1/2hour)) by more than 4dB (A) when measured in accordance with BS4142: 2014 at buildings where people are likely to be affected.
Between the hours of 2000 and 0800 the noise emitted from the premises (LAeq (5mins)) shall not exceed the pre-existing background noise level (L A90 (1/2hour)) by more than 4dB(A) when measured in accordance with BS4142:2014 at buildings where people are likely to be affected.

Reason: To minimise noise disturbance to adjacent occupants.

Burnhill Bar, 18 Chapel Street, Rutherglen



**SOUTH
LANARKSHIRE**
COUNCIL

South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

Report to:	Planning Committee
Date of Meeting:	26 May 2020
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/20/0156
Planning proposal:	Erection of a single storey house with attic accommodation, formation of two house plots and re-siting of existing access.

1 Summary application information

Application type:	Detailed planning application
Applicant:	Mr Gavin and Grace Whitefield
Location:	Norwood Craighenhill Road Kilncadzow ML8 4QT

2 Recommendation(s)

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

(1) Grant planning approval subject to conditions (based on the conditions attached)

2.2 Other actions/notes

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

3 Other information

- ◆ Applicant's Agent: George Simpson
- ◆ Council Area/Ward: 01 Clydesdale West
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan**
Policy 4 Development management and placemaking
Policy 6 General urban area/settlements
Supplementary Guidance 3: Development Management, Placemaking and Design
Policy DM3 Sub-division of garden ground
Policy DM13 Development within general urban area/settlement
Proposed SLDP2
Policy 3 General Urban Areas
Policy 5 Development Management and Placemaking
Policy DM3 Subdivision of Garden Ground

◆ **Representation(s):**

▶	8	Objection Letters
▶	0	Support Letters
▶	0	Comment Letters

◆ **Consultation(s):**

Roads Development Management Team

Environmental Services

WOSAS

Planning Application Report

1 Application Site

- 1.1 The application site relates to land associated with the existing residential properties of Norwood and Greenhill at Craighill Road in Kilncadzow. Both donor houses are owned by the applicant and the site is used as additional garden and a small paddock for ancillary domestic use. The surrounding area is residential in character, with a mixture of small scale house types and designs. The land is located within the settlement boundary and will utilise a new private vehicle access replacing the existing access to Greenhill.

2 Proposal(s)

- 2.1 The applicant seeks detailed planning permission for the subdivision of the land for the erection of a single storey dwelling with attic accommodation and the formation of two house plots. The proposed development will all be accessed off a new private access which will also serve Greenhill, replacing the existing access to improve visibility when exiting onto Craighill Road. Access to the existing property Norwood shall continue to be unchanged via the existing separate access from Craighill Road.
- 2.2 The plans submitted in support of the application show the proposed new private access position, the position of the new dwelling on the southern plot adjacent to Norwood and a plot layout with indicative location for a house within each plot. The submitted drawings also show the detailed design for the proposed dwelling.

3 Background

3.1 Local Plan Status

- 3.1.1 Within the South Lanarkshire Local Development Plan (SLLDP) (Adopted 2015), the site is identified as being within the settlement boundary of Kilncadzow where Policy 6 General urban area/settlements applies. In addition, Policy 4 (Development Management and Place Making), Policy DM3 Sub-division of garden ground and Policy DM13 Development within general urban area/settlement also apply. In addition, Policies 3 General Urban Areas, 5 Development Management and Placemaking, DM3 Subdivision of Garden Ground following Supplementary Guidance of the Proposed SLDP2 will require to be taken into consideration.

3.2 Relevant Government Advice/Policy

- 3.2.1 Given the nature and scale of the proposal, there is no specific government guidance relevant to the determination of this application.

3.3 Planning Background

- 3.3.1 This application replaces an earlier withdrawn application P/19/1500 that proposed to create two new private accesses to service the three new residential units. Due to poor visibility on one of the accesses, the application was redesigned to use one access only.

4 Consultation(s)

- 4.1 **Roads Development Management Team** – No objections subject to conditions on access standards, visibility, parking, footpath provision and turning spaces.

Response: Noted. Conditions will be added to the decision notice to cover these issues should consent be issued.

4.2 **Environmental Services** – No Response received

Response: Noted

4.3 **West of Scotland Archaeological Service** – No objections subject to a condition requiring the implementation of a programme of archaeological works prior to development starting on site

Response: Noted. A condition will be added to the decision notice to cover this issue should consent be issued.

5 **Representation(s)**

5.1 Statutory neighbour notification was undertaken and the application advertised in the local paper for the no notification of neighbours, in response, 8 letters of objection were received from three local residents from two properties. The grounds of objection and comment made have been summarised as follows:

- a) **Concern about possible flooding of neighbouring land and property from the new development as the ground in this area already becomes water-logged in wet weather because existing drains are unable to cope with the surface water and sewage run off from existing properties in the Village. Ground conditions in the site and the surrounding land is unsuitable for soakaways or natural drainage. A drainage plan should be submitted as it is not clear how drainage will be discharged to the nearby burn. The application does not include a drainage impact assessment (including proposals for SUDS). From the details in the planning application and SEPA licence it is assumed no other properties other than the new dwelling at Plot 3 can connect to this system which is to discharge from a proposed private sewage system to Fullwood burn. Close proximity of any sewage treatment plants could lead to unpleasant odours. The proposed dwelling is at a lower ground level than the proposed SUDS area which will make it ineffective.**

Response: If the land adjacent to the site is prone to being waterlogged during heavy rainfall then this would suggest the drainage in that land is not adequate and possibly should be upgraded. Similarly, if the existing drainage in the adjoining farm land is not able to cope with the existing conditions then it is this system that should be repaired or replaced.

The applicant has provided a SEPA consent for the new house proposed at this location which includes the use of a package treatment plant and partial soakaway. This would clean the water and return it to the water table in this case via a partial soakaway to Fullwood Burn. As the approving authority of waste water disposal, SEPA has deemed this arrangement is acceptable for this location. These treatment plants are designed to be used in close proximity to the residential property and, if maintained, should not result in any unpleasant odours or contamination. This arrangement is for the proposed house only and, therefore, additional permissions from SEPA will be required before any of the proposed plots can be developed. A condition will be placed on the decision should consent be granted requiring a SUDS

system to be installed on the site that meets the Council's guidance before any of the houses are occupied.

The treatment of foul drainage would be a matter to be considered at the building warrant stage. However, a condition would be attached to any consent issued to ensure an appropriate scheme installed and maintained to the appropriate standards for this scale of development.

- b) **As there is no designated communal turning area present on the plans for this proposed development site this could cause a dangerous situation as construction traffic, delivery vans/lorries, emergency vehicles and fuel/gas tankers for example would have to reverse back onto the narrow main road (Craigenhill Road), or reverse from Craigenhill Road into said proposed development.**

Response: The Roads Service has raised no safety issues to the development in terms of the proposed access arrangements and subject to conditions on parking, visibility provision and turning areas for the development and has no objections to approving the development in its current form.

- c) **Concerns about road safety in terms of the impact of additional traffic on road users, pedestrians, dog walkers etc. Formal road infrastructure to the proposed development should be in place prior to any building work being carried out. Norwood shares a narrow single access track with Midtown Cottage and there are concerns about the possible use of this track during construction and after completion. The existing access track should be used only by the current 2 properties namely Midtown cottage and Norwood.**

Response: The Roads Service has no objections to the application on road safety grounds. Activity during the construction phase is dealt with under other legislation. The two properties referred to will still be accessed via the existing private road.

- d) **Due to the proposed access road being positioned tight against the existing boundary, the requirement to reduce the existing ground level to form the entrance and the height and proximity of the existing boundary hedge will result in reduced sight line/visibility splay for drivers leaving this junction which will be a danger to pedestrians and children on Craigenhill Road, to the play park.**

Response: As per the previous points made by another objector, the Roads Service has raised no road safety issues with the proposed development and is happy that the provision of a new footpath along the front of the site and the movement of the access to the south of the existing access improves the visibility of this private access to an acceptable standard for this scale of development at this location in the village. The level of detail provided by the applicant for the formation of a private access is considered acceptable to decide this application. Further details are required to be submitted to the Council for approval prior to works commencing. Roads have advised that this new private access for 4 residential dwellings should have a min of 10m of hard standing.

- e) **No drainage is shown on the development access to prevent surface run off at the junction of Craigenhill Road. Any surface drainage should be incorporated into the development drainage proposal and be linked into the SUDS as careful consideration in these circumstances should be given to proper storm and foul drainage on new development sites.**

Response: The decision notice, if approved, shall contain a condition that surface water from the access shall be trapped to prevent excess water from entering the public road. As stated above, there will also be a requirement to design and install a SUDS system to serve the development

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

6 Assessment and Conclusions

6.1 The application proposes a small scale residential development on land at Craigenhall Road in Kilncadzow. The determining issues in the consideration of this application are its compliance with the adopted South Lanarkshire Local Plan and associated Supplementary Guidance and its impact on residential and visual amenity of the area and road safety.

6.2 The site is identified in the adopted South Lanarkshire Local Development Plan as being within the general urban area of Kilncadzow. Policy 6: General urban area/settlements states that residential developments may be acceptable provided they do not have a significant adverse impact on the amenity and character of the area. The applicant has shown that a house and two plots can be accommodated within the land associated with Greenhill and Norwood that will be consistent with the existing building pattern in the area without any significant impact on the amenity or character of the area. It is, therefore, concluded that the proposal complies with Policy 6.

6.3 Policies 4: Development Management and Place Making and DM13 Development within general urban area/settlement advise that all development proposals should 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. This objective is reinforced by the associated Supplementary Guidance Development Management, Place Making and Design. In consideration, the proposed new dwelling design, scale and location is considered acceptable in terms of the surrounding development while the plots will allow for an appropriate form and scale of development for this location and, therefore, both elements of the proposal are considered to comply with Policies 4 and DM13 subject to the submission of further details for approval. The proposals also comply with the Residential Design Guide.

6.4 Policy DM3 'Subdivision of garden ground' states that the development of a new house within the curtilage of an existing house will be considered favourably where it can be demonstrated that the proposal complies with the following criteria:

- The proposed house is not of a scale and pattern of development that appears cramped, visually obtrusive or be of an appearance which is so out of keeping with the established character that it is harmful to the amenity of the area.
- The proposed house plot and that remaining to the existing house are comparable with those nearby in terms of size, shape, and amenity and the

proposal accords with the established pattern of development in the surrounding area.

- The proposed house should have a proper road frontage of comparable size and form to surrounding curtilages unless the proposal reflects the development pattern of the area.
- The proposed vehicular access is of an adequate standard and will not have adverse implications for traffic safety or adversely affect the amenity of adjacent properties by virtue of noise and loss of privacy.
- The garden space allocated for the proposed house and remaining for the existing house should be sufficient for recreational, amenity and drying needs of the occupants.
- The proposed development will not cause an unacceptable reduction in privacy to existing houses and will, itself, enjoy a degree of privacy comparable with surrounding dwellings.
- The proposed development will not overshadow adjacent properties to a degree which results in a significant loss of amenity or itself be significantly affected by overshadowing.
- All existing features such as trees, hedges, walls, fences and buildings that contribute to the character of the area should be retained and should not be adversely affected by the development.
- Adequate parking for both the proposed and existing house must be provided within the site and must not be harmful to the established character and amenity of the area.
- The proposal must not jeopardise or be prejudicial to any further desirable development in the vicinity
- It takes account of any supplementary guidance prepared by the Council, where relevant to the proposal.'

Appropriate parking can be accommodated within the plots. A mixture of existing mature hedging and fencing along boundaries with the existing neighbours will be retained while additional fencing will provide screening, if necessary, and protect privacy for adjoining residents. The plots are proportionate with the donor properties and are commensurate with the average garden sizes near the site and the indicative house footprint demonstrates that a house proportionate to the plot size can be accommodated while ensuring sufficient garden space. If approved, a condition will be added to ensure the dwellings are designed to be in keeping with their surroundings in both scale and design. Roads and Transportation Services have not raised any objections. The design of the detailed house for the lower section of the site is considered to be suitable in terms of scale and design for the plot at this location. Therefore, it is considered that the proposal complies with Policy DM3.

- 6.5 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore, the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan 1. In particular, the site remains within the settlement boundary. It is considered that the proposals accord with Policies 3, 5 and DM3 in the proposed plan.

- 6.6 Objections have been received from local residents who have concerns about road safety and drainage arrangements. In response, the Roads Service is satisfied the proposals accord with guidelines and will not be detrimental to road safety. In addition, the treatment of foul and surface water drainage will be the subject of conditions if consent is granted. In addition, it is noted that a licence has already been granted by SEPA in respect of the new house.
- 6.7 In view of the above, the proposal is an appropriate form of development for the site and complies with local development plan policy. It is, therefore, recommended that Planning Permission should be granted.

7 Reasons for Decision

- 7.1 The proposal complies with Policies 4, 6, DM3 and DM13 of the adopted South Lanarkshire Local Development Plan and the associated Supplementary Guidance. The development is also consistent with the policies of the proposed SLLDP2.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 30 April 2020

Previous references

- ◆ None

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated 11 February 2020
- ▶ Consultations
 - Roads Development Management Team 28.02.2020
 - WOSAS 17.02.2020
- ▶ Representations Dated:
 - Mrs J Beveridge, Forge Cottage, Craighill Road, 02.03.2020
Kilincadzow, Carluke, South Lanarkshire, ML8 4QS
 - Mr S Beveridge And Mrs M Beveridge, Smiddy Cottage, 02.03.2020
Craighill Road, Kilincadzow, Carluke, South Lanarkshire,
ML8 4QS

Mrs Morag Smith Russell, Byron, 1 Craighill Park Drive, Kilncadzow Carluke, South Lanarkshire, ML8 4SD	03.03.2020
Mr William Russell, Byron, 1 Craighill Park Drive, Kilncadzow Carluke, South Lanarkshire, ML8 4SD	02.03.2020 03.03.2020 03.03.2020
Mr William Smith, Greenside, Moor Road, Cartland Lanark, South Lanarkshire, ML11 7RE	02.03.2020 03.03.2020

Contact for further information

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

Steven Boertien, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton,
ML3 6LB
Phone: 01698 455116
Email: steven.boertien@southlanarkshire.gov.uk

Conditions and reasons

01. That further applications shall be submitted to the Council as Planning Authority for the erection of the individual dwellinghouses on the 2 plots hereby approved, together with the requisite detailed plans and such plans shall include:-
- (a) Plans, sections and elevations of the proposed building together with the colour and type of materials to be used externally on walls and roof;
 - (b) Sections through the site, existing and proposed ground levels and finished floor levels;
 - (c) Detailed layout of the site as a whole including, where necessary, provision for car parking, details of access and details of all fences, walls, hedges or other boundary treatments; and,
 - (d) Existing trees to be retained and planting to be carried out within the site; and no work on the site shall be commenced until the permission of the Council as Planning Authority has been granted for the proposals, or such other proposals as may be acceptable.
 - (e) details of proposed foul and surface water drainage for each plot

Reason: To ensure that these matters are given full consideration.

02. That notwithstanding the terms of Condition 1 above, the design and siting of any dwellinghouse on the plots hereby shall take due cognisance of their location, with particular regard being paid to scale, massing, roof pitch, fenestration and materials; and shall be in accordance with the Council's approved policy on new residential.

Reason: To safeguard the visual amenity of the area.

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

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

04. No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within

the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service

Reason: To safeguard any archaeological resources that could be located within the development site.

05. That before any of the new dwellings are occupied the proposed new private access shall be constructed to be a minimum of 5.5m wide and constructed in bound material for the first 10m from Craigenhill Road, and thereafter constructed in gravel and taper down to 4.5m wide with a passing place as shown on the approved plans.

Reason: In the interest of road and pedestrian safety

06. That before the development hereby approved is completed or brought into use, a 2 metre wide footway shall be constructed along the whole frontage of the site to the specification of the Council as Roads and Planning Authority. Design of footpath and access crossing to be submitted to the Roads Service as part of road opening permit application.

Reason: In the interests of public safety.

07. That before any of the new dwellings hereby approved are occupied a hard surface bin collection area shall be provided to the rear of the new footpath large enough to service all four properties accessed off the new private access.

Reason: To ensure waste collection provision is put in place that does not interfere with the public footpath.

08. That before each dwelling house hereby approved is completed or brought into use, 3 no. parking spaces (2.9m x 5.8m modules) per dwelling shall be laid out, constructed and thereafter maintained to the specification of the Council as Roads and Planning Authority.

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

09. That before each dwelling hereby approved is completed or brought into use, a turning space shall be provided within the site within or adjacent to that dwelling to enable all vehicles to enter and leave the application site in forward gears at all times.

Reason: In the interests of traffic and public safety.

10. That before the development hereby approved is completed or brought into use, a visibility splay of 2 metres by 35 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.

11. 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.

12. 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.

13. That before the first dwelling is completed or brought into use, the surface of new access shall be so trapped and finished in hardstanding as to prevent any surface water or deleterious material from running onto or entering the footpath or road.

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

14. That before the dwelling hereby approved is occupied the drainage approval from SEPA shall be installed as per the approved CAR licence

Reason: To ensure appropriate drainage is in place to serve the new dwelling before it is occupied.

P/20/0156

Norwood, Craigenhill Road, Kilncadzow



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27/04/2020



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

