



Council Offices, Almada Street
Hamilton, ML3 0AA

Monday, 18 January 2021

Dear Councillor

Planning Committee

The Members listed below are requested to attend a meeting of the above Committee to be held as follows:-

Date: Tuesday, 26 January 2021
Time: 10:00
Venue: By Microsoft Teams,

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

Yours sincerely

Cleland Sneddon
Chief Executive

Members

Isobel Dorman (Chair), Mark Horsham (Depute Chair), John Ross (ex officio), Alex Allison, John Bradley, Archie Buchanan, Stephanie Callaghan, Margaret Cowie, Peter Craig, Maureen Devlin, Mary Donnelly, Fiona Dryburgh, Lynsey Hamilton, Ian Harrow, Ann Le Blond, Martin Lennon, Richard Lockhart, Joe Lowe, 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, Martin Grant Hose, Ian McAllan, Catherine McClymont, Kenny McCreary, Mark McGeever, Richard Nelson, Jared Wark, Josh Wilson

BUSINESS

1 Declaration of Interests

2 Minutes of Previous Meeting

3 - 10

Minutes of the meeting of the Planning Committee held on 1 December 2020 submitted for approval as a correct record. (Copy attached)

Item(s) for Decision

3 Application P/20/0382 for Erection of Two Storey Rear Extension and Upper Floor Side/Front Extension at 38 Castle Wynd, Bothwell

11 - 24

Report dated 5 January 2021 by the Executive Director (Community and Enterprise Resources). (Copy attached)

4 Application P/20/1180 for Sub-Division of Garden Ground and Erection of a Single Storey Detached House and Associated Parking at 55 Dunedin Drive, East Kilbride

25 - 38

Report dated 6 January 2021 by the Executive Director (Community and Enterprise Resources). (Copy attached)

5 Application P/20/1452 for Change of Use from Class 1 (Retail) to Class 2 (Office) at 254 - 256 Stonelaw Road, Rutherglen

39 - 56

Report dated 6 January 2021 by the Executive Director (Community and Enterprise Resources). (Copy attached)

6 Application P/20/1202 for Erection of Residential Development Comprising 19 Flatted Units and Associated Works at 53 Union Street, Hamilton

57 - 72

Report dated 18 January 2021 by the Executive Director (Community and Enterprise Resources). (Copy attached)

7 Scottish Government Consultation on Scotland's Fourth National Planning Framework Position Statement and Update on the Reform of Scotland's Planning System

73 - 88

Report dated 14 January 2021 by the Executive Director (Community and Enterprise Resources). (Copy attached)

Urgent Business

8 Urgent Business

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

For further information, please contact:-

Clerk Name: Stuart McLeod

Clerk Telephone: 01698 454815

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

PLANNING COMMITTEE

2

Minutes of meeting held via Microsoft Teams on 1 December 2020

Chair:

Councillor Isobel Dorman

Councillors Present:

Councillor Alex Allison, Councillor John Bradley, Councillor Archie Buchanan, Councillor Stephanie Callaghan, Councillor Gerry Convery (*substitute for Councillor Lynsey Hamilton*), Councillor Margaret Cooper (*substitute for Councillor Joe Lowe*), Councillor Margaret Cowie, Councillor Peter Craig, Councillor Maureen Devlin, Councillor Mary Donnelly, Councillor Fiona Dryburgh, Councillor Ian Harrow, Councillor Mark Horsham (Depute), Councillor Ann Le Blond, Councillor Martin Lennon, Councillor Richard Lockhart, Councillor Lynne Nailon, Councillor Carol Nugent, Councillor Graham Scott, Councillor David Shearer, Councillor Collette Stevenson, Councillor Bert Thomson, Councillor Jim Wardhaugh

Councillors' Apologies:

Councillor Lynsey Hamilton, Councillor Joe Lowe, Councillor Davie McLachlan, Councillor John Ross (ex officio)

Councillor Also Attending:

Councillor Monique McAdams

Attending:

Community and Enterprise Resources

M McGlynn, Executive Director; S Alderson, Planning Officer; B Darroch, Planning and Building Standards Manager (East); P Elliott, Head of Planning and Economic Development; T Finn, Planning and Building Standards Manager (Headquarters); L Gaddis, Planning Officer; F Jack, Team Leader, Development Management Team, Roads and Transportation Services; G McCracken, Team Leader, Planning and Building Standards (Headquarters); P McMorran, Planning Officer; T Meikle, Planning and Building Standards Manager (West)

Finance and Corporate Resources

J Burke, Administration Assistant; M Cannon, Solicitor; J Davitt, Public Relations Team Leader; S McLeod, Administration Officer

Order of Business

The Committee decided: that the items of business be dealt with in the order minuted below.

1 Declaration of Interests

The following interest was declared:-

Councillor(s)	Item(s)	Nature of Interest(s)
Allison	Application P/20/1355 for Erection of Farm Building (Calving and Bull Pens with Cattle Handling Facility) at Easton Farm, Medwynbank Road, Dunsyre, Lanark	Applicant

2 Minutes of Previous Meeting

The minutes of the meeting of the Planning Committee held on 3 November 2020 were submitted for approval as a correct record.

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

3 Application P/20/0382 for Erection of Two Storey Rear Extension and Upper Floor Side/Front Extension at 38 Castle Wynd, Bothwell

A report dated 20 November 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/0382 by G Williamson and R Paterson for the erection of a two storey rear extension and upper floor side/front extension at 38 Castle Wynd, Bothwell.

A request for a hearing in respect of the application had been received, however, the application did not meet the criteria for a hearing.

The Planning and Building Standards Manager (East) advised that an error had been identified in the shadow analysis and a revised shadow analysis had since been conducted. He added that, whilst there had been no material change in terms of the outcome of the shadow analysis, he recommended that, in the interests of fairness and transparency, the report be continued for consideration at a future meeting to allow the objectors an opportunity to review the revised shadow analysis and submit any additional comments.

The Committee decided: that consideration of planning application P/20/0382 by G Williamson and R Paterson for the erection of a two storey rear extension and upper floor side/front extension at 38 Castle Wynd, Bothwell be continued to a future meeting of the Committee to allow the objectors the opportunity to review the revised shadow analysis and submit any additional comments for the Committee's consideration.

4 South Lanarkshire Local Development Plan 2 Examination Report – Statement of Decisions and Pre-Adoption Modifications – Notification of Intention to Adopt

A report dated 20 November 2020 by the Executive Director (Community and Enterprise Resources) was submitted on the Council's responses to the Directorate for Planning and Environmental Appeals' recommendations in the Examination Report entitled South Lanarkshire Local Development Plan 2: Local Development Plan Examination Statement of Decisions and Pre-Adoption Modifications.

The Directorate for Planning and Environmental Appeals had issued its report on the Examination of the South Lanarkshire Local Development Plan 2 (SLLDP2) on 17 August 2020. The Council had successfully defended its position on the vast majority of issues considered during the Examination of the SLLDP2 and the Reporters had broadly accepted the policy direction set out in the SLLDP2. The main issues arising from the Examination of the Plan were summarised in the Executive Director's report and a list of the modifications put forward by the Reporters, together with the Council's proposed responses, were detailed in Appendix 1 to the report.

Following receipt of the Reporters' recommendations, the Council had received correspondence from the developers' agent in relation to the proposed redesignation of a site at Peel Road, Thorntonhall from Green Belt to a Residential Masterplan site. Details of the points raised by the agent and the Council's responses were provided in Appendix 2 to the report.

It was proposed that the recommendations set out in the Examination Report be accepted as it was considered that the criteria for opposing modifications, as set out in the Town and Country Planning (Grounds for declining to follow recommendations) (Scotland) Regulations 2009, had not been met.

If approved, the proposed SLLDP2 would be sent to the Scottish Ministers, together with revised Environmental Assessments, the modifications made in response to the Reporters' recommendations and a copy of the notice to be placed in all local newspapers advising of the Council's intention to adopt the SLLDP2. In addition, letters would be sent to all parties who made representations on the SLLDP2, informing them of the Council's intention to adopt the Plan. The Plan would then be adopted on or after 28 days from 1 December 2020, unless the Scottish Ministers directed that the Plan should not be adopted until further notice or should not have effect unless they had approved it. This stage would be followed by a 6 week period during which adoption of the Plan could be challenged at the Court of Session.

The SLLDP2 and supporting documents, together with the Council's responses to the Reporters' recommendations, would, subject to the legislation in place on making documents available to the public, be made available:-

- ◆ on the Council's website
- ◆ in public libraries

Councillor Dorman, seconded by Councillor Horsham, moved that the recommendations contained in the report be approved. Councillor Cooper, seconded by Councillor Wardhaugh, moved that the proposed housing development site at Peel Road, Thorntonhall remain in the Local Development Plan 2 on the basis that it was a sustainable site and would provide benefits to the local community, including the creation of 250 jobs.

On a vote being taken by roll call, members voted as follows:-

Motion

Alex Allison, John Bradley, Archie Buchanan, Stephanie Callaghan, Gerry Convery, Margaret Cowie, Peter Craig, Maureen Devlin, Mary Donnelly, Isobel Dorman, Fiona Dryburgh, Ian Harrow, Mark Horsham, Ann Le Blond, Martin Lennon, Richard Lockhart, Lynne Nailon, Carol Nugent, Graham Scott, David Shearer, Collette Stevenson, Bert Thomson

Amendment

Margaret Cooper, Jim Wardhaugh

2 members voted for the amendment and 22 members voted for the motion, which was declared carried.

The Committee decided:

- (1) that the responses to the recommendations in the Examination Report – South Lanarkshire Local Development Plan 2 Examination Statement of Decisions and Pre-Adoption Modifications, detailed in Appendix 1 to the report, be approved;
- (2) that the publication and public deposit (in line with current legislation) of the Statement of Decisions and Pre-Adoption Modifications be approved and the Plan, as modified, and its associated Environmental Reports, be sent to Scottish Ministers;
- (3) that the South Lanarkshire Local Development Plan 2 be adopted, as modified, following receipt of the Report of Examination, on or after 28 days from when the Plan was sent to Scottish Ministers, unless Scottish Ministers directed that the Plan should not be adopted until further notice or should not have effect unless approved by them; and

- (4) that the Head of Planning and Economic Development be authorised to undertake the appropriate statutory procedures and to make any presentational changes, as required, prior to the publication of the South Lanarkshire Local Development Plan 2.

[Reference: Minutes of 3 November 2020 (Paragraph 3)]

5 Application EK/17/0350 for Erection of 24 Flats Comprising 5 Double Blocks with Associated Car Parking and Landscaping at Vacant Land Adjacent to Eaglesham Road, Jackton

A report dated 20 November 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application EK/17/0350 by Robertson Frame Limited for the erection of 24 flats comprising 5 double blocks with associated car parking and landscaping at vacant land adjacent to Eaglesham Road, Jackton.

The Committee decided: that planning application EK/17/0350 by Robertson Frame Limited for the erection of 24 flats comprising 5 double blocks with associated car parking and landscaping at vacant land adjacent to Eaglesham Road, Jackton be refused for the reasons detailed in the Executive Director's report.

6 Application P/20/1039 for Change of Use of Bank (Class 2) to Restaurant (Class 3), Installation of Flue within Internal Wall Exiting 700 Millimetres Above Existing Chimney at 2 Wellgate, Lanark

A report dated 20 November 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/1039 by A Rahman for a Change of Use of Bank (Class 2) to Restaurant (Class 3) and installation of flue within the internal wall, exiting 700 millimetres above the existing chimney at 2 Wellgate, Lanark.

The Committee decided: that planning application P/20/1039 by A Rahman for a Change of Use of Bank (Class 2) to Restaurant (Class 3) and installation of flue within the internal wall, exiting 700 millimetres above the existing chimney at 2 Wellgate, Lanark be granted subject to the conditions specified in the Executive Director's report.

7 Application P/20/0971 for Erection of a Detached House at Land 75 Metres West of Woodend Cottage, Mousebank Road, Lanark

A report dated 20 November 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/0971 by J and C Cuthell for the erection of a detached house at land 75 metres west of Woodend Cottage, Mousebank Road, Lanark.

The Committee decided: that planning application P/20/0971 by J and C Cuthell for the erection of a detached house at land 75 metres west of Woodend Cottage, Mousebank Road, Lanark be granted subject to the conditions specified in the Executive Director's report.

8 Application P/20/0966 for Formation of Beer Garden at Rear of Premises at Machan Vaults, 8 Muir Street, Larkhall

A report dated 20 November 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/0966 by S Lamanuzzi for the formation of a beer garden at the rear of the Machan Vaults public house, 8 Muir Street, Larkhall.

The Committee decided: that planning application P/20/0966 by S Lamanuzzi for the formation of a beer garden at the rear of the Machan Vaults public house, 8 Muir Street, Larkhall be granted subject to the conditions specified in the Executive Director's Report.

9 Application P/19/1803 – Section 42 Application to Amend Condition 19 of Planning Consent CL/17/009 for Erection of 7 Wind Turbines at Priestgill Wind Farm, Little Gill Farm, Abington to Increase the Height of 5 Turbines to 200 Metres and 2 Turbines to 180 Metres to Blade Tip

A report dated 20 November 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/1803 by Priestgill Wind Farm Limited for an application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to amend condition 19 of planning permission CL/17/009 for the erection of 7 wind turbines, at a height of up to 145 metres to blade tip, at Priestgill Wind Farm, Little Gill Farm, Abington to increase the height of 5 turbines to 200 metres and 2 turbines to 180 metres to blade tip.

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

The Committee decided:

- (1) that planning application P/19/1803 by Priestgill Wind Farm Limited for an application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to amend condition 19 of planning permission CL/17/009 for the erection of 7 wind turbines, at a height of up to 145 metres to blade tip, at Priestgill Wind Farm, Little Gill Farm, Abington to increase the height of 5 turbines to 200 metres and 2 turbines to 180 metres to blade tip be granted subject to:-
 - ◆ the conditions specified in the Executive Director's report
 - ◆ prior conclusion of a Section 75 Agreement and/or other appropriate agreement between the Council and the applicant to ensure:-
 - ◆ community benefit contributions per megawatt generated
 - ◆ the setting up of a Habitat Management Group
 - ◆ the repair of any damage to roads and bridges arising from any extraordinary wear and tear associated with the development and associated indemnity insurance requirements
 - ◆ the applicant meeting the Council's legal costs associated with the Legal Agreement and the restoration guarantee quantum
- (2) that it be noted that, in accordance with the agreed procedure, should there be no significant progress by the applicant towards the conclusion of the Legal Agreement within 6 months of the date of the meeting at which the application was considered, the proposed development could be refused on the basis that, without the planning control or developer contribution which could be secured by the Legal Agreement, the proposed development would be unacceptable; and

- (3) that it be noted that, if the Legal Agreement had not been concluded within the 6 month period but was progressing satisfactorily, the applicant would be offered the opportunity to enter into a Processing Agreement, if this was not already in place, which would set an alternative agreed timescale for the conclusion of the Legal Agreement.

[Reference: Minutes of 7 July 2015 (Paragraph 15) and 15 August 2017 (Paragraph 10)]

10 Application P/20/1180 for Sub-Division of Garden Ground and Erection of Single Storey Detached House and Associated Parking at 55 Dunedin Drive, East Kilbride

A report dated 9 November 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/1180 by Mr and Mrs Robertson for the sub-division of garden ground and erection of a single storey detached house and associated parking at 55 Dunedin Drive, East Kilbride.

Councillor Dorman, seconded by Councillor Horsham, moved that planning permission be refused for the reasons detailed in the Executive Director's report. Councillor Scott, seconded by Councillor Harrow, moved as an amendment that the item be continued to a future meeting of the Committee to allow a further site visit and meeting between the applicants and Planning Officers to take place. On a vote being taken by roll call, members voted as follows:-

Motion

John Bradley, Archie Buchanan, Stephanie Callaghan, Peter Craig, Mary Donnelly, Isobel Dorman, Mark Horsham, Carol Nugent, David Shearer, Collette Stevenson, Jim Wardhaugh

Amendment

Alex Allison, Gerry Convery, Margaret Cooper, Margaret Cowie, Maureen Devlin, Fiona Dryburgh, Ian Harrow, Martin Lennon, Richard Lockhart, Lynne Nailon, Graham Scott, Bert Thomson

11 members voted for the motion and 12 members voted for the amendment, which was declared carried.

The Committee decided:

that planning application P/20/1180 by Mr and Mrs Robertson for the sub-division of garden ground and erection of a single storey detached house and associated parking at 55 Dunedin Drive, East Kilbride be continued to a future meeting of the Committee to allow a further site visit and meeting between the applicants and Planning Officers to take place.

Councillor Le Blond left the meeting during consideration of this item of business

11 Application P/20/1355 for Erection of Farm Building (Calving and Bull Pens with Cattle Handling Facility) at Easton Farm, Medwynbank Road, Dunsyre, Lanark

A report dated 20 November 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/1355 by A Allison for the erection of a farm building (calving and bull pens with cattle handling facility) at Easton Farm, Medwynbank Road, Dunsyre, Lanark.

This application had been submitted for the Committee's determination on the basis that the applicant was a member of South Lanarkshire Council.

The Committee decided:

that planning application P/20/1355 by A Allison for the erection of a farm building (calving and bull pens with cattle handling facility) at Easton Farm, Medwynbank Road, Dunsyre, Lanark did not require the prior approval of the planning authority.

Councillor Allison, having declared an interest in the above application, withdrew from the meeting during its consideration

12 Public Path Diversion Order – Huntfield House (Quothquan), to Hillridge Farm (Biggar) Right of Way Number SL100

A report dated 11 November 2020 by the Executive Director (Community and Enterprise Resources) was submitted requesting approval to:-

- ◆ promote a Public Path Diversion Order under the provisions of Section 35 of the Countryside (Scotland) Act 1967, in relation to diverting part of the Hillridge Farm (Biggar) to Huntfield House (Quothquan) Right of Way Number SL100
- ◆ confirm the Order, should no objections be received or, if objections were received which were not withdrawn or resolved, to refer it to the Scottish Ministers for determination

The proposed Order related to the Huntfield Right of Way, a section of which passed through the curtilage and was immediately adjacent to the front entrance of Huntfield House. In view of a number of incidents which had resulted from the increased use of the Right of Way, the owners of Huntfield House had approached the Council to examine options to address their concerns, one of which was to divert the route.

The proposed alternative route, as shown on the plan which was attached as an appendix to the report, would start 0.75 kilometres to the west of Huntfield House, providing more direct access to the Right of Way from the village of Quothquan and would result in less pedestrian traffic on a public highway. The proposed route would pass through a woodland shelterbelt, parallel to the existing route, before continuing over moorland and skirting the edge of a forestry before re-joining the existing Right of Way.

The proposed diversion would require some upgrading works, as detailed in the report, to ensure that the route was of an acceptable standard and the owner of Huntfield House, who owned all of the land that the proposed route would pass through, had agreed to carry out the works at their own expense.

It was considered that the proposed route would provide a more convenient path across the owner's land whilst addressing the concerns of the owner and it was recommended that the Council's Administration and Legal Services carry out the statutory process, as detailed in the report, to promote the Order.

The Committee decided:

- (1) that promotion of a Public Path Diversion Order under Section 35 of the Countryside (Scotland) Act 1967 in relation to diverting part of the Huntfield House (Quothquan) to Hillridge Farm (Biggar) Right of Way, as shown on the plan attached as an appendix to the report, be approved;
- (2) that approval of the Order be confirmed, should no objections be received;
- (3) that the Public Path Diversion Order be referred to Scottish Ministers for confirmation, in accordance with Schedule 3 of the Countryside (Scotland) Act 1967, should objections be received which were not withdrawn or resolved; and

- (4) that the landowner meet all of the Council's expenses relating to the promotion and confirmation of the Order and, if necessary, the referral of the Order to Scottish Ministers.

13 Urgent Business

There were no items of urgent business.

Report

3

Report to:	Planning Committee
Date of Meeting:	26 January 2021
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/20/0382
Planning proposal:	Erection of two storey rear extension and upper floor side/front extension

1. Summary application information

Application type:	Householder
Applicant:	Gillian Williamson And Ross Paterson
Location:	38 Castle Wynd Bothwell G71 8TQ

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.
- (2) A request for a pre-determination hearing has been made by an objector. The request does not accord with the Council's guidance on hearings and has been declined.

3. Other information

- ◆ Applicant's Agent: David Napier
 - ◆ Council Area/Ward: 16 Bothwell And Uddingston
 - ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
Policy 4 - Development Management and Placemaking
Policy 6 - General Urban Area/Settlements
- Supplementary Guidance 3: Development Management, Placemaking and Design**
Policy DM2 - House Extensions and Alterations

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

Policy 3 - General Urban Areas

Policy 5 - Development Management and
Placemaking

Policy DM2 - House Extensions and Alterations

◆ **Representation(s):**

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

Planning Application Report

1 Application Site

- 1.1 The application site is located at 38 Castle Wynd, within an established residential area of Bothwell. The site accommodates a detached house.
- 1.2 The curtilage associated with the dwellinghouse is rectangular in shape and is bounded by a road to the front, trees lining The Glebe to the rear and neighbouring properties to either side. Castle Wynd is made up of alternating two storey houses and bungalows and, as such, the properties on either side of the application site are detached bungalows which have both been extended. The application site is not within a Conservation Area and the site currently has off-street parking for two cars on a driveway to the front of the property.

2 Proposal(s)

- 2.1 The applicant seeks detailed planning consent for the erection of a two storey rear extension and upper storey side and front extension. To the front and side, the upper storey extension will extend above the existing garage and porch, which projects forward of the main two storey section of the house. To the rear, the proposed extension will protrude 4 metres at ground floor level and 3m on the upper floor. The proposed ground floor will accommodate a large dining/kitchen/living area which will be the full width of the house. The rear of the garage will also be internally altered to provide a W/C, store and utility room and, as such, the external garage door will be bricked up to create a window. The upper floor will be almost completely redesigned to create four bedrooms (two will be en-suite) and a bathroom. The roof of the rear extension will be hipped and the proposed materials red brick and grey concrete tiles. A Juliette balcony, is also proposed to the front, at the upper level of the extension. Additionally, an extra off-street car parking space will be created to accommodate the increase in bedrooms (3 parking spaces in total).
- 2.2 The proposed drawings also indicate a new upper floor bathroom window in the existing part of the house and timber decking to the rear of the extension (which is 0.45m in height) to provide a step from the finished floor level of the bi-folding door to the garden. It should be noted that, these works do not, on their own, require the benefit of planning consent, as they are permitted development and could be undertaken at any time under the provisions of the 2011 General Permitted Development (Scotland) Amendment Order.

3. Background

3.1 Local Plan Status

- 3.1.1 With regard to the South Lanarkshire Local Development Plan (adopted 2015), the site falls within the general urban area where Policy 6 – General urban area / settlements applies. Policy 4 – Development Management and Placemaking is also of relevance to the proposal. In addition, the guidance contained within the supplementary guidance document relating to development management, placemaking and design is of relevance to the proposed development.
- 3.1.2 On 17 August 2020, the Directorate for Planning and Environmental Appeals issued its report of the Examination of the proposed South Lanarkshire Local Development Plan 2 (SLLDP2) and a number of modifications to the plan were recommended. At the Planning Committee on 1 December 2020, members agreed to the approval of all of the modifications, the publication and public deposit of the Plan, as modified; and the submission of the Plan to Scottish Ministers. For the purposes of determining planning applications, the Council will, therefore, assess these against the policies

contained within the adopted South Lanarkshire Local Plan and those within the proposed South Lanarkshire Local Development Plan 2. In this instance, Policy 3 - General urban areas and settlements, Policy 5 - Development management and placemaking and Policy DM2 – House extensions and alterations are relevant to the proposal. As SLLDP2 is now approved for adoption, when considering planning applications, greater weight should be given to the policies and guidance contained in this Plan.

3.2 **Relevant Government Advice/Policy**

3.2.1 Given the nature and scale of the proposed extension, there is no specific government guidance relative to the determination of this application.

3.3 **Planning Background**

3.3.1 There is no site history pertaining to the application site. However, 50 Castle Wynd was granted consent for a very similar proposal, with an almost identical footprint, under application P/19/0408 which has now been built. The proposal was for an upper storey side and front extension above the existing porch and garage and a single storey rear extension. To the front and side, the design is almost the same, including a Juliet balcony to the front. The car parking arrangement to the front of the house shows three spaces and the houses on either side are also bungalows. The only significant difference between P/19/0408 and the current application is that it has a single storey extension to the rear rather than two storeys.

3.3.2 This application was initially reported to the Planning Committee on 1 December 2020, where it was deferred, due to it being realised that the shadow analysis which had been undertaken to assist with the assessment of the application, had been mistakenly undertaken in relation to the wrong property. This was resolved through the undertaking of a shadow analysis for the correct property (38 Castle Wynd).

4. **Consultation(s)**

4.1 No consultations were required to be undertaken in respect of this application.

5. **Representation(s)**

5.1 Statutory neighbour notification procedures were undertaken in respect of the proposal. In response, 9 letters of objection were received from 5 properties within the street. The grounds of objection are summarised as follows: -

a) **Scale, design and appearance of the extension does not take account or integrate into the local context and built form and the proposed development will have a significantly adverse impact on the adjacent buildings and streetscape. The extension will dominate and overwhelm not only the existing dwelling but also the neighbouring properties, both of which are single storey bungalows, and the street scene.**

Response: The immediate area consists of detached two storey and bungalow properties with the wider surrounding area being a mixture of residential properties. It is not a conservation area or other recognised environmentally sensitive location and, on this basis, every house has the potential to extend providing that all detailed planning considerations are satisfactory. Indeed, a number of properties in Bothwell and throughout South Lanarkshire have already been extended similarly to the applicant's proposal.

The proposed front extension will have a pitched roof, which will be subservient to the existing dwellinghouse, in that it will sit approximately 0.7 metres lower than the ridge of the main house. To the rear, the roof will also be approximately 0.2 metres lower than the ridge of the main roof and will be finished in a hip, to further reduce the mass

of the upper level extension. The only section of the extension which will be full height is the upper floor side extension above the existing garage. In addition, the two storey rear extension (including the longer 4 metre ground floor section) will not project as far out as either the existing bungalow extension at 40 Castle Wynd or the recently consented extension at 36 Castle Wynd (P/20/0860). It is, therefore, considered that the proposal will not be excessively overbearing in relation to neighbouring properties. The impact of the proposal on the character or visual amenity of the house and surrounding area will be within acceptable limits.

- b) **The proposals are a significant overdevelopment of the site and are of a scale and proportion that does not respect the character of the existing dwelling. The proposals represent a doubling of the floor area of the existing house, creating a mass and scale completely out of character with adjacent properties. Whilst other properties in Castle Wynd have had approved consents for extensions, no previous application has been approved for two storey rear extensions or such a significant increase in scale or massing.**

Response: It is accepted that the extension represents a relatively significant increase in floorspace. However, the only increase to the footprint of the building is by the rear extension. In this regard, it is considered that there would be sufficient garden ground remaining for the extension to be accommodated within the plot. There is also satisfactory space at the front to provide three off-street parking spaces.

No previous applications have been approved for two storey rear extensions, as none, have been submitted. If there had been other applications submitted for a two storey extension, these would have been assessed on their own merits, as is the case, for the current application.

- c) **The proposals fail to take into consideration, nor comply with, the requirement of *Supplementary Guidance 3 – Development Management, Placemaking and Design*, section 4.7 that two storey extensions should “be set back 1.0m from the front elevation” as the proposal is for the extension at first floor level to be brought forward above the existing garage.**

Response: The section of Policy DM2 which the objector refers to, is guidance, rather than mandatory. It seeks to encourage good design, but is not necessarily appropriate, for every two storey side extension. In general, the aim of the guidance is to prevent a ‘terrace’ effect when there are two storey houses with side extensions all next to each other. However, this is unlikely to occur in Castle Wynd as there are alternating two storey houses and bungalows. In this instance, the proposal is also for an upper storey extension opposed to a full new two storey side extension and, as such, the footprint of the ground floor is existing and, therefore, cannot be set back. The Planning Service could have asked for the upper storey to be set back with a dropped ridge, however, it was not considered that there was any need to alter the proposal or that doing so would significantly benefit neighbouring properties in terms of impact. Additionally, there are a number of examples of two storey side extensions within the street which do not have dropped ridges and three other houses which have also built forward over the existing garage.

- d) **The proposed two storey extension to the rear, at 4m deep, will result in a significant loss of daylight and sunlight to the neighbouring houses and gardens.**

Response: The originally submitted drawings have been amended and the rear extension will only project 4 metres at ground level and has been reduced to project 3 metres at upper floor level. At ground floor level, it is not considered that 4 metres will have any negative impact on either of the neighbouring bungalows as both project further to the rear than the applicant’s house. Number 40 also already has an

extension which will project further than the proposed extension and number 36 has recently had consent approved for an extension which will also project further than the proposal.

The upper floor section of the extension has been reduced to 3 metres and the roof has been changed from a gable to a hip to help reduce any impact on the neighbouring properties. All forms of development will generate a shadow of some description and, therefore, it is the extent and duration of shadow that is important. Although the gardens all face south east, a large amount of sunlight is blocked by existing mature trees along The Glebe. However, shadow analysis was prepared which demonstrated that the impact of the extension on neighbouring properties is minimal. Due to the orientation of the houses, the loss of sunlight and daylight will only be nominally greater than what is currently created by the existing two storey house. At the present time, it is calculated that shadow is cast from the existing house primarily over parts of the side/front garden at 36 Castle Wynd and over parts of the front/rear garden of 40 Castle Wynd. The main impact from the proposals will be that the shadow cast over neighbouring properties will be increased slightly. It is considered that, any impact on neighbouring properties will not be to a significant or material degree in terms of overshadowing/loss of daylight that would justify refusal of this application.

- e) **The proposals include for the construction of a raised deck to the rear of the property. The formation of this raised deck, at finished floor level approximately 450mm above garden level will cause a significant adverse impact on the privacy of neighbouring properties by creating overlooking of the neighbouring gardens.**

Response: It is a requirement of the building regulations that any door opens onto a platform with a minimum depth of 1.2 metres where there is a change in levels. The decking is proposed at the minimum depth to allow the applicant to safely access the garden from the bi-folding doors. The decking is also less than 0.5 metres in height and, as such, is permitted development.

- f) **The proposal involves the loss of the existing garage by reducing this to a store room and an increase of off street parking provision from one space to three. This increase in hard standing, will dominate the street scene to the front of the house, resulting in loss of amenity to the residential setting and will reduce the amount of usable garden ground. There is also a concern that the additional off street parking will increase surface water within the site which may have adverse impact on both the street and on the gardens to 36 and 40 Castle Wynd and could interfere with visibility splays.**

Response: The existing single garage does not count as a car parking space in planning terms as most home owners use their garage for storage rather than a car. As such, there is not considered to be any loss of car parking from internally converting the rear of the garage.

Off-street car parking is determined by the number of habitable rooms a house has and it is considered that, the extended house will require three off-street spaces. The property already has two off-street parking spaces on the driveway and an additional space is required. This will mean that the front garden will need to be altered to provide an additional parking space. The property only has a small area of grass to the front at the moment and it is not considered that, the loss of this will have a detrimental impact on the streetscape. In terms of visibility, the gardens are all open plan so there is nothing obstructing the visibility splay, other than potentially parked cars, and that would be the same for any house in the street and would be the case whether the drive was for one car or three. Indeed, there are already other properties within the

street that have converted front gardens to provide additional parking as the creation of a monoblock hardstanding in most instances does not require planning permission.

Additionally, all driveway surfacing must be either porous or include a built in drain and a condition will be attached to any consent to ensure that there is no run off on to neighbouring properties or the street.

- g) The increase in off street parking provision will generate additional traffic and be in opposition to the Council's policy which says that all development should encourage active travel and have no adverse implications for public safety.**

Response: It is not anticipated that the increase in off-street parking will increase the general level of traffic within the estate. Additionally, the Council's policy on 'active travel' is generally aimed at large scale housing proposals where the developers are encouraged to support cycling and public transport by providing links within the site. This is not feasible to incorporate into a householder planning application.

- h) The proximity of new windows to neighbouring properties would overlook gardens and create a loss of privacy. The proposed Juliet balcony at the front of the extension will overlook the garden of properties on the opposite side of the road intruding on privacy and would not be in keeping with the rest of the development.**

Response: The majority of the new windows in the extension are at ground floor level and these will be screened from neighbours by the existing boundary fencing. There is only one upper storey side window and, as this is for a bathroom, it is considered non-habitable and not a privacy issue. A condition will be used to ensure that this window is fitted with obscure glazing. The new bedroom windows at upper floor level are located to the front and rear and it is not considered that, they will result in any significant loss of privacy to neighbours. There is no increase in the number of upper rear windows and there is sufficient distance between the Juliet balcony in the front elevation and the gardens of the properties on the opposite side of the street to mitigate any direct overlooking. Indeed, a degree of mutual overlooking is considered to be commonplace within residential estates and, given the distances and juxtaposition of the extension and all neighbouring properties, it is considered that, the proposal will be within acceptable parameters all aspects considered and will not result in a material loss of privacy that would merit refusal of the application.

- i) The revised hipped roof form is not typical of the local character, which is defined by a clear architectural character of gables. The proposal offers no clear reasoning for the choice of this roof form, or why this is appropriate given the character of the existing streetscape.**

Response: The revised hipped roof is over the rear extension and as such will not be readily visible from the street. As such, it is not considered that it will have any detrimental impact on the character of the area. The hipped roof has been chosen over the original gable as it helps to reduce the overall scale and mass of the extension and will allow more light into the gardens of the application site and neighbouring properties.

- j) The submitted proposals do not indicate the scale or extent of the chimney associated with the proposed wood burning stove. This will be a significant element above the finished eaves level/ridge levels and could have an impact on the environment and neighbouring air quality.**

Response: A log burning stove in its own right does not require planning consent, however, if the flue projects more than 1 metre above the roof of the extension, the applicant would need to seek consent for the flue before it is installed. Additionally, the site is not within a smoke control area.

- k) **The submitted proposals fail to clearly indicate any datums, window opening sizes, or eaves or ridge heights to the existing or proposed elevations.**

Response: Drawings submitted for planning applications should be either to scale or dimensioned; there is no requirement for both. As the agent's drawings are drawn to scale and there is an appropriate scale bar on each page to work out the dimension there is no requirement for the sizes of windows opens or heights of the eaves to be dimensioned as they can be worked out using the scale bar.

- l) **The shadow analysis has been carried out on number 42 Castle Wynd rather than number 38.**

Response: This error is noted and has been rectified since the analysis has now been undertaken for the correct property (38 Castle Wynd). Due to the layout of the street and the orientation of the houses, the shadow analysis produced for number 42 is very similar to the analysis produced for number 38. The shadow analysis for number 38 demonstrates that there will be minimal impacts on neighbouring properties from the proposed front and rear extensions. It is not considered that, the overshadowing created by the proposal is unacceptable or of such a significant degree to warrant refusal of the application.

Whilst the initial error is unfortunate, it does not alter the overall assessment of the application.

- 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 a two storey rear extension and upper storey side and front extension at Castle Wynd, Bothwell. The determining issues in consideration of this application are its compliance with local plan policy and, in particular, its impact on the amenity of the adjacent properties. 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 is the South Lanarkshire Local Development Plan (adopted 2015), its associated supplementary guidance and the Proposed South Lanarkshire Local Development Plan 2 (2018).
- 6.2 With regard to adopted planning policy as set out in the South Lanarkshire Local Development Plan (adopted 2015), 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 advises that proposed developments should not have any significant adverse impact on adjacent buildings or the surrounding streetscape in terms of layout, scale, massing, design, materials or amenity. Policy DM2 - House extensions and alterations of the associated supplementary guidance relating to development management, placemaking and design expands on Policy 4 and, in particular, advises that proposals should have no significant amenity impact in terms of overlooking or loss of privacy, daylight or sunlight. In addition, Policy 6 – General urban area/settlements is also of relevance and states that, while the principle of residential developments will be supported within the general urban area, 'bad neighbour' developments will not be permitted if they are detrimental to the amenity of existing residents.
- 6.3 It is considered that, the proposed development from a land use perspective raises no issues. In relation to policies 4 and 6 of the South Lanarkshire Local Development Plan and DM2 of the Development Management, Place Making and Design Supplementary Guidance it is noted that:-

- ◆ It is considered that, the proposed rear, side and front extension will be in keeping with the existing dwellinghouse and that the design has been amended to ensure that the scale and massing of the extension will not have a negative impact on the amenity of neighbouring properties and the local environment. Additionally, the imposition of a planning condition, should consent be granted, would ensure that all materials to be used as external finishes on the development will match the existing house.
- ◆ There are no properties directly to the rear of the site and, as such, the Juliet balcony to the front of the extension is considered to be the most contentious window from an overlooking prospective. However, the position of the window and orientation of the house means that the extension would be more than 20m from the houses across the street which accords with guidelines on window to window distances on new housing development. Additionally, there is a higher degree of overlooking accepted to the front of a property as the street is within the public domain. It is, therefore, considered that the proposal will not result in a material loss of privacy that would merit refusal of the application.
- ◆ Given the position of the existing dwellings and the proposed extension, along with the travel path of the sun, it is considered that there will not be a significant or material impact in terms of overshadowing/loss of sunlight/daylight and this has been confirmed by a shadow analysis that has been carried out.
- ◆ Sufficient garden ground will remain and off-street parking can be provided within the site to accommodate the extension.

6.4 Section 3 of the report explains that the proposed South Lanarkshire Local Development Plan 2 (SLLDP2), as modified (in accordance with the modifications recommended in the Examination report), was approved by the Planning Committee on 1 December 2020. Notice has now been given by the Council of the Intention to Adopt the Plan. The weight attached to SLLDP2 as a material consideration in determining this application is, therefore, significant. The proposed development has been considered against the relevant policies in the Plan described in Section 3 above and it is noted that, these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan. It is considered that, the proposal accords with Policies 3 and 5 and DM2 in the proposed Plan.

6.5 Nine letters of objection were received and the concerns raised have been summarised in Section 5. It is considered that, the proposals are acceptable and that the concerns raised do not merit refusal of the application.

6.6 In light of the above detailed assessment of the proposal, it has been determined that the proposal complies with Policies 4 and 6 of the South Lanarkshire Local Development Plan (adopted 2015) and with Policy DM2 of the associated supplementary guidance relating to development management, placemaking and design. The proposal is also considered to be compliant with the relevant policies of the Proposed South Lanarkshire Local Development Plan 2, specifically Policies 3, 5 and DM2. Overall, the design, scale, location and proposed external finishing materials are all considered to be acceptable and it is, therefore, recommended that planning permission is granted in this instance.

7. Reasons for Decision

- 7.1 The proposed two storey rear extension and upper storey extension to the front and side of the house will have no significant adverse impact on either residential or visual amenity and complies with Policies 4, 6 and DM2 of the South Lanarkshire Local Development Plan (adopted June 2015) and the associated Supplementary Guidance and Policies 3, 5 and DM2 of the proposed Local Development Plan 2. There are no additional material considerations which would justify refusing planning permission.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

5 January 2021

Previous References

- ◆ Planning Committee – 1 December 2020

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
- ▶ Shadow analysis (dated 30 November 2020)

- ▶ Representation

Janice Crawford, 40 Castle Wynd, Bothwell, G71 8TQ	Dated: 12.04.2020
James and Barbara Black, 14 Castle Wynd, Bothwell, Glasgow, South Lanarkshire, G71 8TQ	17.04.2020
Stuart and Anna Gordon, 42 Castle Wynd, Bothwell, Glasgow, South Lanarkshire, G71 8TQ	14.04.2020
Ross Aitchison and Victoria Kerr, 36 Castle Wynd, Bothwell, Glasgow, South Lanarkshire, G71 8TQ	02.04.2020
John and Anita Craig, 34 Castle Wynd, Bothwell, Glasgow, South Lanarkshire, G71 8TQ	15.04.2020
Ross Aitchison and Victoria Kerr, 36 Castle Wynd, Bothwell, Glasgow, South Lanarkshire, G71 8TQ	24.09.2020
Janice Crawford, 40 Castle Wynd, Bothwell, G71 8TQ	06.10.2020
John and Anita Craig, 34 Castle Wynd, Bothwell, Glasgow, G71 8TQ	06.10.2020
Stuart and Anna Gordon, 42 Castle Wynd, Bothwell, Glasgow, South Lanarkshire, G71 8TQ	08.10.2020

Contact for further information

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

Mariona Doig, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 453648

Email: mariona.doig@southlanarkshire.gov.uk

Conditions and reasons

01. That the facing materials to be used for the external walls and roof of the two storey rear and upper storey side and front extensions hereby approved shall match in colour and texture those of the existing adjoining building on the site to the satisfaction of the Council as Planning Authority.

Reason: To ensure satisfactory integration of the proposed development with the existing building both in terms of design and materials.

02. That before the extensions hereby approved are completed or brought into use, the driveway shall be extended to include one additional parking space (2.9m x 5.8m module) which shall be laid out and constructed within the existing front garden and thereafter maintained to the specification of the Council as Roads and Planning Authority. The existing two parking spaces within the current driveway shall also be retained to ensure that the applicant has three off street car parking spaces in total.

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

03. That before the extension hereby approved is brought into use, the existing dropped kerb access to the site shall be extended to a minimum width of 7.5 metres to accommodate three car parking spaces 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.

04. That before the extensions hereby approved are completed or brought into use, the surface of the driveway shall be so trapped and finished in hardstanding as to prevent any surface water or deleterious material from running onto neighbouring properties or entering the road.

Reason: In the interests of traffic safety and amenity.

05. That the upper floor side window hereby approved shall be glazed in obscure glass and thereafter shall be maintained as such to the satisfaction of the Council as Planning Authority.

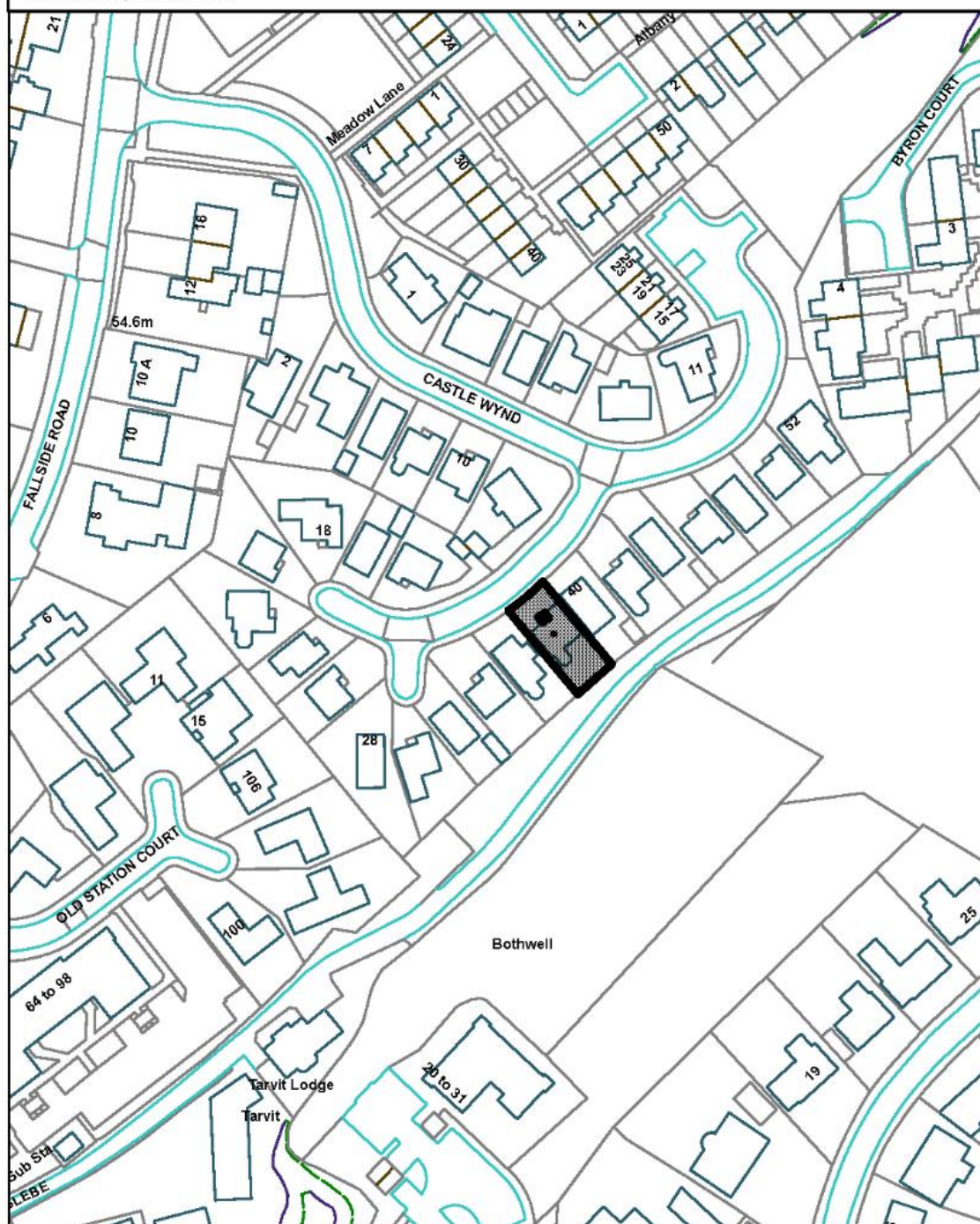
Reason: To safeguard the amenity and privacy of nearby occupants.

06. That no consent is granted for any flue associated with the proposed wood burning stove. Should a flue be required that measures more than 1 metre (measured from the outer surface of any external wall or roof plane from which it projects) the submission of a further planning application will be required.

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

P/20/0382

38 Cattle Wynd, Bothwell



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Scale:
1:1,250
Date:
08/11/2020



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development



Report

Report to:	Planning Committee
Date of Meeting:	26 January 2021
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/20/1180
Planning proposal:	Sub-division of garden ground and erection of a single storey detached dwelling and associated parking

1 Summary application information

Application type: Detailed planning application

Applicant: Mr and Mrs Robertson
 Location: 55 Dunedin Drive
 East Kilbride
 G75 8QF

2 Recommendation(s)

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

(1) Refuse detailed planning permission for the reasons attached.

2.2 Other actions/notes

- (1) The Committee has delegated powers to determine this application.
- (2) This application would normally be determined under delegated powers, however, local member Councillor McAdams has requested that it be determined by Planning Committee.

3 Other information

- ◆ Applicant's Agent: DTA Chartered Architects
- ◆ Council Area/Ward: 09 East Kilbride West
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
 Policy 4 Development management and placemaking
 Policy 6 General urban area/settlements

**Development Management, Placemaking and
Design Supplementary Guidance (2015)**

Policy DM1 Design

Policy DM3 Sub-division of garden ground

**Proposed South Lanarkshire Local
Development Plan 2**

Policy 3 General Urban Areas

Policy 5 Development Management and
Placemaking

Policy DM1 New Development Design

Policy DM3 Sub-division of garden ground

◆ **Representation(s):**

▶	2	Objection Letters
▶	1	Support Letter
▶	1	Comment Letter

◆ **Consultation(s):**

Environmental Services

Roads Development Management Team

Planning Application Report

1 Application Site

- 1.1 The application site relates to a detached dwellinghouse and its garden ground at 55 Dunedin Drive in East Kilbride. The site is located in an established residential area. The site is bounded by detached dwellings on Dunedin drive to the south, and across Dunedin Drive to the east. It is also bounded by detached dwellings to the west on Winton Park and to the south across Winton Park on Dunedin Drive. The site slopes from south to north. The garden runs parallel to Dunedin Drive and is bounded to the south by a fence beyond which there are mature trees. The existing side/rear garden which forms the proposed plot is separated from the road frontage by a wall. The site area of the proposed plot is approximately 340 sqm and the existing house and garden plot is approximately 900 sqm.

2 Proposal(s)

- 2.1 The applicant seeks detailed planning permission for the subdivision of garden ground and the erection of a single storey detached dwellinghouse and the creation of a double vehicular access and parking to serve the new dwellinghouse in the rear garden of the existing property.
- 2.2 The proposed dwelling provides accommodation of living/dining room, kitchen, internal utility, shower room, cloak room and two double bedrooms. The proposed house would be situated adjacent to the original dwelling in the rear garden, facing onto Dunedin Drive. No details have been provided as to the external materials proposed. Due to the topography of the site, it would be levelled by lowering the southern end and raising the northern end to create a level platform for the dwelling. The ridgeline of the proposed dwelling would sit slightly below that of the existing dwelling house to the north.
- 2.3 The applicant has submitted a Design Statement and a further Statement in support of the current application.

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 both the adopted South Lanarkshire Local Development Plan 2015 (SLLDP) and Supplementary Guidance (SG) produced in support of the SLLDP.
- 3.1.2 In land use terms, the application site is identified, within the adopted South Lanarkshire Local Development Plan (SLLDP) as being located within the general urban area/settlement (Policy 3). A number of other policies within the adopted SLLDP are considered appropriate to the determination of this application, namely Policy 2 – Climate Change and Policy 4 - Development Management and Placemaking. These principle policies are supported by its specific policy guidance provided through approved Supplementary Guidance on Development

Management, Place Making and Design SG 3, where Policy DM 1 – Design and Policy DM3 – Sub-division of garden ground are also relevant.

- 3.1.3 Within the Proposed South Lanarkshire Local Development Plan 2 (SLLDP2), the application site is identified as being located within the general urban area/settlement. On 17 August 2020, the Directorate for Planning and Environmental Appeals issued its report of the Examination of SLLDP2 and a number of modifications to the Plan were recommended. At the Planning Committee on 1 December 2020, members agreed to the approval of all of the modifications, the publication and public deposit of the Plan, as modified; and the submission of the Plan to Scottish Ministers. For the purposes of determining planning applications the Council will, therefore, assess these against the policies contained within the adopted South Lanarkshire Local Plan and those within the proposed South Lanarkshire Local Development Plan. In this regard, the application site and associated proposal is affected by Policy 3 General Urban Areas, Policy 5 Development Management and Placemaking, Policy DM1 New Development Design and Policy DM3 Sub-division of garden ground. As SLLDP2 is now approved for adoption when considering planning applications, greater weight should be given to the policies and guidance contained in this Plan.

3.2 Planning Background

- 3.2.1 There were no pre-application discussions in respect of the current proposal. There were previous pre-application discussions for a very similar proposal with the applicant during 2017 and 2018 when the applicant was advised that the sub-division of the garden ground and erection of a single storey dwelling did not comply with South Lanarkshire Local Development Plan policy. There have been no previous applications at the property.
- 3.2.2 This application was considered by the Planning Committee on 1 December 2020, however, it was deferred by members for two specific purposes. Firstly, officers were advised that the applicant(s) has a health issue which they wished to have taken into consideration when assessing the application. The officer requested this information from the agent on 1 December 2020. In response, the agent advised on 7 December 2020 that he was not aware of these issues and advised that the matter should be taken up with the applicant. Subsequently, the agent submitted an additional statement in support of the application on 7 December 2020, together with a letter from the applicant on 9 December 2020, setting out health issues that were raised at the Planning Committee in December 2020. Secondly, the application was deferred to enable a further site visit to be undertaken by officers with the applicant and agent. Prior to the application being considered at Planning Committee on 1 December 2020, two previous site visits had been undertaken by the case officer. The outcome from these actions are discussed further in section 6 of the report.

4 Consultation(s)

- 4.1 **Roads and Transportation Development Management** – raised no objections to the proposed development as two car parking spaces have been proposed and the sightline visibility splay provided is acceptable.

Response: Noted

- 4.2 **Environmental Services** – raised no objections to the proposed development subject to advisory notes being attached to any consent issued.

Response: Noted. An advisory note could be attached if the Committee were minded to grant consent.

5 Representation(s)

- 5.1 Statutory neighbour notification was undertaken and the proposal was advertised in the local press in respect of Non-notification of Neighbours. Following this, 2 letters of objection, 1 letter of comment and 1 petition in support of the application were received. The issues raised in these representations can be summarised as follows:-

- (a) **The proposed dwelling and garden areas are too small and out of character with the surrounding area.**

Response: The proposed plot size for both the proposed and remaining dwelling are considerably smaller than those of the surrounding properties in the immediate area. It is, therefore, agreed that the proposed development does not reflect the character of the surrounding area and does not accord with the established pattern of development. The proposed garden space for the new dwelling and particularly for the remaining dwelling are not considered to provide sufficient useable garden ground and do not reflect the character of the surrounding area.

- (b) **The proposed house and boundary treatments will result in a loss of privacy for neighbouring properties, particularly in respect of 53 Dunedin Drive where the new dwelling will create privacy issues in the rear garden.**

Response: Although the side of the property faces towards the rear garden of 53 Dunedin Drive, the window to window distance is approximately 19.5m and the topography of the site would result in the new dwelling being lower than the rear garden of 53 Dunedin Drive. It is, therefore, not considered that there would be a significantly unacceptable level of overlooking from the proposed property.

- (c) **Not all the trees in the neighbouring property at 53 Dunedin Drive are shown on the plans and concerns that the existing trees will be damaged during the construction of the dwelling.**

Response: The four larger trees are shown on the plan, however, a couple of smaller sapling trees in the same group are not shown individually. The

conifer trees are not located within the application site, rather in the garden of the neighbouring property. Some of the branches of the trees overhang the application site and may require to be trimmed to accommodate the building.

- (d) **The proposed parking area for the new dwelling is not in keeping with the surrounding houses with cars being parked directly in front of the building.**

Response: The applicant has provided 2 off street parking spaces for the property and Roads and Transportation Services have no objection to the proposed development. The existing parking space for the existing house is located similarly directly in front of the house.

- (e) **Comment that the flora, fauna and species requires to be protected throughout the development process.**

Response: Given the nature of the proposed development and the development location, it is considered unlikely that there would be any such impacts in this case. However, the development is not considered to be acceptable.

- (f) **A petition, containing 9 signatures, expressed support for the development. No grounds for support were detailed.**

Response: Noted.

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

6 Assessment and Conclusions

- 6.1 The applicant seeks detailed planning permission for the subdivision of garden ground and the erection of a single storey detached dwellinghouse and the creation of a vehicular access and parking to serve the new dwellinghouse in the rear garden of the existing property. The main considerations in determining this application are its compliance with local plan policy, its impact on the amenity and character of the surrounding residential area and road/pedestrian safety and the previous planning application and planning appeal history of the site.

- 6.2 In terms of the South Lanarkshire Local Development Plan (adopted 2015), Policies 4 – Development Management, DM1 - Design and DM3 – Sub Division of Garden Ground are applicable. Policies 4 and DM1 resist any development that would be detrimental to residential amenity and that all planning applications should take account of the local context and built form. All development should be compatible with adjacent buildings and surrounding streetscape in terms of scale, massing, design, external materials and impact on amenity. The proposed development would not make a positive contribution to the character and appearance of the environment and would not relate satisfactorily to adjacent surrounding development. As such, the proposal does not fully comply with these two policies.

6.3 Policy DM3 states that there will be a presumption against development within the curtilage of an existing dwelling unless certain criteria can be met. The proposal has been assessed in detail against the criteria as follows:-

- (a) **That the proposed house is of a scale, massing, design and material sympathetic to the character and pattern of the area and does not result in a development which appears cramped, visually obtrusive or of an appearance which is out of keeping with the established character that is harmful to the amenity of the area**

The proposed development would not make a positive contribution to the character and appearance of the environment and the size and character of the proposed house plot and that of the remaining plot for the existing house are not considered to be compatible with the surrounding street pattern.

- (b) **The proposed house plot and that remaining to the existing house is comparable with those nearby in terms of size shape and amenity, the proposal accords with the established pattern of development in the surrounding area**

The new house plot resulting from the subdivision of the garden ground is smaller than that of the existing house and surrounding properties. The proposed house plot and that of the remaining plot for the existing house are not considered to be compatible with the surrounding street pattern.

- (c) **The proposed house should have a proper road frontage of comparable size and form with those of surrounding curtilages**

It is accepted that the proposed dwelling would have a proper road frontage and that a suitable access for the proposed dwelling could be achieved.

- (d) **That the proposed vehicular access should be of an adequate standard and should not have any adverse implications for traffic safety or adversely affect the amenity of adjacent properties**

It is accepted that a suitable access for the proposed dwelling could be achieved.

- (e) **The garden space of the proposed house and remaining for the existing house should be sufficient for the recreational, amenity and drying needs of the occupants**

The space required for the proposed dwelling within the existing garden results in the useable garden ground, for both the existing and proposed houses being insufficient in terms of area and nature being on average only 7.5m deep and the site topography requiring levelling and retention measures.

- (f) **That the new development will not cause an unacceptable reduction in privacy to surrounding houses as well as the new house itself**
The rear of the proposed property faces directly towards the rear garden of 1 Winton Park and the window to window distance is 12.5m, however, the windows are not directly facing onto each other and the proposed dwelling is single storey. Similarly, the kitchen window on the side of the proposed property looks towards 53 Dunedin Drive. The window to window distance, however, measures 19.5m and the topography of the site and the existing boundary fence would reduce any overlooking. Although the rear garden length is 7.5m, there is not considered to be a significantly unacceptable level of overlooking from the proposed property.
- (g) **That the new development will not overshadow adjacent properties to a degree which will result in loss of amenity or itself be significantly adversely affected by overshadowing**
It is not considered that there would be a significantly unacceptable level of overshadowing or loss of light to existing properties from the proposed single storey property.
- (h) **That all existing features such as trees, hedges etc that contribute to the character of the area will be retained**
It is agreed that the proposed development does not reflect the character of the surrounding area, however, there are no trees in the rear garden of the existing property which would be removed by the proposed development. As stated in section 5 (c) above, the conifer trees located in the garden of the neighbouring property, which have branches overhanging the application site, may require to be trimmed to accommodate the building.
- (i) **That adequate parking can be provided for both the proposed and the existing house, and must not be harmful to the character of the established character and amenity of the area**
In respect of the proposed and the existing dwelling adequate on-curtilage parking is achievable.
- (j) **That the new development must not jeopardise any further desirable development in the area**
It is not considered that the proposal would jeopardise further development in this area.
- (k) **The proposal should take account of any supplementary guidance prepared by the Council, where relevant**
The proposal has been assessed above against the relevant Supplementary Guidance.

- 6.4 The above assessment against Policy DM3, demonstrates that the proposal is contrary to criteria (a), (b) and (e) as detailed above.
- 6.5 As noted above, following consideration of the application by the Planning Committee on 1 December 2020 and deferral of the application, a further site visit was undertaken on 15 December 2020 with Planning Officers, local member Councillor McAdams, the agents and the applicant in attendance. The applicant also submitted an additional statement in support of the application, together with a letter setting out health issues first raised at the Planning Committee in December 2020. At the further site visit, the agents and applicant demonstrated the position of the proposed dwellinghouse, the area of garden which would be available for both dwellinghouses and the nature of the surrounding plots.
- 6.6 The additional statement submitted in support of the application and points raised at the site meeting can be summarised as follows:-
- The proposed garden ground for both the proposed dwellinghouse and the remaining dwelling house is above the minimum garden ground guidance and the steep sloping area of side garden for the existing dwelling facing onto Winton Park should also be considered
Response: The Residential Design Guide 2011 confirms that the figures given are a starting point and stresses that where the property is larger the garden area should be significantly larger. Both rear gardens are less than 10m in depth at approx. 7.0m/7.5m and the side area fronting Winton Park could not be considered as usable garden ground
 - The statement sets out the variation in rear garden sizes in the surrounding area, referencing a number of properties in the wider area and argues that the proposal will simply become part of that
Response: A number of the properties referred to in the statement are located some distance away from this property, even numbers of Dunedin Drive being 10, 44, 46 and 50 being located some distance to the south in an area of the street with a different characteristic
 - Reference was made to an application for a large 2 storey side and rear extension with front porch and rear balcony at 14 Dunedin Drive, where the report stated “the street contains a wide range of house types, of various styles and sizes, with no uniform design type”
Response: The planning consent referred to is for a property located some distance away at the southern end of Dunedin Drive in an area of the street with a different characteristic. The application was for an extension rather than a separate additional dwelling
 - Reference was made to planning consent (EK/10/0007) for a garden ground sub division and erection of a detached dwelling at 13 Dunedin Drive where the rear garden ground was of a similar size to the current proposal
Response: The planning consent referred to was granted consent in 2010 under a previous development plan, has never been implemented and the consent, therefore, lapsed a number of years ago

- 6.7 The health information provided by the applicant, sets out a number of health issues which the applicants' wish to have considered in support of the need for the proposed development. The health issues raised at Planning Committee and subsequently, detailed in a letter from the applicant, had not previously been raised with the Planning Service. The health issues raised include a number of conditions which the applicants' consider will limit their ability in the future to keep up with the demands of the existing large house and garden. Whilst officers recognise the concerns the applicants' have in respect of health, they would not generally be considered as matters which would override other planning concerns in this case where the proposal is for a separate dwelling rather than an integrated annex associated with the existing dwellinghouse.
- 6.8 Section 3.1.3 of the report explains that the proposed South Lanarkshire Local Development Plan 2 (SLLDP2) as modified (in accordance with the modifications recommended in the Examination report) was approved by the Planning Committee on 1 December 2020. Notice has now been given by the Council of the Intention to Adopt the Plan. The weight attached to SLLDP2 as a material consideration in determining this application is, therefore, significant. The proposal has been assessed as set out above and it is considered that the proposed subdivision of garden ground and the erection of a single storey detached dwellinghouse and the creation of a vehicular access and parking is contrary to Policies 3, 5, DM1 and DM3 of the proposed South Lanarkshire Local Development Plan 2.
- 6.9 In conclusion, careful consideration of this proposal has been undertaken and although the site is located within an area designated for residential land use, it is considered that the size and character of the proposed house plot and that of the remaining plot for the existing house are not considered to be compatible with the surrounding street pattern and the resulting useable garden ground, particularly for the existing house, is not considered to be satisfactory in terms of area or nature. Although the additional site visit and additional statements were helpful, they do not change the planning view that the proposal is unacceptable in this location. In this regard, the proposal is not deemed to be in accordance with the Policies 4, DM1 and DM3 of the South Lanarkshire Local Development Plan (adopted) and also Policies 5, DM1 and DM3 of the proposed South Lanarkshire Local Development Plan 2. As such, it is recommended that the application is refused.
- 7 Reason for Decision**
- 7.1 The proposal would have an adverse impact on the amenity of the surrounding residential area and is contrary to Policies 4, DM1 and DM3 of the South Lanarkshire Local Development Plan (adopted) and the associated Supplementary Guidance and contrary to Policies 5, DM1 and DM3 of the proposed South Lanarkshire Local Development Plan 2.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

6 January 2021

Previous References

- ◆ Planning Committee – 1 December 2020

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 18.09.2020

- ▶ Consultations
 - Environmental Services 09.10.2020
 - Roads Development Management Team 05.10.2020

- ▶ Representations
 - Dr Heather Campbell, 3, Apple Way East Kilbride, Glasgow, G75 0GB Dated: 07.10.2020
 - Joe Allan, 94 Franklin Place, Westwood, East Kilbride, G75 8LS 07.10.2020
 - Ms Alexandra McGowan, 53 Dunedin Drive, East Kilbride, G75 8QF 05.10.2020
 - John Abernethy, 98 Dunedin Drive, East Kilbride, Glasgow, South Lanarkshire, G75 8QH – Petition with 9 signatures 09.12.2020

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

Detailed planning application

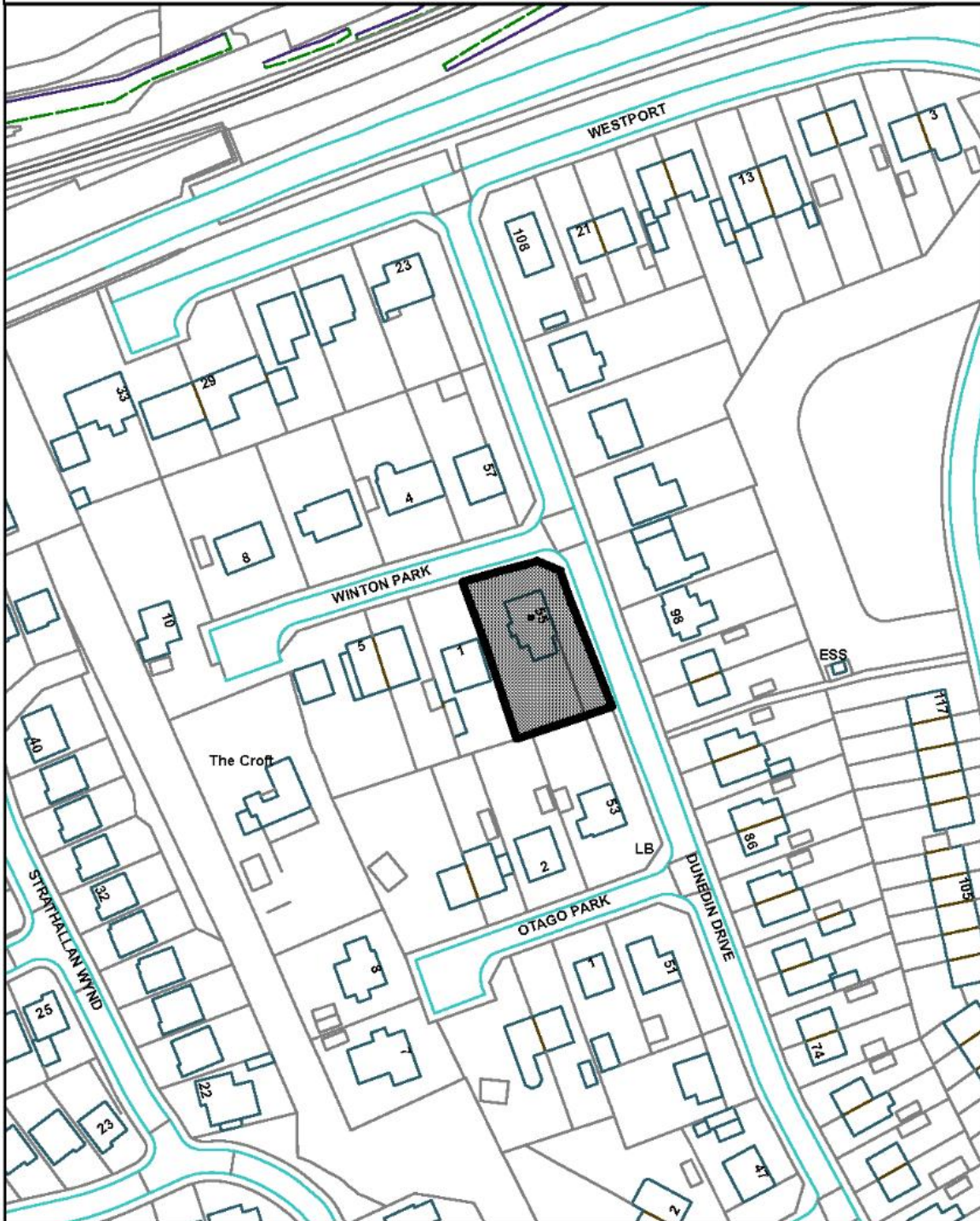
Paper apart – Application number: P/20/1180

Reasons for refusal

01. In the interests of amenity in that the size and character of the proposed house plot and that of the remaining plot for the existing house are not considered to be compatible with the surrounding street pattern and the resulting useable garden ground of both the existing and proposed houses is not considered to be satisfactory in terms of area or nature.
02. The proposal is contrary to Policy 4, DM1 and DM3 of the adopted South Lanarkshire Local Development Plan and Policy 5, DM1 and DM3 of the proposed South Lanarkshire Local Development Plan 2 in that the proposed development would not make a positive contribution to the character and appearance of the environment, would not relate satisfactorily to adjacent surrounding development and the resulting useable garden ground of both the existing and proposed houses is not considered to be satisfactory in terms of area or nature.
03. The proposal is contrary to Policy DM3 of the adopted South Lanarkshire Local Plan as it does not comply with criteria (a), (b) and (e) of the said Policy and Policy DM3 of the proposed South Lanarkshire Local Development Plan 2 as it does not comply with criteria 1, 2 and 5 of the said Policy.

P/20/1180

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Scale:
1:1,250
Date:
18/12/2020



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

5

Report to:	Planning Committee
Date of Meeting:	26 January 2021
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/20/1452
Planning proposal:	Change of use from Class 1 (retail) to Class 2 (office)

1 Summary application information

Application type:	Detailed planning application
Applicant:	Mr John Dempster
Location:	254 - 256 Stonelaw Road Rutherglen G73 3SA

2 Recommendation(s)

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

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

2.2 Other actions/notes

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

3 Other information

- ◆ Applicant's Agent: N/A
- ◆ Council Area/Ward: 11 Rutherglen South
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (2015)**
Policy 4: Development management and placemaking
Policy 7: Employment
Policy 9: Neighbourhood centres
Proposed South Lanarkshire Local Development Plan 2
Policy 5: Development management and placemaking
Policy 8: Employment
Policy 9: Network of Centres and Retailing

◆ **Representation(s):**

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

◆ **Consultation(s):**

None

Planning Application Report

1 Application Site

- 1.1 The application site relates to a retail shop at 254-256 Stonelaw Road, Burnside, Rutherglen. The site is bound by other retail units to the north and the south. To the west of the site is a petrol station and supermarket situated on the opposite side of the main road. The application site is located within a neighbourhood centre (Burnside) and comprises a mixture of businesses including a large number of shops, several class 2 units (dentist, optometrist, betting shop, estates agents etc) and both hot-food takeaways and restaurant/café uses. It is noted that there is a good mix and choice of shops and other services at this location, with over 50% of the units remaining as shops (retail use). Most of the commercial units are situated on the ground floor with residential flats on the first and second floor.

2 Proposal(s)

- 2.1 The applicant seeks detailed planning permission for a change of use from Class 1 (retail) to Class 2 (office). The applicant intends to operate an estate agent from the site. There are no external changes proposed to the property.
- 2.2 The current use of the unit is a pet shop (Class 1 Retail). The landlord has submitted evidence to indicate the current tenants exercised their option to terminate their lease early and served a notice to quit in December 2019 with the said period coming to an end in June 2020. However, at the time of writing the report, the pet shop remains trading.

3 Background

3.1 Local Plan Status

- 3.1.1 In determining the application, the Council must assess the proposed development against the policies contained both within the adopted South Lanarkshire Development Plan 2015 (SLLDP) and associated supplementary guidance produced in support of the SLLDP.
- 3.1.2 In land use terms, the site lies within a Neighbourhood Centre, where Policy 9 of the SLLDP applies. This policy requires these areas to retain an appropriate mix of uses to serve the local community as a commercial and community focal point. In addition, Policy 7 – Employment of the SLLDP states that the Council will support sustainable economic growth and regeneration by encouraging the development of business in South Lanarkshire through the identification of employment land uses. It further states that Class 2 offices shall be supported in town and neighbourhood centres. Policy 4 – Development Management of the SLLDP is also relevant and states that all development proposals will require to take account of and be integrated with the local context and built form. Development proposals should have no significant adverse impacts on the local community and, where appropriate, should include measures to enhance the environment.
- 3.1.3 On 17 August 2020, the Directorate for Planning and Environmental Appeals issued its report of the Examination of SLLDP2 and a number of modifications to the plan were recommended. At the Planning Committee on 1 December 2020, members agreed to the approval of all of the modifications; the publication and public deposit of the Plan, as modified; and the submission of the Plan to Scottish Ministers. For the purposes of determining planning applications, the Council will, therefore,

assess these against the policies contained within the adopted South Lanarkshire Local Plan and those within the proposed South Lanarkshire Local Development Plan. As SLLDP2 is now approved for adoption when considering planning applications, greater weight should be given to the policies and guidance contained in this Plan.

- 3.1.4 Within the Proposed South Lanarkshire Local Development Plan 2 (SLLDP2), the application site is identified as being located within a local centre. On 17 August 2020, the Directorate for Planning and Environmental Appeals issued its report of the Examination of SLLDP2 and a number of modifications to the Plan were recommended. At the Planning Committee on 1 December 2020, members agreed to the approval of all of the modifications, the publication and public deposit of the Plan, as modified, and the submission of the Plan to Scottish Ministers. For the purposes of determining planning applications the Council will, therefore, assess these against the policies contained within the adopted South Lanarkshire Local Plan and those within the proposed South Lanarkshire Local Development Plan. In this regard, the application site and associated proposal is affected by Policy 9 Network of Centres and Retailing, Policy 5 Development Management and Placemaking, and Policy 8 Employment. As SLLDP2 is now approved for adoption, when considering planning applications, greater weight should be given to the policies and guidance contained in this Plan.

3.2 Planning Background

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

4 Consultation(s)

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

5 Representation(s)

- 5.1 Statutory neighbour notification was undertaken and 178 letters of objection were received. The issues raised in these representations can be summarised as follows:-

- a) **There are already 5 estate agents within the neighbourhood centre. The loss of another retail unit would not benefit the area. The neighbourhood centre needs some diversity to bring new people to the area. A place with meaning and purpose to local lives on a daily or weekly basis is needed, not a professional office that most people will never set foot in.**

Response: While it is noted that, there are 5 estate agents in this area, this represents approximately 14% of the total number of units, which is not considered excessive for a neighbourhood centre. Following a site visit, it was noted that there are several vacant units in the neighbourhood centre and given the recent impact of Covid-19 on the ability of shops to trade, it is considered that, in this instance, increased weight can be given to the economic benefits of a new business with additional employment being brought into the area. Whilst it is acknowledged that a pet shop may provide a unique service to Stonelaw Road and while the Planning Service supports a diverse and interesting neighbourhood centre, a decision has to be taken on this proposal for a change of use to a Class 2. Given the relatively high number of shops that will remain in the locality and the current adverse economic conditions, there would be no planning reasons to merit refusal of the application. It is further considered that the change of use proposal would not result in a substantial change to the character or vitality of this neighbourhood centre given

the number of commercial units available and the relative good health of the centre as evidenced by the range of goods and services on offer.

- b) **My child is autistic and loves going here, as it's not a big store. This is our day out to walk here and buy what we need for his dog.**

Response: Noted. Whilst the current use is popular, the lease has been terminated and the current proposal has to be considered on its merits taking into account the relevant planning policies.

- c) **Pet shops are an 'essential' shop type as described by the Scottish and UK Governments with permission to remain open during lockdowns.**

Response: Noted. This is not a planning matter.

- d) **The landlord and the council should be encouraging of this kind of retail business. They should not be closing them and converting them to an over represented sector such as estate agents, whose business is largely carried out behind closed doors and overwhelmingly online when not carrying out viewings is absurd.**

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

- e) **The pet shop currently on location provides a great service, and without it, such provision would not be available in Burnside. I am proud to look at Burnside and see the range of shops and services available, and the sense of community support this provides.**

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

- f) **We do not need another estate agent and don't feel it is what the community needs, this would take footfall away from the other shops. I would love to see a deli/cafe type place where you can meet people or pick up some lunch.**

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

- g) **The existing tenant is being forced out by a greedy landlord and the fact that he has had to move out twice this year, with all stock and shop fittings should be a warning to any future tenant as to the nature of the greedy landlord.**

Response: This is not a relevant planning consideration.

- h) **The Council should encourage community shops that support the public.**

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

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

6 Assessment and Conclusions

6.1 The applicant seeks detailed planning permission for a change of use from Class 1 (retail) to Class 2 (office). The applicant intends to operate an estate agent from the site. There are no external changes proposed to the property. The application site is located within a neighbourhood centre which currently comprises of a mix of class 1 (shops) class 2 (professional services), class 3 (food and drink) and sui generis uses (i.e. hot food take away).

- 6.2 In determining the application, the Council must assess the proposed development against the policies (Policy 4: Development Management and Placemaking, Policy 7: Employment and Policy 9: Neighbourhood Centres) contained within the adopted South Lanarkshire Development Plan 2015 (SLLDP). In terms of the principle of the development, it is noted that Policy 7 of the SLLDP states that “any proposals for changes of use within neighbourhood centres will be assessed with regard to the need to have an appropriate mix of uses. A retail element should be retained to serve the needs of the local community.” In this regard, it is noted that while the proposal will result in the loss of retail unit (shop), 55% of the remaining units (a total of 24) will still be shop units (class 1). As such, given that Stonelaw Road primarily serves the Burnside area only, this is considered to be a fairly substantial and healthy number of shop units remaining to serve the community. Furthermore, given the recent economic impact of Covid-19 and the resultant increase in online shopping, it is considered that the economic benefits of a new business, which seeks to invest in the area, outweigh any potential adverse impact in terms of the loss of this particular service (pet shop) to this neighbourhood centre. In addition, given the number of vacant units on Stonelaw Road, it would also appear that the pet shop business could relocate to another unit locally if that is considered to be a viable option for the business owner.
- 6.3 In terms of Policy 7 (Employment), it is noted that the principle of a class 2 office in town and neighbourhood centres is supported. In respect of general development impacts, Policy DM4 (Development Management and Placemaking) seeks to ensure that any development does not have an adverse impact on local amenity. In this regard, it is considered that an estate agent is an appropriate use in principle for this neighbourhood centre and will not have an adverse impact on local amenity. As such, the proposal is considered to comply with Policies 4, 7 and 9 of the South Lanarkshire Local Development Plan (2015). Whilst it is noted that 178 objections have been raised, in this instance, it is considered that the objections are not sufficiently strong material considerations to recommend refusal of the application.
- 6.4 Section 3.1.3 of the report explains that the proposed South Lanarkshire Local Development Plan 2 (SLLDP2) as modified (in accordance with the modifications recommended in the Examination report) was approved by the Planning Committee on 1 December 2020. Notice has now been given by the Council of the intention to adopt the Plan. The weight attached to SLLDP2 as a material consideration in determining this application is, therefore, significant. The proposed development has been considered against the relevant policies in the proposed Plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan 1. It is, therefore, considered that the proposal accords with Policies 5, 8 and 9 in the proposed Plan.
- 6.5 In view of the above, it is considered that the proposal for change of use from Class 1 to Class 2 will have no detrimental impact on the vitality of the neighbourhood centre and a sufficient retail element is retained to serving the needs of the community. It is, therefore, recommended that planning permission is granted.

7 Reasons for Decision

- 7.1 The proposal will have no adverse impact on amenity or the vitality of the neighbourhood centre and is, therefore, in compliance with Policies 4, 7 and 9 of the adopted South Lanarkshire Local Development Plan (2015) and Policies 5, 8 and 9 of the proposed South Lanarkshire Local Development Plan 2. The

objections received are not considered to be a sufficient material consideration in this case to outweigh the policy presumption in favour of approval.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

6 January 2021

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 4 November 2020

▶ Representations	Dated:
Mrs Margaret Stworth, 7 Burnfoot Crescent, Burnside, Glasgow, G73 5DT	09.11.2020
Miss Rochelle Feenie, 33a Cruachan Road, Rutherglen, G73 5ES	21.11.2020
Mrs A Findlay, Hawthorn Avenue, Glasgow, G72 7AE	22.11.2020
Mr Kevin Kerr, 69 Blairbeth Road, South Lanarkshire, G73 4JD	09.11.2020
Mrs Kirsty Anderson, 17 Berwick Drive, Rutherglen, Glasgow, G73 3NB	12.11.2020
Mrs Norma McIntock, 250 Stonelaw Road, Rutherglen, G73 3SA	06.11.2020
Mrs Jennifer Payne, 30 East Kilbride Rd, Rutherglen, G73 5EB	09.11.2020
Ms Reel Mahmoud, 2 Lower Bourtree Drive, Flat 2, Rutherglen, Burnside, G73 4RG	09.11.2020
Mr Christine Prentice, 19 Drumsargard Road, Burnside, Rutherglen, G73 5AJ	09.11.2020
Mrs Fiona Macfarlan, 35 Kingsburn Drive, Kings Park, Glasgow, G73 2AN	09.11.2020
Mrs Anne Critchley, 1/1, 199 Blairbeth Road, Glasgow, G73 5DN	10.11.2020

Mrs Edna Gillespie, 10 Craigwell Ave, Burnside, Glasgow, G73 3SX	11.11.2020
Mrs Marjorie McLennan, 23 Crawford Road, Burnside, South Lanarkshire, G73 4LD	12.11.2020
Mrs Lesley McCluskey, 4 Peveril Avenue, Burnside, Glasgow, G73 4RD	12.11.2020
Mrs D McTigue, 2.2 - 248 Stonelaw Road, Rutherglen, Glasgow, G733SA	08.11.2020
Miss Nikki Black, 32 Stirling Drive, Glasgow, G73 4JH	09.11.2020
Mr Stephen Young, 3 Douglas Avenue, Burnside, Rutherglen, G73 4RA	09.11.2020
Mrs Lynn Semple, 60 Stonelaw Drive, Rutherglen, Glasgow, G73 3NZ	09.11.2020
Mr Barry Hope, 44 Hughenden Road, Glasgow, G12 9UF	09.11.2020
Mrs Kim Gogarty, 11 East Kilbride Road, Glasgow, G73 5EA	09.11.2020
Mrs Jennifer Tawse, 5 Upper Bourtrees Court, Burnside, G734HT	09.11.2020
Mrs Jo Mcsporrnan, 5 Blairbeth Terrace, Burnside, Glasgow, G73 4JB	09.11.2020
Mr Andy Cattnach, 17 Dunure Drive, Rutherglen, G73 4QP	09.11.2020
Mrs Dominique Cornett, 23 Clevedon Drive, Glasgow, G73 3SY	09.11.2020
Mr Iain McNee, 57 Blairbeth Road, Rutherglen, G73 4JD	09.11.2020
Mrs Cheryl Burnett, 43 Jura Terrace, Cambuslang, Cambuslang, G72 8FF	09.11.2020
Miss Mhairi Crolla, 20 Lochbrae Drive, Glasgow, G73 5QL	09.11.2020
Mrs Ashley Little, 220 Brownside Road, Rutherglen, Glasgow, G73 5BE	09.11.2020
Mrs Gillian Kelly, 14 Albany Drive, Glasgow, G73 3QN	09.11.2020
Mr Stuart Simpson, 269 Stonelaw Road, Burnside, Glasgow, G73 3RN	09.11.2020
Mrs Kirsteen Dunn, 25 Tynwald Avenue, Rutherglen, G73 4RN	09.11.2020

Mrs Rebecca Campbell, 29 Greystone Avenue, Rutherglen, G73 3SN	09.11.2020
Mrs Julie Colvin, 10 Albert Dr, Burnside, Glasgow, G733RT	09.11.2020
Mrs Carol Mason, 79 Viewpark Drive, Burnside, Glasgow, G73 3QQ	09.11.2020
Mrs Anne Christie, 1 Johnson Drive, Glasgow, G72 8JP	09.11.2020
Mrs Katie Sturgeon, 27 Fernhill Road, Rutherglen, G73 4BY	09.11.2020
Mrs Elaine Finney, 23 Drumsargard Road, Burnside, Glasgow, G72 5AJ	09.11.2020
Miss Monica Tinney, 24 Manor Way, Burnside, Glasgow, G73 4EP	09.11.2020
Mr Steven Mackie, 11 Florence Gardens, Burnside, G734EW	10.11.2020
Mrs Fiona Magee, 22 Stirling Drive, Burnside, Glasgow, G734JH	10.11.2020
Mrs Lyndsey Wallace, 29 Bruce Avenue, Cambuslang, G72 8SX	10.11.2020
Miss Gillian Hanna, 12 Kenilworth, Calderwood, East Kilbride, G74 3PG	10.11.2020
Miss Hayley Robertson, Flat 3, 392 Main Street, Rutherglen, G73 3AX	10.11.2020
Ann Wilson, Via Email	06.11.2020
Mrs Wendy Shaw, 147, Blairbeth Road, Burnside, G73 5BU	12.11.2020
Mr Scott Gardiner, 156 Stonelaw Rd, Rutherglen, G733PB	09.11.2020
Mrs Claire Kavanagj, 7 Larchfield Drive, Glasgow, G73 4HA	09.11.2020
Miss Elaine Lochrie, 405 Kingspark Avenue, Rutherglen, Rutherglen, G73 2AU	09.11.2020
Mrs Lorna Hudson, 86 Snaefell Avenue, Glasgow, G73 5BL	09.11.2020
Ms Anne Ward, 41 Upper Bourtrees Drive, Rutherglen, Glasgow, G73 4EJ	09.11.2020
Mr Ewan Denny, 151 Dukes Rod, Burnside, G73 5AE	14.11.2020
Mr Thomas Mcskimming, 24 Snaefell Crescent, Rutherglen, G73 5BY	09.11.2020

Mrs Joanne Findlay, 14 Peveril Avenue, Burnside, Glasgow, G73 4RD	09.11.2020
Ms Carolyn Paterson, 8 Douglas Avenue, Burnside, G73 4RA	09.11.2020
Ms Lynne Campbell, 136, Blairbeth Road, Glasgow, G73 5DQ	20.11.2020
Mrs Angela Hamilton, 25 Gilbertfield Road, Cambuslang, Glasgow, G72 8XB	20.11.2020
Miss Julie Weir, 142 Trossachs Road, Rutherglen, Glasgow, G73 5PG	20.11.2020
Miss Amy Skinner, 33 Arden Craig Street, Glasgow, G45 0ET	20.11.2020
Mrs Frances Swinburne, 57 Viewpark Drive, Burnside, Glasgow, G73 3QQ	09.11.2020
Dr Fiona Clark, 6 Bradda Avenue, Burnside, Glasgow, G73 5DE	10.11.2020
Miss Laraine Black, 33 Arden Craig Street, Glasgow, G45 0ET	20.11.2020
Mr Kyle Sorley, 7 Wardlaw Drive, Glasgow, G73 3dd	20.11.2020
Mrs Pamela Miller, 59 Whitlawburn Avenue, Cambuslang, G728hx	21.11.2020
Miss Nicole Lightbody, 4 Iona Road, Rutherglen, G735LH	20.11.2020
Mrs Paula Doherty, 14 York Drive, Burnside, Glasgow, G73 5ar	21.11.2020
Mrs Tammy Gilpin, 12 Islay Avenue, Glasgow, G73 5NH	21.11.2020
Miss Keira Whitelaw, 371 Kingsbridge Drive, Rutherglen, G73 2BU	23.11.2020
Mrs Janis Neil, 40 Crawford Road, Burnside, Glasgow, G73 4ES	09.11.2020
Mrs Helen McDougall, 9 Broomieknowe Gardens, Burnside, Rutherglen, G73 3QA	09.11.2020
Mrs Hannah Yerbury, Braeburn House, Glasgow, G76 9EY	11.11.2020
Mrs Norma McIntock, 250 Stonelaw Road, Burnside, Rutherglen Glasgow, G73 3SA	05.11.2020
Mrs J Cafferkey, 1 Douglas Avenue, Burnside, Glasgow, G73 4RA	09.11.2020

Mrs Fiona Adamson, 19 Stirling Drive, Burnside, Glasgow, G73 4JH	10.11.2020
Mrs Rhona McGill, 30 Viewpark Drive, Glasgow, G73 3QD	10.11.2020
Mrs Amanda Hart, 17 Kent Dr, Burnside, Glasgow, G73 5AP	10.11.2020
Mr Gordon Hart, 17 Kent Drive, Glasgow, G73 5AP	10.11.2020
Ms Angela White-McGilloway, 1 Hillhead Place, Rutherglen, Glasgow, G73 4NH	11.11.2020
Mr Stuart Scott, Flat 2, 5 Lower Bourtrees Drive, Glasgow, G73 4RG	11.11.2020
Mrs Ann McMeekin, 117, Limeside Avenue Rutherglen, Glasgow, G73 3TU	09.11.2020
Mrs Elaine Wilders, 2 Elm Road, Burnside, Glasgow, G73 4JR	09.11.2020
Mrs Pamela Thompson, 17 Thorn Drive, Burnside, Glasgow, G73 4RH	13.11.2020
Mrs Jean Witheyman, 45 St Ronans, Burnside, G73 3SR	13.11.2020
Mr William Lawson, 42 Drumsargard Road, Burnside, Glasgow, G73 5AS	09.11.2020
Miss Caroline Porter, 115 Calderwood Road, Glasgow, G73 3PH	11.11.2020
Ms Kate Alexander-Kirk, 4 Belmont Drive, Rutherglen, Glasgow, South Lanarkshire, G73 2PP	10.11.2020
Mr Stephen Findlay, 14 Peveril Ave, Rutherglen, Glasgow, G73 4RD	09.11.2020
Mrs Deborah Talbot, 11 Victoria Road, Burnside, Glasgow, G73 3QF	09.11.2020
Mrs Rose Crolla, 20 Lochbrae Dr, High Burnside, RUTHERGLEN, G73 5QL	09.11.2020
Miss Helen Stormonth, 13 Muirbrae Road, Blairbeth, Rutherglen, G73 4NE	09.11.2020
Mrs Karen Jarvie, 32 Blairbeth Road, Burnside, Rutherglen, G73 4JQ	09.11.2020

Mrs Fiona Mackie, 11 Florence Gardens, Burnside, Rutherglen, G73 4EW	10.11.2020
Mrs Cate Leathem, 46 Mary Slessor Wynd, Cathkin, Glasgow, G73 5RJ	23.11.2020
Mrs Lisa Mckeown, 14 Whitefield Avenue, Cambuslang, G72 8NP	09.11.2020
Mrs Emily Scott, Flat 2, 5 Lower Bourtree Drive, Glasgow, G73 4RG	11.11.2020
Mr David Smith, 59 St Ronan's Drive, Burnside, South Lanarkshire, G73 3SS	19.11.2020
Mr Andrew McCluskey, 4 Peveril Avenue, Rutherglen, G73 4RD	09.11.2020
Mrs Jacqueline Houston, 29 East Kilbride Road, Burnside, Glasgow, G73 5EA	09.11.2020
Mrs Lyndsey MacLeod, 18 Snaefell Cres, Rutherglen, Glasgow, G73 5BY	09.11.2020
Mrs Lucy Hunter, 44 Springfield Park Road, Burnside, G73 3RG	09.11.2020
Miss Vivienne Vine, Flat 3, 1 Highburgh Drive, Rutherglen, Glasgow, G73 3RR	09.11.2020
Mrs Victoria Allan, 34 Johnstone Drive, Rutherglen, G73 2PT	09.11.2020
Mrs Paula Ogilvie, 10 Westfarm Drive, Cambuslang, Glasgow, G72 7RG	09.11.2020
Ms Patricia DeMarco, Flat 11, 3 Johnstone Drive, Glasgow, G73 2PE	09.11.2020
Mrs Sarah-Jane Garbett, 9a Lower Bourtree Drive, Burnside, Glasgow, G73 4RG	09.11.2020
Mrs Anna Timms, 160 Stonelaw Road, Glasgow, G73 3PB	09.11.2020
Mrs Joyce Tewnion, Flat 16, 3 Johnstone Drive, Glasgow, G73 2PE	09.11.2020
Mrs Ashley Rodger, 4 Brownside Road, Cambuslang, G72 8NL	09.11.2020
Mr William Blackett, 27 Greystone Avenue, Burnside, Glasgow, G73 3SN	09.11.2020

Mrs Debbie Graham, 147 Calderwood Road, Glasgow, G73 3ST	09.11.2020
Mrs Lisa Thomson, 121 MacArthur Wynd, Cambuslang, Glasgow, G72 7GB	20.11.2020
Mrs Kelly Ellis, 37 Meadow, Drive, Glasgow, G72 6QD	20.11.2020
Mrs Ruth Muirhead, 20 Fishescoates Avenue, Rutherglen, South Lanarkshire, Glasgow, G73 5DY	20.11.2020
Mrs Irene Campbell, 136 Blairbeth Road, Rutherglen, Glasgow, G73 5DQ	20.11.2020
Mrs Denise McCulloch, 41 Scalloway Road, Cambuslang, G72 8QF	20.11.2020
Mrs Barbara McGarrie, 35 Kippford Terrace, Rutherglen, G73 4FL	20.11.2020
Ms Diane Wilson, 59 Wardlaw Avenue, Rutherglen, Glasgow, G73 3EH	20.11.2020
Mr Richard Tawse, 5 Upper Bourtree Court, GLASGOW, G73 4HT	09.11.2020
Mrs Jill Loftus, 57 Coldstream Drive, Rutherglen, G73 3LJ	09.11.2020
Mrs Diana Hudsob, 13 Elm Road, Burnside, G73 4JR	09.11.2020
Mrs CHRISTINE GILLESPIE, 6 Crosshill Drive, Rutherglen, Glasgow, G73 3QU	09.11.2020
Mr Paul Black, 66 Stonelaw Drive, Rutherglen, G73 3NZ	09.11.2020
Mr Ronald Ogilvie, 10 Westfarm Drive, Cambuslang, Glasgow, G72 7RG	09.11.2020
Mrs Pamela Wilson, 39 Limeside Avenue, Rutherglen, G73 3PN	09.11.2020
Mrs Sara Hubbert, 8 Cedar Gardens, Rutherglen, G73 4HD	09.11.2020
Mrs Carol Bolland, 36 Overtoun Drive, Rutherglen, Glasgow, G73 2QD	09.11.2020
Mrs Elizabeth Mathieson, 19 Thorn Drive, Rutherglen, G73 4RH	10.11.2020
Miss Kayleigh White, 1 Hillhead Place, Rutherglen, Glasgow, G73 4NH	11.11.2020

Mrs D E Young, 2 Ingerbeck Avenue, Rutherglen, G73 5DR	09.11.2020
Mrs Julie Rodger, B2/Elizabeth Court, 38 Greenhill Road, Rutherglen, G73 2SQ	20.11.2020
Mr Andrew King, 2 Melrose Avenue, Rutherglen, Glasgow, G73 3BU	21.11.2020
Mrs Cathryn McCluskey, 13, Craigwell Avenue, Rutherglen, G73 3SX	21.11.2020
Mrs Maria Gallagher, 66 Strathallan Ave, East Kilbride, Glasgow, G75 8GX	21.11.2020
Ms Alice Dempster, 1 Laurel Walk, Burnside, G73 4HG	21.11.2020
Miss Angela Haughey, 71 Calderwood Road, Rutherglen, G73 3PL	21.11.2020
Ms Marie Monaghan, 44, Galloway Drive, Fernhill, Rutherglen, G73 4DF	21.11.2020
Mrs Lesley Ann Mitchell, 17 Fishescoates Ave, Burnside, G73 5DZ	21.11.2020
Ms Gillian Holloway, 98 Blairbeth Rd, Glasgow, G73 5BT	21.11.2020
Miss Vivienne Potter, 39a Cadoc Street, Cambuslang, Glasgow, G72 8LQ	22.11.2020
Dr Rosie McNee, 57 Blairbeth Road, Rutherglen, G73 4JD	09.11.2020
Miss Emma Cafferty, 8 Blairtum Drive, Glasgow, G73 3RY	09.11.2020
Mrs Carolyn Sampson, 13 Limeside Avenue, Glasgow, G73 3PS	09.11.2020
Mrs Joan Gray, 162 Dukes Road, Burnside, Glasgow, G73 5AF	09.11.2020
Mrs Barbra Woodburn, 40 Lochmaben Crescent, Glasgow, G73 5PL	09.11.2020
Mr Ross McIntosh, 56 Snaefell Avenue, Rutherglen, G73 5BL	09.11.2020
Mr Rob Wilders, 2 Elm Road, Glasgow, G73 4JR	09.11.2020
Miss Suzanne Ross, 8 Hazelwood Gardens, Burnside, G73 4HB	09.11.2020
Miss Lisa Prentice, 32 Crosshill Drive, Glasgow, G73 3QT	09.11.2020

Mrs Gina Liddell-Lovie, 15 Drumsargard Road, Burnside, G73 5AJ	09.11.2020
Mrs Alison Bloomer, 11, St Ronans Drive, Burnside, G73 3SR	09.11.2020
Dr Genelle Harkins, 825 Clarkston Rd, Glasgow, G44 3YP	09.11.2020
Mrs Esther Dingwall, 63 Springfield Park Road, Glasgow, G73 3RG	09.11.2020
Mrs Mary Todd, 17 Highburgh Drive, Burnside, Glasgow, G73 3R3	09.11.2020
Mr Brendan Ramage, 3 Underwood Road, Glasgow, G73 3TE	09.11.2020
Mr Chris Smith, 14 Langlea Gardens, Cambuslang, G72 8EE	20.11.2020
Ms Donna Ferguson, 01, 65 Mill St, Rutherglen, G73 2LD	20.11.2020
Ms Lynda Smith, 187 Kings Park Avenue, Glasgow, G44 4HZ	21.11.2020
Mrs Julie-Anne Campbell, 24 Crosshill Drive, Rutherglen, Glasgow, G73 3QT	21.11.2020
Mr Bryan Lynch, Holmhills Drive, Cambuslang, G72 8EN	09.11.2020
Mrs Sinead Watson, 43 Muirbrae Road, Rutherglen, G73 4NE	09.11.2020
Mrs Suzanne Morris, 22 Fraser Street, Cambuslang, G72 7AR	09.11.2020
Ms Debbie Frame, Flat 6, 7 Dryburgh Avenue, Rutherglen, G73 3EF	09.11.2020
Mrs Mandy Maclean, 122 Dukes Road, Burnside, Glasgow, G73 5AG	09.11.2020
Mrs Diane Quigley, 37 East Kilbride Road, Burnside, Glasgow, G73 5EA	09.11.2020
Mrs Emma Royle, 14 Jedburgh Avenue, Rutherglen, G83 3EW	09.11.2020
Mrs Jennifer Monteith, 57 Greystone Avenue, Rutherglen, Glasgow, G73 3SW	09.11.2020
Mrs Colette Haugh, 6 Peveril Ave, Burnside, Glasgow, G73 4RD	09.11.2020

Miss Roseanne Crolla, 19 Seymour Green, East Kilbride, G75 8EP	09.11.2020
Mrs Amanda Weir, 20 Melrose Avenue, Rutherglen, G73 3BS	09.11.2020
Mrs Joanna Gd, 48 Thistledown drive, Cambuslang, G72 6AH	09.11.2020
Mr Fraser Bedwell, 4 Kent Drive, Rutherglen, Glasgow, G74 5AW	09.11.2020
Miss Alison Black, 23 Blairbeth Road, Rutherglen, GLASGOW, G73 4JF	03.11.2020
A Bonomi, 61 Drumsargard Road, Burnside, G73 5AL	10.11.2020
Miss Wendy Whiteside, 68 Holmhills Road, Cambuslang, G72 8EL	10.11.2020
Ms Christine Kirk, 80 Viewpark Drive, Burnside, Rutherglen, G73 3QQ	10.11.2020
Ms Elaine Gray, 11 Greystone Gardens, Burnside Rutherglen, G73 3SG	09.11.2020
Mrs Sheevaun Thomas, 103 Dukes Road, Rutherglen, G73 5AG	09.11.2020
Mrs Moira Gibson, 21 Florence Gardens, Burnside, Glasgow, G73 4EW	09.11.2020
Ms Karen Cunningham, 5b, Blairbeth Terrace, Glasgow, G73 4JB	09.11.2020
Mrs Fiona Midwinter, 55 Blairbeth Road, Burnside, G73 4JD	09.11.2020

Contact for further information

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

Mohammed Hussain, Planning Officer, Montrose House, 154 Montrose Crescent,
Hamilton, ML3 6LB
Phone: 01698 455269
Email: mohammed.hussain@southlanarkshire.gov.uk

Detailed planning application

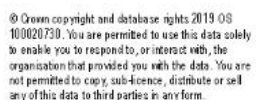
Paper apart – Application number: P/20/1452

Conditions and reasons

01. No conditions to be attached.

Reason: Planning permission is granted unconditionally.

254-256 Stonelaw Road, Rutherglen G73 3SA



Scale:
1:1,000

Date:
18/12/2020



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

Report to:	Planning Committee
Date of Meeting:	26 January 2021
Report by:	Executive Director (Community and Enterprise Resources)

Application No	P/20/1202
Planning Proposal:	Erection of residential development comprising 19 flatted units and associated works

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Patersons of Greenoakhill Limited
- Location : 53 Union Street
Hamilton

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 the conditions attached).

2.2 Other Actions/Notes

- (1) The Planning Committee has delegated powers to determine this application.
- (2) Planning permission should not be issued until an appropriate obligation under Section 75 of the Planning Act, and/or other appropriate agreement, has been concluded between the Council, the applicants and the site owner(s). This planning obligation should ensure that appropriate financial contributions are made at appropriate times during the development towards the following:-

- The provision of open space, landscaping and recreational areas, including the provision of appropriate fixed play areas.

In accordance with agreed procedure, should there be no significant progress, on behalf of the applicant, towards the conclusion of the Planning Obligation within 6 months of the date of the Committee, the proposed development may be refused on the basis that, without the planning control/developer contribution which would be secured by the Planning Obligation, the proposed development would be unacceptable.

If, however, this matter is being progressed satisfactorily the applicant will be offered the opportunity to enter into a Processing Agreement, if this is not already in place. This will set an alternative agreed timescale for the conclusion of the Planning Obligation.

All reasonable legal costs incurred by the Council in association with the above Section 75 Obligation shall be borne by the developers.

3 Other Information

- ◆ Applicant's Agent: DTA Chartered Architects
- ◆ Council Area/Ward: 17 Hamilton North and East
- ◆ Policy Reference(s):
 - South Lanarkshire Local Development Plan (Adopted)**
 - Policy 2 - Climate Change
 - Policy 4 - Development Management and Placemaking
 - Policy 5 - Community Infrastructure Assessment
 - Policy 6 - General Urban Area /Settlements
 - Policy 14 - Green Network and Greenspace
 - Policy 15 - Natural and Historic Environment
 - South Lanarkshire Local Development Plan (Supplementary Guidance)**
 - Development Management, Place Making and Design SG**
 - Policy DM1 - Design
 - Policy DM13 - Development within General Urban Area/Settlement
 - Natural and Historic Environment SG**
 - Policy NHE3 - Listed Buildings
 - Policy NHE7 - Conservation Areas
 - Green Network and Green Space SG**
 - Community Infrastructure Assessment SG**
 - Sustainable Development and Climate Change SG**
 - Policy SDCC2 - Flood Risk
 - Policy SDCC3 - Sustainable Drainage Systems
 - Policy SDCC4 - Water Supply
 - Policy SDCC5 - Foul Drainage and Sewerage
 - Residential Design Guide**
 - South Lanarkshire Local Development Plan 2 (Proposed)**
 - Policy 2 - Climate Change
 - Policy 3 - General Urban Area /Settlements
 - Policy 5 - Development Management and Placemaking
 - Policy 7 - Community Infrastructure Assessment
 - Policy 13 - Green Network and Greenspace
 - Policy 14 - Natural and Historic Environment
 - Policy DM1 – New Development Design
 - Policy DM15 - Water Supply

Policy DM16 - Foul Drainage and Sewerage
Policy NHE3 - Listed Buildings
Policy NHE6 - Conservation Areas
Policy SDCC2 - Flood Risk
Policy SDCC3 - Sustainable Drainage Systems

◆ Representation(s):

- ▶ 5 Objection Letters
- ▶ 0 Support Letters
- ▶ 0 Comments Letters

◆ Consultation(s):

Roads (Development Management)

Roads (Flood Risk Management)

Environmental Services

Arboriculture Services

Community and Enterprise Resources - Play Provision

Scottish Water

SEPA

Planning Application Report

1 Application Site

- 1.1 The application site relates to the curtilage of a former dwelling at 53 Union Street, Hamilton which sits to the south of, and fronts directly onto, Union Street close to its junction with Auchingramont Road. The site is bound on three sides by residential properties, with Cadzow Burn and land associated with Hamilton Grammar School forming the remaining boundary.
- 1.2 The site is currently largely vacant following the demolition of the former dwellinghouse in 2015. However, a number of mature trees remain on site, mainly around its perimeter.
- 1.3 The application site lies within the Hamilton No.1 Conservation Area and it is noted that, the adjacent property, at 51 Union Street, is designated as a Category B Listed Building.

2 Proposal(s)

- 2.1 Permission is sought for the erection of a flatted development, comprising 19 units. The proposed property would sit approximately centrally, within the site, with parking (for 38 cars) to the front and amenity space to the sides and rear. The submitted scheme indicates that a single vehicular entrance and exit arrangement from Union Street is proposed. The majority of the flats within the development would contain 2 bedrooms whilst the three top floor flats would each contain 3 bedrooms.
- 2.2 Given the ground levels within the site, the proposed property would have the appearance of being three storeys to the front, whilst to the rear it would be four storeys in height. It is proposed that the building would be finished externally with a combination of facing brick, roughcast and timber cladding, with a flat roof design.
- 2.3 A number of documents have been submitted in support of the application proposals, namely a Design Statement, Design Risk Assessment, Drainage Strategy, Fire Engineered Strategy, Flood Risk Assessment, Ground Investigation Report, Japanese Knotweed Treatment Programme, List of Trees, Material Specifications, Noise Assessment, Sustainable Drainage Design Compliance Certificate, Tree Survey Report and Tree Survey Update.

3 Background

3.1 Local Plan Policy

- 3.1.1 In determining planning applications, the Council must assess the proposal against the policies contained within the adopted South Lanarkshire Local Development Plan (SLLDP) and associated Supplementary Guidance (SG) produced in support of the SLLDP.
- 3.1.2 Given the nature of the application, it is considered that Policies 2 – Climate Change, 4 – Development Management and Place Making, 5 - Community Infrastructure Assessment, 6 – General Urban Area/Settlements, 14 - Green Network and Greenspace and 15 - Natural and Historic Environment) are appropriate to the determination of this application. In addition, the Policies and Guidance within the Council's adopted Supplementary Guidance are of relevance; namely Development Management, Place Making and Design SG (Policies DM1 – Design and DM 13 – Development within General Urban Area/Settlements), Natural and Historic Environment SG (Policies NHE3 - Listed Buildings and NHE7 - Conservation Areas), Sustainable Development and Climate Change SG (Policies SDCC2 - Flood Risk, SDCC3 – Sustainable Drainage System, SDCC4 – Water Supply, and SDCC5 – Foul Drainage and the Council's approved Residential Design Guide.

- 3.1.3 In addition, on 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) (SLLDP2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the 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 2 – Climate Change, 3 – General Urban Areas/Settlements, 5 – Development Management and Place Making, 7 - Community Infrastructure Assessment, 13 - Green Network and Greenspace, 14 - Natural and Historic Environment, DM1 – New Development Design, DM15 - Water Supply, DM16 - Foul Drainage and Sewerage, NHE3 - Listed Buildings, NHE6 - Conservation Areas, NHE9 - Protected Species and SDCC2 - Flood Risk, are all relevant.
- 3.1.4 On 17 August 2020, the Directorate for Planning and Environmental Appeals issued its report of the Examination of SLLDP2 and a number of modifications to the Plan were recommended. At the Planning Committee on 1 December 2020, members agreed to the approval of all of the modifications; the publication and public deposit of the Plan, as modified; and the submission of the Plan to Scottish Ministers. The Council will, therefore, assess proposals against the policies contained within the adopted South Lanarkshire Local Plan and those within the proposed South Lanarkshire Local Development Plan. As SLLDP2 is now approved for adoption, when considering planning applications, greater weight should be given to the policies and guidance contained in this Plan.
- 3.1.5 The aim of the above policies and guidance is to seek a development that is appropriately designed, located, serviced and results in no adverse impact on the surrounding area. The content of the above policies and how they relate to the proposal is assessed in detail in Section 6 of this report.
- 3.2 **Planning Background**
- 3.2.1 As noted earlier in the report, the dwellinghouse which had once occupied the site was demolished in 2015 due to public safety concerns. Thereafter, an application for the redevelopment of the site with a flatted development was approved in November 2016 (application HM/16/0034). Two subsequent applications were approved in 2018. The first introducing carports within the development (P/18/0583) and the second, proposing minor alterations to the building design (P/18/0020/V).
- 3.2.2 It should be noted that, the current application is the same as the previously approved proposals (as amended).

4 Consultation(s)

- 4.1 **Roads (Development Management)** – have offered no objections, subject to conditions relative to access and parking standards, visibility splay provision, closure of an existing access and surface water trapping.
Response: Appropriately worded conditions can be attached to any consent issued to address these points.
- 4.2 **Roads (Flood Risk Management)** – have no objections to the application subject to the undertaking of a Flood Risk/Drainage Assessment in accordance with the latest industry guidance listed within the Council’s Developer Design Guidance Note dated May 2020 and the provision of a sustainable urban drainage system (SUDS) within the site.
Response: Appropriately worded conditions can be attached to any consent issued.

- 4.3 **Environmental Services (ES)** – have not yet responded.
Response: Notwithstanding the above, it is noted that ES offered no objections, subject to conditions, to the previous application, for a development of the same scale, character and description to the current scheme. The required conditions related to installation of a high specification of glazing to address any potential road traffic noise issues and to address dust mitigation/control, residential waste, noise, pest control and contamination. It is intended, in the absence of further comments from ES, to include appropriately worded conditions and/or informatives to address any matters raised, should the application be approved.
- 4.4 **Arboriculture Services** – have no objection to the proposal subject to conditions relating to the protection of trees.
Response: An appropriately worded condition will be attached to any consent issued.
- 4.5 **Community and Enterprise Resources - Play Provision** – have confirmed that a financial contribution should be sought to address the likely impact of the development on existing community/recreational facilities within the area.
Response: This request is consistent with the Council's approved policies and guidance on Community Infrastructure Assessment within both the adopted and proposed South Lanarkshire Local Development Plans.
- 4.6 **Scottish Water** – have offered no comment.
Response: Notwithstanding this, a condition would be attached to any consent issued requiring the applicants to provide confirmation that the site can be satisfactorily served by a sewerage system designed in accordance with Scottish Water's standards prior to commencement of works on site.
- 4.7 **SEPA** – have offered no objections to the application proposals.
Response: Noted.

5 Representation(s)

- 5.1 Statutory neighbour notification procedures were undertaken in respect of the development and the application was advertised in the Hamilton Advertiser due to the site's location within a Conservation Area. In response, 5 letters of representations were received.
- 5.2 The grounds of objection can be summarised as follows:-

a) **Concerns over the proposed design and scale, including the location and design of the proposed carports, particularly within a designated conservation area.**

Response: The site is capable of accommodating the scale of building proposed, with sufficient amenity space and on-site parking being provided to allow an appropriate setting for the building without it appearing overdeveloped. The building will be three storeys in height when viewed from Union Street and will complement existing properties within the streetscene. Union Street has a variety of house types and styles.

It is considered that the location and design of the proposed carports will not impact adversely on the character of the area, nor the conservation area, within which it is located.

Through the use of appropriate external finishes, it is considered that the introduction of this flatted development will not have a detrimental impact on the area in general, the conservation area within which it is located or the

adjacent Category B listed building within the adjoining site. It is, therefore, considered that the scale and design of the proposed building is acceptable in this instance. In addition, it should be noted that the proposals reflect what has previously been approved on this site.

b) Concerns over road and public safety due to increased traffic movements, on street parking.

Response: Whilst Union Street is a main traffic route through Hamilton, it is considered that the proposed development would not raise any significant concerns in terms of road safety. Concerns have been raised in relation to Union Street being a route to school and nursery facilities. However, any users of the properties would require to exercise due care and attention, similar to any other property within Union Street, when accessing/egressing the site.

Furthermore, it is noted that Roads and Transportation Services have offered no objections to the proposal, subject to conditions, and it is, therefore, considered that the development would be acceptable in road safety terms.

c) Concerns over the impact of the development in terms of existing drainage infrastructure.

Response: The Councils' Roads (Flood Risk Management) have offered no objections to the proposal subject to conditions relative to the provision of an appropriate drainage system. In addition, it is noted that details were submitted in terms of the previously approved application for a similar development. It is, therefore, considered that this matter can be addressed, again, through the use of appropriate conditions.

d) Concerns over the loss of privacy.

Response: Given the orientation and location of the proposed building to surrounding properties it is considered that there will be no significant adverse impact on the privacy and amenity of neighbouring properties as a result of the proposed development.

e) Concerns over the potential for increased noise pollution.

Response: Whilst there is potential for increased noise disturbance during the construction phase of the development, this can be mitigated through appropriate on-site management. Any significant issues, should they occur, can be pursued through environmental health legislation.

The proposal to site a flatted residential development at this location is appropriate in land use terms and is compatible with surrounding properties. It is considered that there will not be any significant impact on neighbouring properties in terms of noise and disturbance from the development once completed.

f) Concerns over the impact on trees, particularly along common boundaries.

Response: The site has been assessed in terms of the impact on trees within the site and a number of trees within the site have been identified for removal. However, it is considered that a sufficient number of trees will be retained on site to provide amenity value for the development and surrounding area. In addition, appropriate landscaping can enhance the development and benefit the surrounding area.

6 Assessment and Conclusions

- 6.1 This application proposes the erection of a flatted residential development, with associated parking and amenity space within the grounds of a former residential dwelling at 53 Union Street, Hamilton. The scheme is essentially a renewal of a lapsed consent given that the scale, design and location of the proposed properties is broadly similar to the previously approved scheme.
- 6.2 Section 25 of the Town and Country Planning (Scotland) Act 1997, requires that all planning applications are determined in accordance with the development plan, unless other material considerations indicate otherwise. The main determining issues, therefore, in the assessment of this application are whether the proposed development is in compliance with local plan policy.
- 6.3 The adopted South Lanarkshire Local Development Plan (SLLDP) designates the site as being primarily within a general residential zoning (Policy 6). The principle of the continued use of the site for residential purposes is acceptable in this regard, subject to compliance with relevant development management criteria.
- 6.4 Policy 2 - Climate Change advises that proposals for new development must minimise and mitigate against the effects of climate change. There is various assessment criteria but of importance, in this instance, is the need to be sustainably located and maximise the reuse of vacant and derelict land.
- 6.5 In terms of the impact on the area designated as a Green Network (Policy 14) which applies to the southern part of the site, it is noted that, the development area within the application site is located outwith this designation. Whilst some work will be undertaken within this area, in relation to the provision of amenity space, it is considered that the effectiveness of the green network will remain. This is compatible with the aims of this policy and its supplementary guidance.
- 6.6 The matters considered appropriate, in terms of development management criterion, are set out within Section 3.2.3 above. Principally, the stated policies and guidance seek to ensure that any development within an area which is predominantly residential in character does not adversely impact on the amenity of such areas, can be adequately serviced and has been designed in a manner which takes cognisance of appropriate guidance and the area within which it is located. The design, layout and scale of the development and finishing materials proposed are all acceptable whilst adequate off street parking would be provided. Overall, it is considered that the proposal complies with the relevant policies contained in the adopted and proposed local plans and supplementary guidance.
- 6.7 Through Policy 6 and Policy 4 - Development Management and Placemaking, the Council seeks to ensure that development proposals take account of the local context and do not have a significant adverse effect on the amenity and character of the area. These aims are supported by the Council's approved Supplementary Guidance (SG) on Development Management, Place Making and Design (Policies DM1 – Design and DM13 - Development within General Urban Area/Settlement). With regard to the detailed design of the development, it is considered that the proposed layout for the development is acceptable and that it meets the main standards set out in the Council's Residential Design Guide, particularly in relation to open space and car parking provision. It is further considered that the proposed development will be in keeping with the existing residential development in the surrounding area. The proposal, therefore, accords with Policies 4, DM 1 and DM13 of the SLLDP and supplementary guidance.

- 6.8 The site has an urban location with sewerage and water infrastructure nearby. On this basis, it is considered that the proposal accords with SDCC 2, SDCC 3, SDCC 4 and SDCC 5 of the SLLDP's supplementary guidance on Sustainable Development and Climate Change.
- 6.9 The site lies within a designated Conservation Area. In this regard Policy 15 - Natural and Historic Environment of the SLLDP identifies conservation areas as Category 3 (Local) designations. Within such areas, development will only be allowed where the protected resources will not be significantly undermined. Through Policy NHE7 - Conservation Areas of the Natural and Historic Environment SG the Council seeks to preserve or enhance the character of a Conservation Area. Furthermore, the adjacent property is a Category B listed building. Notwithstanding these facts, it is considered that the redevelopment of the site, as proposed, will have no detrimental impact on the setting of the conservation area within which it lies or the adjacent listed building. The surrounding properties at this location include a variety of styles and finishing materials, including flatted developments and, therefore, the introduction of further flatted units raises no new issues. In addition, the proposed building will be sited in a manner which will not adversely affect the listed building.
- 6.10 The Council's adopted policy on Developer Contributions as set out within the Residential Design Guide and Policy 5 - Community Infrastructure Assessment and its supplementary guidance identifies that a developer contribution is required towards recreational/open space provision.
- 6.11 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 considered that the proposal accords with Policies 1, 2, 3, 5, 15, DM1, DM7, DM15, DM16, SDCC3 and SDCC4 contained in the proposed plan.
- 6.12 On 17 August 2020 the Directorate for Planning and Environmental Appeals issued its report of the Examination of SLLDP2 and a number of modifications to the Plan were recommended. At the Planning Committee on 1 December 2020, members agreed to the approval of all of the modifications; the publication and public deposit of the Plan, as modified; and the submission of the Plan to Scottish Ministers. The Council will, therefore, assess proposals against the policies contained within the adopted South Lanarkshire Local Plan and those within the proposed South Lanarkshire Local Development Plan. As SLLDP2 is now approved for adoption when considering planning applications, greater weight should be given to the policies and guidance contained in this Plan.
- 6.13 Whilst third party representations have been received, these are not of significant weight or merit to warrant the refusal of the proposal in their own right. Any requirements of the various consultees can be addressed through the use of conditions, where appropriate.
- 6.14 In conclusion, it is considered that in terms of the detailed development of the site, the application proposal conforms to both national and local plan policy and that it raises no significant environmental, infrastructure or road safety issues. The proposal will deliver a development which is of a high quality design, consistent with surrounding development, and will contribute towards the Council meeting its housing needs

targets. It is further noted that the current proposals are the same as previous applications which were approved by the Council and there has been no significant change in either the site characteristics or applicable policy guidance.

- 6.15 The proposed development is considered to be acceptable and complies with the relevant policies contained in the adopted and proposed local plans and relevant supplementary guidance. On the basis of the above assessment, it is recommended that planning permission be granted subject to the conditions listed. However, the issue of consent should be withheld until the conclusion of the associated planning obligation under Section 75 of the Planning Act.

7 Reasons for Decision

- 7.1 The proposal has no adverse impact on residential or visual amenity and raises no road safety concerns.

The proposal accords with the policies of the South Lanarkshire Local Development Plan and Supplementary Guidance (namely Policies 2 – Climate Change, 4 - Development Management and Placemaking, 5 - Community Infrastructure Assessment, 6 – General Urban Area/Settlements, 14 - Green Network and Greenspace, 15 - Natural and Historic Environment, DM1 – Design, DM 13 – Development within General Urban Area/Settlements, NHE3 - Listed Buildings, NHE7 - Conservation Areas, SDCC2 - Flood Risk, SDCC3 – Sustainable Drainage System SDCC4 – Water Supply and SDCC5 – Foul Drainage and Sewerage).

Furthermore, the proposal accords with the requirements of the policies and guidance within the proposed South Lanarkshire Local Development Plan 2 (namely Policies 2 – Climate Change, 3 - General Urban Areas, 5 - Development Management and Place Making, 7 - Community Infrastructure Assessment, 13 - Green Network and Greenspace, 14 - Natural and Historic Environment, DM1 – Design, DM15 – Water Supply, DM16 – Foul Drainage and Sewerage, NHE3 - Listed Buildings, NHE6 - Conservation Areas, SDCC2 - Flood Risk and SDCC3 – Sustainable Drainage Systems).

There are no other material considerations that would justify the refusal of consent.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

18 January 2021

Previous References

- ◆ Planning Committee - 24 May 2016 - HM/16/0034
- ◆ P/18/0583

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan (Adopted)
- ▶ South Lanarkshire Local Development Plan (Supplementary Guidance)
- ▶ South Lanarkshire Local Development Plan 2 (Proposed)
- ▶ Neighbour notification letter dated 25 September 2020
- ▶ Press Advert dated 8 October 2020
- ▶ Design Statement

- ▶ Design Risk Assessment
- ▶ Drainage Strategy
- ▶ Fire Engineered Strategy
- ▶ Flood Risk Assessment
- ▶ Ground Investigation Report
- ▶ Japanese Knotweed Treatment Programme
- ▶ List of Trees, Material Specifications, Noise Assessment
- ▶ Sustainable Drainage Design Compliance Certificate
- ▶ Tree Survey Report
- ▶ Tree Survey Update

- ▶ Consultations

Roads and Transportation Services (Hamilton Area)	04/10/2020
Roads and Transportation Services (Flood Risk Management Section)	09/12/2020
Environmental Services	
Arboriculture Services	12/10/2020
Community and Enterprise Resources - Play Provision	
Scottish Water	01/10/2020
S.E.P.A. (West Region)	11/10/2020

- ▶ Representations

Representation from :	Mrs Maria Hose, 76 Union Street, Hamilton DATED 29/09/2020
Representation from :	Dr Helen Park, 68 Union Street. Hamilton DATED 08/10/2020
Representation from :	Mr 7Mrs Di Mambro, 70 Union Street, Hamilton DATED 12/10/2020
Representation from :	Alan Gibson, 55b Union Street, Hamilton DATED 13/10/2020
Representation from :	Derek Paton, 55A Union Street, Hamilton DATED 16/10/2020

Contact for Further Information

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

James Watters, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton
ML3 6LB
Ext: 4970 (Tel: 01698 454970)
E-mail: planning@southlanarkshire.gov.uk

CONDITIONS

- 1 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.

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

Reason: These details have not been submitted or approved.

- 3 That before development starts, full details of the design and location of all fences and walls, including any retaining walls, to be erected on the site shall be submitted to and approved by the Council as Planning Authority.

Reason: These details have not been submitted or approved.

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

Reason: In order to retain effective planning control.

- 5 Any stone repairs necessitated by this development shall precisely match the colour and texture of the existing stone (as cleaned).

A sample panel of stonework repairs shall be prepared to match the cleaned stonework in colour, texture and coursing for inspection and written approval from the Council as Planning Authority prior to the commencement of this aspect of the works.

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

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

Reason: To ensure that adequate refuse arrangements are provided that do not prejudice the enjoyment of future occupiers of the development or neighbouring occupiers of their properties, to ensure that a satisfactory external appearance is

achieved and to ensure that appropriate access is available to enable refuse collection.

- 7 That before the development hereby approved is completed or brought into use, a visibility splay of 2.5 metres by 90.0 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 interest of road safety.

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

Reason: In the interest of road safety.

- 9 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: In the interests of the visual amenity of the area.

- 10 That the approved landscaping scheme shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of the building(s) or completion of the development hereby approved, whichever is the sooner, and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.

Reason: In the interests of amenity.

- 11 That prior to any work commencing on the site, a maintenance management schedule for the landscaping scheme approved under the terms of Condition 10 above shall be submitted to and approved by the Council as Planning Authority. Thereafter, the landscaping shall be maintained in accordance with the approved management schedule to the satisfaction of the Council.

Reason: In the interests of amenity.

- 12 That no further trees within the application site shall be lopped, topped, pollarded or felled, or otherwise affected, other than those identified within the submitted Tree Survey (by Angus Mackay, dated July 2018), without the prior written consent of the Council as Planning Authority.

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

- 13 Prior to the commencement of the development hereby approved (including any demolition and all preparatory work), an Updated Tree Survey, Tree retention/removal plan (finalised), scheme for the protection of the retained trees (Tree Protection Plan), in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and Arboricultural Impact Assessment and arboricultural method statement (AMS) shall be submitted to and approved in writing by the Council as Planning Authority. Specific issues to be dealt with in the TPP and AMS:

- (a) Location and installation of services/ utilities/ drainage.
- (b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
- (c) Details of construction within the RPA or that may impact on the retained trees.
- (d) A full specification for the installation of boundary treatment works.
- (e) A full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.
- (f) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
- (g) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- (h) A specification for scaffolding and ground protection within tree protection zones.
- (i) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- (j) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires
- (k) Boundary treatments within the RPA
- (l) Methodology and detailed assessment of any root pruning
- (m) Arboricultural supervision and inspection by a suitably qualified tree specialist
- (n) Reporting of inspection and supervision

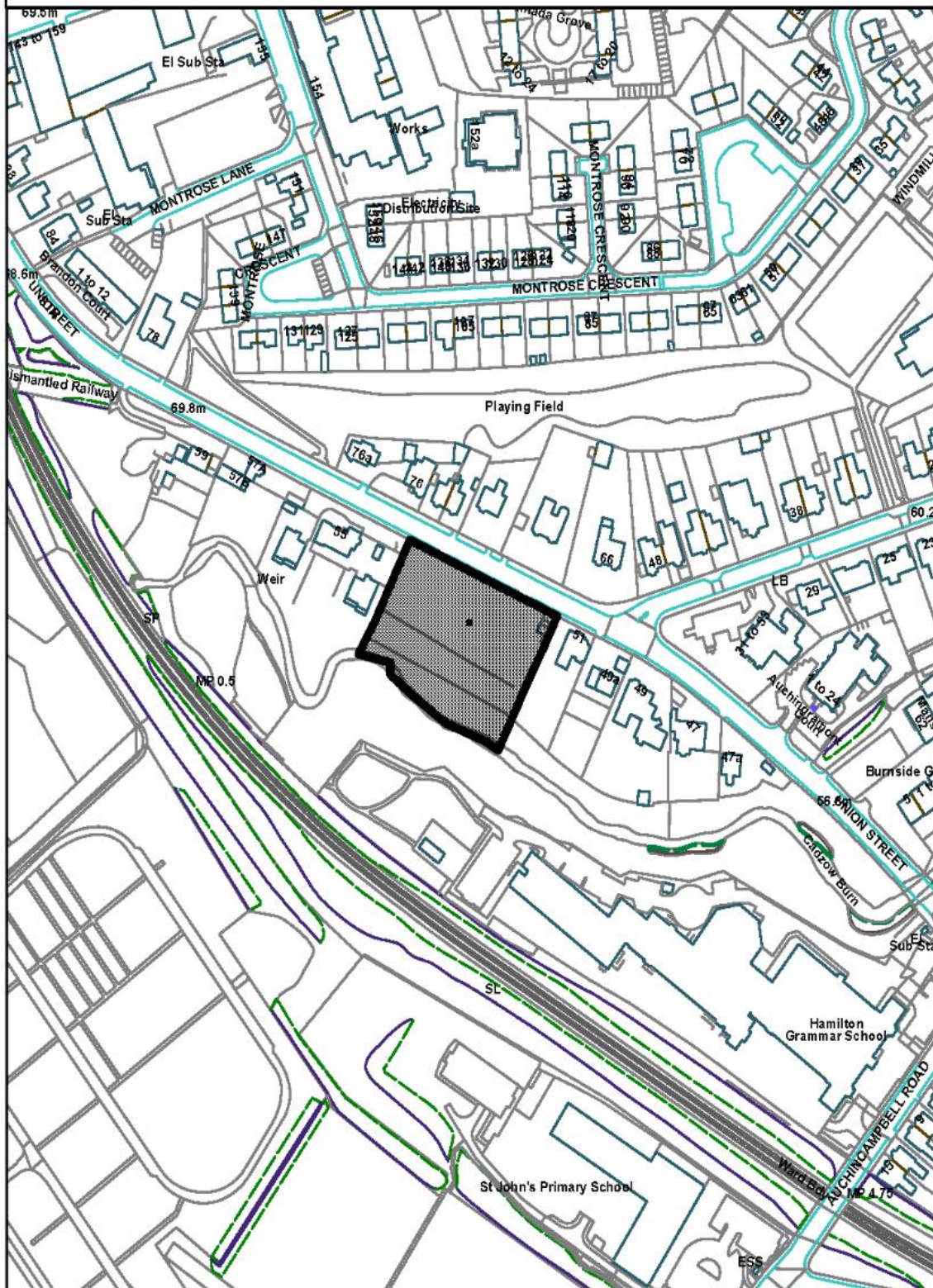
The development shall thereafter be implemented in strict accordance with the approved details.

Reason: To ensure that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality.

- 14 All trees to be removed must be replaced by semi-mature/mature trees of a similar species at the locus to the satisfaction of the Council as Planning Authority.
- Reason: In the interests of amenity.
- 15 That prior to the commencement of development, details of the land drainage works shall be submitted to and approved by the Council as Planning Authority.
- Reason: To ensure the provision of a satisfactory land drainage system.
- 16 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.
- 17 That prior to any work starting on site, a Flood Risk/Drainage Assessment in accordance with 'Drainage Assessment - A Guide for Scotland', shall be submitted to and approved in writing by the Council as Planning and Roads Authority.
- Reason: To demonstrate that a satisfactory means of waste and surface water drainage can be achieved.
- 18 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.
- 19 That the findings within Section 4 of the submitted Noise Assessment (EnviroCentre dated April 2016) shall be implemented throughout the development. Prior to any works commencing on site, details of the proposed glazing shall be submitted to, and agreed by, the Council as Planning Authority.
- Reason: In the interests of amenity and in order to retain effective planning control.
- 20 That no residential unit shall be occupied until the site is served by a sewerage scheme constructed in accordance with Scottish Water standards and as approved by the Council as Planning Authority in consultation with Scottish Water as Sewerage Authority.
- Reason: To ensure the provision of a satisfactory sewerage system.

P/20/1202

Site of Former 53 Union Street, Hamilton



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Scale:
1:2,500
Date:
18/12/2020



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

7

Report to:	Planning Committee
Date of Meeting:	26 January 2021
Report by:	Executive Director (Community and Enterprise Resources)

Subject	Scottish Government Consultation on Scotland's Fourth National Planning Framework Position Statement and Update on the Reform of Scotland's Planning System
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1. Purpose of Report

1.1 The purpose of the report is to:-

- ◆ advise members on the Scottish Government consultation on Scotland's Fourth National Planning Framework Position Statement and provide an update on other activities being carried out by the Scottish Government in relation to the continuing wider reform of Scotland's planning system
- ◆ seek approval of the Council's response to the consultation

2. Recommendation(s)

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

- (1) that the activities being carried out by the Scottish Government as part of the reform of the planning system be noted;
- (2) that the wording contained in the appendix to this report is submitted as the Council's response to the Scottish Government's consultation on Scotland's Fourth National Planning Framework Position Statement; and
- (3) that the Head of Planning and Economic Development Services be authorised to make any drafting and technical changes to the response prior to its submission.

3. Background

3.1 The Planning (Scotland) Act 2019 received Royal Assent in July 2019. During consultation on the likely provisions of the Act, the Scottish Government highlighted that it sees the planning system as being central to support the objective of creating a more successful country with opportunities for all to flourish through increased wellbeing and sustainable and inclusive economic growth. The planning system has a key role in achieving this goal and the new legislation puts in place a range of new statutory duties and measures to make it more efficient and effective and to ensure it is capable of providing a high quality service.

3.2 At the moment, national planning policy prepared by the Scottish Government includes the National Planning Framework (NPF), currently in its third iteration, which sets the long-term spatial strategy for Scotland and Scottish Planning Policy (SPP) which contains more detailed policy on a wide range of land use planning matters. The Act now incorporates these two documents into a single National Planning Framework which when approved will become part of the Development Plan used for making

decisions on planning applications alongside the Council's Local Development Plan. At the same time, the need to prepare a Strategic Development Plan (currently Clydeplan which covers the Glasgow City Region) has been removed and in its place there is a statutory duty to prepare Regional Spatial Strategies (RSS). However, the RSS will not form part of the Development Plan.

3.3 The work programme produced by the Government following the 2019 Act envisaged a draft NPF4 being laid before the Scottish Parliament in September 2020 with consultation being carried out thereafter. However, this timescale has been delayed by Covid-19 and it is now intended that the draft NPF4 will be laid in the Scottish Parliament in autumn 2021 with extensive public consultation and stakeholder engagement carried out at the same time. It is anticipated that NPF4 will be approved in mid 2022. As an interim measure, the Scottish Government published, on 26 November 2020, a Position Statement on NPF4 which sets out its current thinking. It incorporates a wide range of evidence that was submitted during the Call for Ideas exercise and early engagement activity carried out in early 2020 and which the Council made a contribution towards. The Position Statement is not a formal part of the NPF process; nor is it a draft NPF4 and it does not have any formal status in the planning process.

3.4 At the same time a range of other planning reform activity has been progressed by the Scottish Government over the last 12 months and this is described in section 5 of the report together with other changes to the planning system that are expected to be brought forward in the coming year.

4. NPF4 Position Statement

4.1 The position statement describes NPF4 as 'a new spatial plan for Scotland that will look ahead to 2050 to set out where future development can bring benefits for people, the economy and environment'. Two central themes run through the document. Firstly, in order to achieve the Scottish Government target of net-zero emissions by 2045, there will be a need for the planning system to be 'rebalanced' so that climate change will be an overarching priority for the spatial strategy and a guiding principle for all plans and decisions. Secondly, that the quality of our places matter. Place is where people, location and resources come together to create a sense of identity and purpose and is at the heart of addressing the needs and realising the full potential of communities. The Place Principle sits at the heart of this and requires organisations and local communities to work together to improve the lives of people, support inclusive and sustainable economic growth and create more successful places.

The document also makes strong reference to the lessons learned from Covid-19, particularly in terms of the impact on the economy and local communities together with the isolation felt by many due to too few accessible local amenities and green spaces. Overall, the Position Statement makes clear that it is not intended to restrict development but rather to help stimulate the green economy and encourage localism by encouraging innovation, greener design and place-based solutions.

As a result, NPF4 is expected to focus on achieving the four key outcomes described in 4.2 to 4.5 below and the following sections summarise the Government's thinking on these themes. It should be noted that the detailed strategy and policy approach will become clearer once the draft NPF4 is produced for consultation later this year. The Position Statement provides an opportunity for stakeholders to provide comments on its contents and the Council's proposed feedback is set out in the appendix to this report.

4.2 Net-Zero Emissions

4.2.1 Prioritising emissions reductions

The position statement highlights that an urgent and radical shift in planning policy is required to achieve the net-zero emissions target by 2045. A Land Use Strategy will be developed to guide long term land use so that it reverses patterns of behaviour that currently contribute to emissions. The transition from an energy intensive to zero carbon economy is the goal. Support will be strengthened in terms of retaining and re-using existing buildings. It will be made more difficult for new developments that generate significant emissions to gain planning permission.

4.2.2 Integrating land use and transport

Policy will seek to promote high quality walking and cycling, public transport and shared transport options as opposed to single occupancy car use. As a result, development should be directed towards locations which reduce the need to travel or are served by sustainable transport options. In addition, ultra-low emission vehicles including electric vehicles will have an important role to play and, therefore, NPF4 will include policy on electric vehicle infrastructure.

4.2.3 Design solutions and innovation

A reduction in emissions from new buildings is identified as a key driver of national planning policy and this will be supported through what is termed a whole building approach by facilitating low carbon methods of construction; encouraging the use of low energy and emissions materials and natural and micro-climate features; and enabling the use of renewable and zero emissions heating. The retrofitting of existing buildings will also be important.

4.2.4 Nature-based solutions

The natural environment will play a vital role in removing carbon from the atmosphere and securing it in natural habitats including bogs and peatland. In addition, nature-based solutions such as woodland creation and peatland protection will be important in reducing emissions. Policies designed to protect and restore biodiversity and natural assets will be strengthened particularly in terms of improving their long-term resilience to climate change.

4.2.5 Delivery of infrastructure to reduce emissions

The Position Statement states that the Global Climate Emergency should be a material consideration in considering applications for appropriately located renewable energy developments. It identifies new technologies that will be supported including carbon capture and storage; hydrogen; and the decarbonisation of heating, public transport and vehicle fleets. A priority will be the roll-out of renewable electricity and renewable and zero emissions heat technology.

4.3 Resilient Communities

4.3.1 20 minute neighbourhoods

This concept is based on peoples' main needs being met within a 20 minute walk of their home resulting in a focus on neighbourhoods and local living. The outcomes will include a reduction in emissions, an improvement in health and wellbeing and reduction in inequality, achieved through the application of the Place Principle and building quality places that work for everyone.

4.3.2 Promoting inclusion and eliminating discrimination

This reflects the Government's commitment to promoting equality, tackling discrimination and fostering good relations between people and ensuring every person and community achieves their full potential. This is to be achieved by encouraging more people to get involved in planning through greater community engagement and

the ability for communities to prepare Local Place Plans (see 5.7 below). The use and development of future places and spaces will be considered in terms of gender, ethnicity, age and disability.

4.3.3 Improving health and wellbeing

NPF4 is to be designed to support health and wellbeing and address health inequalities as a result of, for example, poor diet and obesity and noise and air pollution. Policy direction will include increasing active travel; improving air quality; and improving childhood experiences. The approach will look at how the built environment can improve public health and measures to improve health will be a requirement of the development process, for example, through high quality design, the provision of blue and green infrastructure and access to quality greenspace. Reference is made to the introduction of a policy principle that puts the needs of people and their health at the heart of the planning system.

4.3.4 Delivery of good quality homes

The spatial strategy will focus on delivering a wide range of good quality, energy efficient and zero carbon homes in the right places to meet the needs of a changing population. This will include making best use of existing and planned housing stock to enable people to stay in their homes as long as possible. Long term changes include sustainable rural living; prioritising sustainable locations and vacant, derelict and brownfield land; the redevelopment of existing buildings; town centre regeneration; and more people working remotely or more locally in the future.

4.3.5 Infrastructure-first approach to community development

This relates to the need for services and facilities (eg health, transport, accommodation for the aging population, community growing and open spaces, education, water and drainage, digital and retail) to be easily and affordably accessed. NPF4 will prioritise the infrastructure required to reduce the need to travel and cut emissions. The requirement for an evidence report as part of the preparation of a Local Development Plan (see 5.6 below) will help ensure appropriate infrastructure and services are in place to serve the needs of communities. At the same time, the enhancement and promotion of open space and green networks is an integral part of successful place-making and supporting health and wellbeing and reducing emissions. Blue and green infrastructure will be an integrated requirement for new development with the aim of building in long-term resilience to climate change.

4.4 A Wellbeing Economy

4.4.1 Supporting a sustainable and green economic recovery

This theme is identified as crucial to help the country recover from the impacts of Covid-19 by promoting strategic locations for future investment and business growth. The aim will be to achieve sustainable, inclusive growth by protecting and investing in natural assets and supporting the building of a wellbeing economy (where the general wellbeing of the population or quality of life is as important as financial success by giving equal importance to tackling inequality as economic competitiveness and making sure that work is fulfilling and well paid) as part of the transition to a net-zero circular economy. The scope for greater integration of work and living will be explored through, for example, the creation of community hubs and flexible workspaces and encouraging homeworking. This will be especially important in rural communities. Development that contributes to wellbeing and fair work will be explicitly supported.

4.4.2 Tourism has been significantly affected by Covid-19 and the focus of the strategy is recovery, investment and stimulating demand in this sector. Culture and the arts will also be supported in terms of regeneration and development and will ensure it is

embedded in all policies so that its transformative potential is realised. Examples include the temporary use of vacant spaces and animating public spaces.

4.4.3 Transition to a circular economy

Policies on zero waste are to be updated to ensure the planning system supports development which reflects the waste hierarchy, prioritises the reduction and re-use of materials and facilitates the delivery of new waste infrastructure. Minimising construction waste and promoting the sustainable re-use of the built environment, especially existing buildings, will have an important role in this. Developers will be encouraged to connect new buildings to existing heat networks.

4.4.4 Improving digital connectivity

The spatial strategy will reflect future investment in digital infrastructure including supporting the roll out of new infrastructure in order to maintain and grow communities in both urban and rural areas and unlock the potential of places and the economy. Stronger requirements for new housing and businesses to connect to existing and future digital infrastructure will be introduced.

4.5 **Better, greener spaces**

4.5.1 Focus on place based outcomes

The Place Principle and the Place Standard tool will be embedded within NPF4. The spatial strategy will focus on the qualities and character of our places to achieve the wider objectives of community resilience, inclusive growth and environmental sustainability. This will mean supporting existing successful places while seeking to improve those that do not contribute to these goals. Focus will be on regeneration so that disadvantaged and fragile communities will be prioritised for investment. In addition, actions to tackle climate change will focus on places so that climate vulnerable communities are prioritised by improving the resilience of infrastructure.

4.5.2 Higher quality design

NPF4 will promote the planning and development of healthier, inclusive, sustainable and well-designed places which in turn will improve people's health, wellbeing, the economy and environment. The public realm has an important part in creating better places and, therefore, the focus will be on the design, layout and accessibility of streets and spaces.

4.5.3 Re-imagining city and town centres

Town centres in South Lanarkshire are facing significant challenges which have intensified as a result of Covid-19. The new emphasis on localism and community empowerment will result in the need for a policy approach to aid the diversification of town centres and stimulate new investment. Changes to living and working patterns and the effects of climate change can help them evolve. Reference is made to providing more good quality homes in town centres with access to shops and services; this will help address climate change by reducing the need to travel while also supporting the evening economy. Policies will be aimed at delivering the Town Centres First Principle.

4.5.4 Re-use of vacant and derelict land and empty buildings

The position statement highlights this theme as having the potential to deliver significant benefits including sustainable, inclusive growth and reduced emissions. The policy framework will give confidence to communities and investors that vacant and derelict land is an opportunity to stimulate growth. A 'brownfield first' approach will be promoted ahead of greenfield sites.

4.5.5 Promote living and working in the rural area

The 2019 Act requires development plans to contribute to increasing the population of rural Scotland. Significant changes to support prosperous and sustainable communities and businesses will be developed with the ambition of building low carbon rural communities. This will include identifying infrastructure requirements and ensure access to goods, services, health and education in a low carbon way.

4.6 **Next Steps**

4.6.1 The Council has been given an opportunity to comment on the Position Statement and the proposed response is included as an appendix to this report. The document sets out, in a succinct way, the main outcomes the Scottish Government seeks to achieve through the planning system to 2050 and a long-term view is welcomed on matters including addressing climate change, tackling inequality and discrimination, securing a greener future and ensuring the priorities and opportunities for local communities are met. Delivery will result in emissions targets being met and fundamental changes to places in South Lanarkshire. Overall, it is considered that the document provides a strong policy direction that will enable the planning system to fully contribute to these themes.

4.6.2 The significant changes NPF4 will explore include:-

- ♦ stronger support for sustainable, low and zero carbon developments
- ♦ a renewed emphasis on design, quality and place
- ♦ support for development that reduces the need to travel in association with the concept of 20 minute neighbourhoods
- ♦ a shift in the way new housing is planned so that the diverse needs of the population are met while improving the quality of our places
- ♦ the promotion of an infrastructure-first approach to development at all scales
- ♦ ensuring places work for everyone and are greener and healthier
- ♦ enabling development and investment, including inward investment that improves our collective wellbeing and supports fair work
- ♦ new policies to address key economic sectors including food and drink; culture and the creative sectors and tourism
- ♦ reimagining our city and town centres as a place to live, work and enjoy
- ♦ prioritising development on vacant and derelict land
- ♦ support for development that improves the resilience and sustainability of the rural economy and communities
- ♦ improvements to biodiversity and the significant expansion of green infrastructure

There will be challenges around delivery of this ambitious programme. It will require a collaborative approach by all stakeholders in the planning system ranging from local communities to the development industry as well as statutory undertakers and Government agencies. In addition, other Council services will have a more direct and wider role than at present in terms of resources and developing plans and strategies.

4.6.3 As noted earlier, a draft NPF4 will be laid before the Scottish Parliament and published for consultation later in the year. It is intended that a report updating members and seeking approval for the Council's response to the spatial strategy and detailed policy will be brought to the Planning Committee at the appropriate time.

4.6.4 It is proposed that the Head of Planning and Economic Development Services be authorised to make any drafting and technical changes to the response prior to its submission.

5. Update on other Scottish Government Activity

- 5.1 Since the 2019 Act received Royal Assent, the Government has carried out a range of work related to the reform of the planning system. An update on these matters together with a summary of other activity expected to take place over the coming year is described below.

5.2 Response of the Planning System to Covid-19 and Economic Recovery

- 5.2.1 Emergency legislation was introduced in the early stages of Covid-19 which included extending the duration of planning permissions that were about to expire; enabling online publication of planning documents instead of at physical locations; and suspending the need for public events in pre-application and plan consultation, which can instead be held virtually. All of this legislation has been extended so that it can continue to be used while still needed. In addition, permitted development rights were introduced which temporarily grant planning permission for any necessary emergency healthcare-related facilities to deal with the current crisis until 1 July 2021.

- 5.2.2 In addition, guidance has been issued to allow for the reasonable temporary relaxation of planning controls particularly in terms of using discretion not to take enforcement action against planning breaches that are acceptable in the current circumstances. These include allowing the hospitality industry to provide outdoor seating and takeaway facilities; extending food retail opening times and deliveries outwith their conditioned hours; and longer hours of operation on construction sites.

5.3 Digital Strategy for Planning

- 5.3.1 On 24 November 2020 the Scottish Government launched Transforming Places Together: Scotland's Digital Strategy for Planning. It sets out a framework for a digital planning system with a series of key missions to deliver digital transformation of the planning system which is a key element of planning reform. In particular, it will focus on the potential to provide new ways to get people involved in planning and help them influence the future of their places. A 5-year programme which sets out the timetable and details of the strategy will be launched in the Spring.

5.4 Review of Permitted Development Rights

- 5.4.1 The Government carried out consultation on a first phase of new and amended permitted development rights whereby a range of development would no longer require planning permission. The proposed changes are linked to their potential to support Scotland's green recovery and remote and rural communities and focus on digital infrastructure, agricultural units, peatland restoration and development supporting active travel. On 18 December 2020, the Government laid an order in the Scottish Parliament including new and extended permitted development rights in relation to these matters. If approved, the Order will come into force on 1 April 2021. One important element will be the ability to change the use of an agricultural unit to either a dwellinghouse or commercial use without needing planning permission subject to a range of criteria and a prior approval process.

- 5.4.2 Consultation on a second phase of changes to permitted development rights will include support for town centres to recover, drawing from the current review of the Town Centre Action Plan.

5.5 Consultation on Planning Fees

- 5.5.1 Members will recall that a report was presented to the Planning Committee on 11 February 2020 seeking approval of the Council's response to a consultation by the Government on planning performance and fees. This would have resulted in significant increases in income received from fees for planning applications as well as the

introduction of a range of discretionary charges for activities such as pre-application discussions. It was intended that the proposed changes would be implemented in summer 2020, however, Covid-19 led to a review of the timing and a wider reprioritisation of the work programme. The Government recently advised that they will pick this up again when the timing is more appropriate. This is disappointing at a time when fee income from the submission of planning applications has not recovered to levels in previous years and the additional duties introduced as a result of the 2019 Act will require more resources if they are to be implemented effectively.

5.6 Local Development Plan Procedures

5.6.1 At the Planning Committee on 1 December 2020 members agreed to proceed to the adoption of the proposed South Lanarkshire Local Development Plan 2 with an anticipated timescale for the process to be complete in April 2021.

5.6.2 The 2019 Act increases the timescales for the replacement of Local Development Plans (LDPs) from every 5 years to 10 years. In addition, the new legislation introduces significant changes to the way in which they will be prepared. This includes the need to produce an evidence report at the start of the process and submit it to the Scottish Government as part of a 'gatecheck' process. Other changes include an increase in the number of matters that a LDP should address and extended consultation and community engagement requirements. Consultation on the associated regulations and guidance is expected to be published in the first quarter of 2021. Transitional guidance published by the Government in November 2020 anticipates that the regulations will come into force in spring/Summer 2022 in line with publication of NPF4 after which all planning authorities will have a new style LDP in place within 5 years. In the meantime, officers will be focussing on the delivery of LDP2 and will start preparatory work on the new Plan based on what is known at the moment. Members will be kept informed of this as the process evolves.

5.7 Local Place Plans

5.7.1 The 2019 Act introduces the ability of community bodies to prepare a Local Place Plan for the area. Consultation is due to be carried out in the first quarter of 2021 on the detailed arrangements and guidance with the documents in place by late 2021 ie before NPF4 and the LDP Regulations are published. This will allow these plans to be able to influence the first round of local LDPs in the new system. In advance of this, the Planning Service is developing a closer working partnership with the Council's Community Participation team.

5.8 Open Space Strategies

5.8.1 A further requirement of the 2019 Act is the preparation of an Open Space Strategy and an assessment of the sufficiency of play opportunities in the Council area for children. It is to set out a strategic framework of the planning authority's policies and proposals on the development, maintenance and use of green infrastructure in their area, including open spaces and green networks. Open spaces and opportunities for play are key components in placemaking by helping create pleasant, liveable, healthy and resilient communities. Consideration of open space, green infrastructure, and play opportunities also supports the Governments ambitions for 20 minute neighbourhoods. Consultation is expected to be carried out on the associated regulations and guidance in early 2021. In advance of this, a comprehensive audit of existing open space provision in South Lanarkshire in terms of quality, quantity and accessibility is currently being carried in tandem with the Council's Countryside and Greenspace team and the Glasgow and Clyde Valley Green Network Partnership and this will inform the development of the strategy.

6. Employee Implications

- 6.1 The Council's response to the consultation on the draft NPF4 later this year will be met through existing officer resources.

7. Financial Implications

- 7.1 None.

8. Climate Change, Sustainability and Environmental Implications

- 8.1 The Position Statement suggests that climate change will be a guiding principle for all plans and decisions and, therefore, it is clear that the planning system will have an increasingly key role in addressing the climate change agenda.

9. Other Implications

- 9.1 The Position Statement seeks stakeholders to submit their views on the document. There would be reputational risk if the Council did not respond.

10. Equality Impact Assessment and Consultation Arrangements

- 10.1 An Integrated Impact Assessment Update Report has been published alongside the Position Statement.
- 10.2 The proposed response in terms of the Scottish Government's consultation on Scotland's Fourth National Planning Framework Position Statement is attached as an appendix to the report and details of future consultation activity are provided in the report.

Michael McGlynn

Executive Director (Community and Enterprise Resources)

14 January 2021

Link(s) to Council Values/Ambitions/Objectives

- ◆ Demonstrating governance and accountability
- ◆ The efficient and effective use of resources and managing and improving performance

Previous References

- ◆ Planning Committee - 11 February 2020
- ◆ Planning Committee – 1 December 2020

List of Background Papers

- ◆ Planning (Scotland) Act 2019
- ◆ Scottish Government consultation on Scotland's Fourth National Planning Framework Position Statement

Contact for Further Information

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

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Appendix

1. Do you agree with our current thinking on planning for net-zero emissions?

The position statement makes the significant declaration at the start of the document that we cannot afford to compromise on climate change. Putting the planning system at the heart of tackling this global priority is a fundamental position that must be stated and reinforced at every opportunity. Indeed, addressing climate change and responding to the global climate emergency must be the starting point for all decision making on the future use of land. NPF4 should embed this overarching principle at the outset in its strategy and policy direction.

Each of the five themes within this outcome are important in their own right, however, there needs to be a joined up approach so that all actions and policies support the net-zero emissions targets. There also needs to be recognition that planning cannot address these issues in isolation but will need to work in tandem with other sectors and statutory bodies, and be explicitly linked to other legislation and policy, in order to achieve the net-zero target. Ensuring the planning system is fully aligned with the Building Regulations is one important example; consideration should be given to ensure there is not overlap/contradiction between the two regimes. In addition, policy needs to be flexible enough to accommodate the constantly evolving advances in technology and our understanding of the issues relating to climate change.

The 'whole building' approach is welcomed and will be a key element in reducing the demand for energy and resources throughout the development process and afterwards. To be worthwhile, high minimum standards should be set out in policy; it is not enough to rely on higher standards only where there is an appetite from developers. As an alternative, the use of offsetting targets by other means should be explored. The future management and maintenance of the design solutions should also form part of the outcome of the development process. The provision of district heating networks and/or heat pumps should be a pre-requisite for all new development depending on their scale and type.

The retrofitting of existing buildings is welcome in principle but it is not clear under what circumstances this will be required or how it could be enforced. The planning system can only implement such measures when planning permission is required which will limit opportunities. In addition, there should be recognition that older buildings will not necessarily lend themselves to new technology while intervention in listed buildings and conservation areas will need to be carefully controlled and considered.

In tandem with the role of the planning system, other key actors including developers, infrastructure providers and public organisations must understand and embrace the challenges and impacts of climate change. The benefits of climate resilient development should be recognised by developers and the costs factored into the viability of projects. In turn, a climate resilient development can be marketed as a strong selling point for their customers, for example, inward investors and potential purchasers of new homes.

In terms of the delivery of infrastructure to reduce emissions, South Lanarkshire has recently been involved with proposals to repower one of the first commercial windfarms in Scotland. The approved scheme involved a significant increase in the height of the turbines originally erected. This is likely to become more common as windfarms reach the end of their lifetime and so it is important strong policy (with the same controls as for a new wind farm) is developed which addresses potential adverse effects. In addition, it is considered that the incorporation of battery storage in all schemes should be a requirement by default.

2. Do you agree with our current thinking on planning for resilient communities?

In general terms strengthening the role of the planning system in addressing imbalances between and within communities and tackling disadvantage and inequality is fundamental and is at the heart of the traditional role of planning acting in the long-term public interest. Getting a wider range of people involved in planning for their place and facilitating collaboration is a key part of this approach.

The concept of 20 minute neighbourhoods is an exciting and challenging opportunity to make local places the focus of people's lives and has significant potential to improve health and wellbeing. In most cases this will involve retrofitting existing situations and, therefore, it is important policy provides a steer on how we analyse our communities to see where there are issues and what the solutions might be. Adapting this concept to both monolithic suburbs and rural areas (where small settlements may already suffer from a lack of services and public transport) will be challenging.

The impact of Covid-19 has allowed the planning system to reflect on the approach to planning for communities and address the short and long-term impact of the restrictions on the wider economy and communities. The delay of NPF4 has, therefore, provided an unexpected opportunity to see at first hand the problems and inequalities that exist in terms of health and wellbeing and how to tackle them and so bring forward fundamental change. This highlights the need to support place-based initiatives and solutions including affordable housing delivery in the right places, the regeneration of deprived areas and town centres, and improving access to services and amenities.

The impact of Covid-19 has been especially experienced by those who live in poor quality housing with no/little outdoor private space often in areas marked by vacancy and dereliction and lacking basic local services. This has resulted in highlighting the importance of both a high quality home and local environment; the need for private and public outdoor space; the requirement to address the use of a home for work; and increased use of power and heat during lockdown. It is, therefore, important that policy addresses these issues by setting high standards for space both indoor and outside; natural light; multi-purpose rooms and energy efficiency. Outside the home place-making policies should be widened and strengthened to meet the needs of all communities.

However, Covid has also led to other behavioural changes which include increasing use of delivery services both for everyday food shopping, hot food and comparison goods. This has implications both in terms of delivery miles from depots and retail/hot food outlets and the impact on residential streets.

This theme includes the desire to plan and support the delivery of good quality homes. Consultation took place during 2020 on interim changes to Scottish Planning Policy (SPP) in relation to housing delivery. The Council supported the views expressed in the response submitted by Glasgow and Clyde Valley Strategic Development Plan and this current response provides an opportunity to reinforce that position. This includes:-

- Supporting the proposal to remove 'the presumption in favour of sustainable development where plans are out-of-date' from the SPP.
- Support for the proposal to clarify Paragraph 123 of SPP and the definitions of effective and established housing land supply. Relying on market led housing delivery reinforces the distinction between available housing land and the rate at which it is delivered. Policy focus should, therefore, be on the delivery of difficult locations and on regeneration activities. The delivery of public sector led housing, an important part of the delivery solution, is subject to entirely different delivery drivers from market led development which dictate different rates of build.

- The different methodologies for the calculation of land supply employed by various stakeholders at Development Plan Examinations, Planning Appeals and in court has consumed scarce resources within planning services and has caused significant debate and confusion. The revisions and suggested methodology for the calculation of a five year effective land supply considered to be the most straightforward and robust method of calculating a five year effective land supply. The clarification that the housing land requirement is to be utilised at the point of Local Development Plan (LDP) preparation and that the housing supply target is to be applied in the assessment of planning applications and appeals, is supported as is the proposed approach to assessing proposals where a shortfall in the five year effective land supply emerges.

In the Clydeplan area, the Plan's strategy to deliver a compact city model, (to re-densify the urban area; to regenerate whilst addressing vacant and derelict land and buildings; and to reduce the need for travel), remains highly relevant in addressing the climate, health and economic emergencies. There is a very significant land supply including large scale community growth and regeneration areas and a mixture of brownfield and greenfield opportunities, many of which are currently being built out. Whilst the legacy of urban brownfield sites has its challenges, the delivery of these sites and locations will assist in creating a successful sustainable city region. The fact of slower delivery rates, should not be used as grounds for releasing sites in locations that detract from Clydeplan's strategic aims.:

There is an obvious benefit in joining up community engagement for LDP, Open Space Strategy (OSS) and other council strategies, otherwise, there will be huge staff resource implications and consultation fatigue in local communities. The place standard tool is an excellent mechanism for this as it seems to address all aspects of local community, not just planning issues, and consideration can be given to making this a statutory requirement in particular instances both at the plan/strategy making scale and individual developments.

The resilience of communities can also be defined by their susceptibility to climate change. The Position Statement is light on policy measures to adapt our places to rising sea levels and temperature increases. In contrast, consultation has recently been carried out by Climate Ready Clyde on a draft Climate Adaptation Strategy for the Glasgow City Region (GCR). As a guiding principle the strategy sets out the following conditions as being necessary to help drive the changes needed to achieve the vision:-

- People shape their lives and places so they are climate ready
- People, communities and organisations working collectively to create the right conditions for Glasgow City Region to become climate ready
- Glasgow City Region is made climate-ready by the way resources, services and assets are directed and used

While they are focussed on the GCR, these principles can be applied in a national context. Clearer guidance will be needed to help define climate vulnerable communities.

There will be competing issues around delivering the Infrastructure First principle. The viability of proposals should be addressed as early in the planning process as possible which would reduce the number of unrealistic sites that are submitted, often on a regular basis. The long-term maintenance of infrastructure, climate change measures and natural assets can also be assessed at this early point. This approach would create more certainty. The current review of developer contributions by the Scottish Government is an opportunity to consider whether adaptation measures can form part of that equation where appropriate. At a wider level, while beyond the scope of the planning system, the financing of the development industry should seek to recognise climate change issues.

The link between planning/place and diet and obesity is made and there is also reference to improving access to local healthier food outlets in order to improve health. However, it is considered that significantly more can be achieved through the planning system to better manage the availability of hot food takeaways, particularly in the vicinity of schools and in deprived areas. In addition, while the role of food growing in terms of health and wellbeing, community and quality of life is recognised, there is a lack of clear reference to the benefits of food growing on the environment and tackling climate change.

3. Do you agree with our current thinking on planning for a wellbeing economy?

Actively planning for the growth of the economy while at the same time delivering emissions reductions, environmental gains and benefits and employment will be a key priority for NPF4. At the same time, working practices have changed significantly which may mean, for example, a re-evaluation of the use of employment space, especially offices in city and town centres. NPF4 should seek to understand the emerging trends associated with changing demand for traditional employment space once the pandemic is brought under control and 'normality' returns in order to inform investment decisions in the future. This, in turn, could provide opportunities to re-use especially office space. Conversely, the reduced footfall as a result of decreased working in our centres has implications for vacancy trends and the effect on the viability of town centres. Similarly, the effect of Covid-19 and the longer term impact on the economy will have implications for the visitor economy, tourism and leisure facilities and arts and culture.

Provision for small businesses should form part of the strategy for the economic recovery. If there is to be a focus on growing rural communities then consideration needs to be given to the availability of land and buildings in small settlements. Running a business from home in both rural and urban areas is also a key issue for policy direction with potential demand for new housing in the countryside in association with a new business. There will still be a need for sites for bad neighbour type developments which need to be separate from residential areas. Clear guidance on what constitutes social and environmental value and how it is assessed will be needed.

Control of development on peatland should be a priority, however, often it is uses outwith the control of planning that has the greatest impact, for example, forestry.

The encouragement of connection to heat networks is positive, however, very few currently exist and, therefore, how they are to be established and made available to developers has to be addressed.

Increasing digital connectivity will be a key factor in growing the economy in a sustainable way in both urban and rural areas while also improving local wellbeing. Driving forward the Governments Digital Strategy for Planning will be important in ensuring local communities have a greater say in designing and planning local places. Reference is made to the potential ability of national developments to achieve the vision of improving digital connectivity, however, the contribution developers at a local level can make should also be made explicit.

Reference is made to managing the demand for private transport and reducing the need for unnecessary journeys. While this is an important goal, it will require wholesale changes to people's views on the use of private cars which are unlikely to change without dependable and cheap alternatives being made available. The various policy strands that run through the Position Statement seek to achieve this goal but recognition needs to be made that fiscal and other incentives will be required.

4. Do you agree with our current thinking on planning for better, greener places?

Improving the quality of new development should be a fundamental outcome for the planning process. Stronger policy direction on the design of places and incorporating nature based solutions should be a priority and the suggestion of embedding the Place Principle throughout NPF4 and refreshing Designing Streets is welcome. Support for local authorities to resist poorly designed proposals is important.

The retention of existing premises could have implications for economic development as many industrial units are now obsolete and it may be more appropriate to demolish and replace them rather than trying to re-use and retrofit them in viability terms.

Town and city centres have borne the impact of the economic downturn and a focus on strengthening their wider role is welcome. They will have an important part in establishing 20 minute neighbourhoods. The role of neighbourhood centres within existing residential areas will also have a key role. Policy to address issues such as lower residential populations, access and traffic problems and the use of outdoor space is required. The development of thinking on car free or 'car light' developments in town and city centres especially can be moved forward with an increased emphasis on alternatives such as car clubs and car sharing, particularly through the provision of electric vehicle hubs. More detailed guidance will be required around how to identify appropriate sites for community hubs and how they will be delivered. It will be particularly difficult to find sites in rural villages while the ability for disadvantaged communities to facilitate will be limited in most cases

In terms of the goal of repopulating the rural area, there is a tension with addressing climate change issues as access to services and public transport will be more limited or non-existent. It is unlikely an urban approach can be applied. A template could be created that sets out the minimum criteria/standards to be met to help identify growth areas. A clear policy on where new housing in the rural area will be appropriate is required. The focus should be directed to the growth of small settlements that may be able to provide services and amenities rather than isolated groupings. Clarification is also needed on whether the growth of communities will be acceptable in the Green Belt.

A key issue is making brownfield land deliverable and mechanisms for achieving this can be incorporated into NPF4. There is potential for an increase in vacant sites following Covid/Brexit so it is important that NPF4 recognises that recent vacant land may increasingly become an issue as well as the long-term legacy sites. However, for the focus on brownfield land to be successful, there needs to be complementary policy to restrict greenfield development and possibly establish a Brownfield First principle.

5. Do you have further suggestions on how we can deliver our strategy?

The delivery mechanisms described in the Position Statement are considered to be appropriate as they cut across a variety of themes and topics and establish that a collective approach by all stakeholders is required. Support for the role of Regional Spatial Strategies in delivering the outcomes is noted and welcomed and the Glasgow City Region has proven to be an exemplar in delivering investment in the area, particularly in terms of City Deal.

The infrastructure-first principle is sound and embedding the consideration of infrastructure requirements at the start of the plan-making stage is welcome. A concern is the availability of data to inform these decisions and the need for providers to be on board and to be able to contribute timeously in the context of the anticipated timescales for the preparation of the new style LDPs.

In terms of seeking developer contributions, experience has shown that this is a time-consuming process resulting in delay to the issuing of decisions and, therefore, delivery on the ground. The Council has developed formulaic approaches to demonstrate the need for contributions and arrive at a level of payment based on the costs associated with delivery of infrastructure to offset the impact of development. This is likely to be reinforced if the infrastructure levy is introduced which would increase the range of matters to be addressed by developers. A similar nationwide approach could be considered to provide certainty and consistency. However, the main focus of engagement is around the impact of contributions on the viability of proposals and, therefore, strong policy direction and guidance is required. At the same time, the role of private developers in delivering on the themes in the Position Statement will be important so care needs to be taken to ensure contributions are proportionate and do not divert investment away from the places it is most needed.

Finally, the proposed policy direction will bring some interesting challenges for planners, particularly in the public sector. A range of additional skills and knowledge will be required to ensure delivery and, therefore, the training needs associated with the Position Statement should be reviewed and addressed as soon as possible. At the same time, the impact on resources is likely to be significant during a period when the number of planners employed by local authorities continues to decrease. The consideration of the outcome of the consultation on the review of fees should be revisited as a matter of urgency to ensure the planning service is fully resourced to ensure the main themes set out in NPF4 are implemented. This is at a time when fee income from planning applications has not recovered due to the decrease in application numbers during the period of COVID-19.

6. Do you have any comments on the Integrated Impact Assessment Update Report, published alongside this position statement?

None

7. Do you have any other comments on the content of the Position Statement?

The Position Statement is a well-balanced review of the challenges and opportunities that the nation faces and a demonstration of how the planning system can intervene and deliver solutions to address what are, in some cases, widespread and fundamental issues. At the same time, it has been developed during a period of unparalleled disruption and uncertainty. This may turn out to be a short term situation and we see a return to normal. Conversely, changes that have been experienced in the last 10 months may become the 'new normal'. It is important when drafting NPF4 that we take stock of the position at that time and not over-react, in order to avoid the wrong solutions being proposed.

