

Report to:	Planning Committee
Date of Meeting:	3 November 2009
Report by:	Executive Director (Enterprise Resources)

Application No	HM/09/0454
Planning Proposal:	Formation of Community Garden with Raised Beds, 2 Polytunnels and a Potting Shed

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : The Organic Growers Of Bothwell
- Location : Land next to Bothwell Primary School
Blantyre Road
Bothwell

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 Listed)

2.2 Other Actions/Notes

- (1) In accordance with the Town and Country Planning (Notification of Applications)(Scotland) Amendment Direction 2007, this planning application, if approved requires to be referred to the Scottish Ministers as it would result in the development of a former playing field and SportsScotland have objected to the proposal.

3 Other Information

- ◆ Applicant's Agent: c/o Mrs Norma Hay
- ◆ Council Area/Ward: 16 Bothwell and Uddingston
- ◆ Policy Reference(s): **South Lanarkshire Local Plan (Adopted)**
Policy CTY 1 – Primary School Modernisation Proposal
Policy RES 6 – Residential Land Use Policy
Policy ENV 2 - Local Green Network Policy
Policy DM 1 – Development Management Policy
Policy ENV 29 – Development Design

- ◆ Representation(s):
 - ▶ 5 Objection Letters
 - ▶

◆ Consultation(s):

Environmental Services

Roads and Transportation Services (Hamilton Area)

Leisure Services (Arboriculture)

Scottish Water

SportScotland

Bothwell Community Council

Education Resources

Enterprise Resources - Estates

Planning Application Report

1 Application Site

- 1.1 The application site relates to an area of ground associated with the existing Bothwell Primary School which is located at the junction between Blantyre Road and Castle Avenue to the north-west of Bothwell town centre. The site measures approximately 0.82 hectares and is essentially rectangular in shape. The site is bounded to the north by Imperial Way, to the east by Blantyre Road and adjacent residential properties and to the west by residential properties. The area to the south is currently being developed for the erection of a replacement school with associated car parking, infrastructure, landscaping and MUGA pitch. The replacement school forms part of Phase 2 of the South Lanarkshire Council Primary Schools Modernisation Programme.
- 1.2 The area of ground is relatively flat and formed the school playing field which is now disused and in poor condition. An existing densely vegetated steep embankment running from west to east separates this area of ground from the site of the new school buildings and associated grounds. There are several mature trees located along this embankment.
- 1.3 Access to the site will be from Blantyre Road.

2 Proposal(s)

- 2.1 This is a detailed planning application for the construction of a community garden. The garden will seek to encourage activities in which villagers will learn from each other and encourage healthier lifestyles. The applicant has recently been successful in obtaining a grant of £194,354 from the Climate Challenge Fund. The Fund is designed to support communities to take direct action on climate change by reducing their carbon emissions. It is envisaged that the establishment of the community garden and the produce grown will be a step towards reducing the community's carbon footprint.
- 2.2 The community garden will comprise raised beds which will cater for a variety of different user needs including children and special needs groups. Two polytunnels and a potting shelter will also be constructed within the site.
- 2.3 The existing trees along the embankment will be maintained and managed to preserve the woodland and promote biodiversity. Further trees will also be planted to form an orchard on the western edge of the site.
- 2.4 In addition to the construction of the raised beds for cultivation a wildlife area and bog garden will be established to improve and enhance the biodiversity of the site.
- 2.5 The applicant has advised that they require to meet a spend prior to the end of March 2010 to meet the terms of their grant funding.

3 Background

3.1 Local Plan Status

- 3.1.1 The application site is located within a residential area in the adopted South Lanarkshire Local Plan and it is identified as a Primary School Modernisation Proposal. The relevant policies in this instance are Policies RES 6 – Residential Land Use Policy, CTY 1 - Primary School Modernisation Proposal, ENV 2 – Local

Green Network, DM 1 – Development Management Policy and ENV 29 – Development Design. 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 **Relevant Government Guidance/Advice**

- 3.2.1 SPP11 – Open Space and Physical Activity emphasises the importance of providing and protecting quality open spaces for both passive and active recreation.
- 3.2.2 NPPG 14 –Natural Heritage recognizes that the accessible and familiar nature of our urban spaces makes a valuable contribution to local identity and quality of life.
- 3.2.3 PAN 60 – Planning For Natural Heritage promotes the concept of green networks, which can contribute to wider landscape, biodiversity and urban design objectives.

3.3 **Planning History**

- 3.3.1 Planning approval was given for the construction of a replacement primary school on the adjacent site with associated car parking, infrastructure, landscaping and MUGA pitch reference HM/09/0115 on 27/05/09. This development formed part of Phase 2 of the South Lanarkshire Council Primary Schools Modernisation Programme.
- 3.3.2 South Lanarkshire Council have adopted a Screening Opinion in accordance with Regulation 7(1) of the Environmental Impact Assessment Regulations 1999 as amended, which require planning authorities to adopt screening opinions for all Schedule 1 or Schedule 2 developments (as defined in the regulations).
- 3.3.3 Having regard to the characteristics of the development, its location and potential impact, and having assessed its against the Screening Opinion Checklist as contained in Annex B to Scottish Government Circular 8/2007, South Lanarkshire Council considered that the proposal did not require an Environmental Impact Assessment (EIA).
- 3.3.4 The planning application site is currently owned by South Lanarkshire Council and the applicants have been in discussion with the Council regarding other alternative sites which may have been available, but consider that the current planning application site meets their needs.

4 **Consultation(s)**

- 4.1 **Bothwell Community Council** – no response to date.
Response: Noted
- 4.2 **Education Resources** – have no objections to the proposal indeed Bothwell Primary School would welcome the opportunity to be involved in the community garden.
Response: Noted
- 4.3 **Environmental Services** – have no objection to the proposal subject to the control of activities during the construction phase. All waste should be adequately dealt with and adequate measures should be put in place to control and prevent pests. Details of the application should be sent to SEPA
Response: Noted and any consent would include appropriate conditions and informatives.
- 4.4 **Estates** – have no objections to the application
Response: Noted

- 4.5 **Roads and Transportation Services (Hamilton Area)** – have indicated that the site will require to be accessed via a dropped kerb vehicle access. Visibility should be provided in accordance with Roads and Transportation Services Guidelines. Vehicle access should be a minimum of 6 metres in length the first 2 metres should be of a bound or block construction. Any gates should be set back 6 metres from the road channel. All surface water should be controlled and contained within the site boundary.

Response: Noted and any consent granted would incorporate appropriately worded conditions and informatives to address the matters raised.

- 4.6 **Scottish Water** - no response to date

Response: Noted

- 4.7 **SportsScotland** – support in principle the establishment of a community garden and consider that it would be an excellent community facility however they have concerns in respect of the location of the garden given the fact that the site formed the grass pitch area for Bothwell Primary School. They assume that the pitch was maintained until recent times since which time it has become overgrown. As the application site involves a pitch then the national policy provisions contained within SPP11 apply. SportsScotland do not consider that the MUGA pitch to be provided within the grounds of the new school is an adequate outdoor PE space for a primary school. SportsScotland have however indicated that they could support the application on the basis that it was for a temporary period provided that the site is reinstated as a school pitch at the end of the period.

Response: It is noted that SportsScotland support the principle of a community garden although they have concerns regarding its location. Although it was the pitch of the adjacent primary school it has not been used or maintained as such for at least the past five years. The issue of its loss will be addressed in Section 6 of this report.

- 4.8 **Leisure Services** – no response to date.

Response: Noted

5 Representation(s)

- 5.1 Statutory neighbour notification procedures were undertaken. Five letters of representation were received and the matters raised are summarised below:

- (a) **The proposals are contrary to the Local Plan which zones the site for educational use. The idea of building a new school and then disposing of its outdoor playing field, when the Government is proposing increased health and well being amongst young people is preposterous**

Response: The South Lanarkshire Local Plan (Adopted March 2009) zones the site as within a general residential area as well as forming part of the schools modernisation programme. It also falls within the area which forms part of the Local Green Network. The site is currently unmaintained and the creation of a community garden will improve the quality and function of this area of green space in accordance with Local Plan Policy. The creation of a community garden will benefit both the adjacent primary school and the wider community. Bothwell Primary School have indicated that they wish to become actively involved in growing their own produce. Such activities promote health and well being. The creation of a wildlife meadow and bog garden will improve biodiversity of the site in accordance with the principles of the Local Green Network

- (b) **Sports Scotland should not support the removal of an existing sports facility without an equivalent replacement being provided locally.**

Response: SportsScotland have objected to the establishment of a community garden and this issue is covered in detail in Section 6 of this report.

- (c) **The site has always suffered drainage problems which are not being addressed by the applicant The proposal is to provide raised beds for planting , however users will be knee deep in mud accessing them. The planning permission for the 8 houses at Imperial Way/ Imperial Place stipulated that the developer had to make financial contribution per plot to the improvement of the drainage of the playing field. A better solution here would be for the Council to enforce that planning condition allowing full use of the existing sports field.**

Response: The applicant must ensure that adequate drainage measures are put in place and any consent will address these issues by appropriately worded conditions. In respect of financial contributions in relation to the construction of 8 houses at Imperial Way planning ref HM/03/0021, money was received for improvement of drainage in association with Bothwell Primary School and this money has already been spent.

- (d) **The adjacent residential properties were built enjoying an open aspect. This development will give rise to overlooking problems and loss of privacy to the existing residents**

Response: It is considered that the use of the site as a community garden will not create any overlooking problems or loss of privacy to the adjoining residents.

- (e) **The proposed intense use of the site will result in loss of visual amenity.**

Response: It is considered that the development of the site as a community garden does not represent an intensification of use. Indeed some of the area will be used to establish a wildlife meadow and bog garden to assist biodiversity which will improve the visual amenity of the area

- (f) **The adjoining residential properties will be subject to noise and disturbance and unacceptable smells.**

Response: The Council considers that there would be no significant increase in noise or disturbance resulting from the development of a community garden. Any smells resulting from composting activities would not be significant

- (g) **The current proposed vehicular access into the site does not comply with the Highway Regulations nor does the sizing of roads, circulation and parking within the site. Traffic generation will also increase as a result of this development and raise road safety issues**

Response: Roads and Transportation Services have no objection to the proposal subject to appropriate access arrangements and car parking provision. Any consent will include appropriately worded conditions which address these observations.

- (h) **Who are the Organic Growers of Bothwell and where will the produce of the community garden be sold and to whom?**

Response: The Organic Growers of Bothwell was created in April 2009 as a result of the concerns raised by Brighter Bothwell voluntary environmental group who had noted that there was a general concern within the community

about the lack of food grown locally. The produce grown will not be sold but will be used by the growers themselves.

- (i) **The residents of Castle Court would like to have an interest in the allotments.**

Response: The Organic Growers of Bothwell would welcome any interest to be shown from community groups or individuals who would wish to take part of the project.

- (j) **What is going to happen to the trees and are they protected? What security is going to be put in operation?**

Response: The existing trees are not protected however any consent will include appropriately worded conditions which will protect the existing trees. There will be some trees losses in respect of the access provision to the community garden however there will be replacement planting carried out.

These letters have been copied and are available for inspection in the usual manner.

6 Assessment and Conclusions

- 6.1 The application relates to the development of the derelict grass playing pitch attached to Bothwell Primary School. The proposal involves the construction of a number of raised beds and polytunnels for cultivation purposes together with an associated potting shed and car park area. The development will also create an orchard, wildlife meadow and bog area. The determining issues in consideration of this application are its compliance with national and local plan policy and its impact on the amenity of adjacent properties.
- 6.2 Scotland's sustainable development strategy "Choosing Our Future" (2005) sets out the Government's vision for the policies and actions that must be taken to deliver a sustainable future for Scotland. Among the identified actions are the needs to support and empower communities to regenerate local environments and to support local initiatives to develop local sources of food. The Government is funding such approaches through the Scottish Governments Climate Challenge Fund and this proposal is typical of the type of local, community based, approach that should be supported. The Council's own Sustainable Development Strategy (2007) sets out objectives to secure quality living environments for the health and wellbeing of our communities and to foster responsible citizenship within our communities. The strategy, supported by planning policy, seeks the development of a diverse network of open spaces serving different purposes and often managed by local communities. This proposal accords with this approach.
- 6.3 In terms of National Policy SPP11 this highlights that playing fields and sports pitches should not be developed except under certain circumstances which includes where a playing field strategy demonstrates that there is a clear excess of sports pitches to meet current and anticipated future demand in the area and that the site in question could be developed without detriment to the overall quality of provision. The Council has carried out a review of pitch provision in South Lanarkshire and prepared a Sports Pitch Strategy. This has concluded that there are sufficient pitches for the demand they seek to satisfy and might anticipate in the future within this general area. This area of ground, which was once the grass pitch for Bothwell Primary School, has not been used for at least the last five years and is now no longer maintained for that purpose and does not form part of the recognised supply. Its loss would therefore not have a detrimental effect on the overall quality of provision. As part of the School Modernisation Programme a new MUGA pitch will be

provided which will improve the existing facilities and will allow a range of sports activities to be carried out on this new synthetic surface throughout the year. The provision of sports facilities for the new Bothwell Primary School are exactly the same as all the other new primary schools provided through the Public Private Partnership in S.L.C.

- 6.4 In addition to the above, there is an existing grass pitch located at Woodean Recreation Area which is within a 5 minute walk of the new primary school which is a Grade 2. This relates to the four – grade model adopted by the Council's Sports Pitch Strategy to assess the quality of pitches, Grade 1 being the highest quality. The pitch itself has spare capacity in term of usage. This particular pitch forms part of the sports pitch provision identified in the Sports Pitch Strategy. This strategy has concluded that there are sufficient pitches for the demand they seek to satisfy and might anticipate in the future. It is noted that SportScotland would support the application on the basis that it was for a temporary period. Given that the site in question will be the subject of a leasing arrangement any consent would require to be a temporary consent to accord with the period of the lease. The applicant has asked for a 15 year lease and this seems acceptable given the level of funding awarded through the Scottish Governments Climate Challenge Fund. Given the present condition of the site the fact it is not required for sports pitch purposes, it is considered that it would be unreasonable to require the reinstatement of the site as a school pitch at the end of the period of consent.
- 6.5 In terms of local plan policy, the application site is located within a residential area in the adopted South Lanarkshire Local Plan and is identified as a Primary School Modernisation Proposal. The relevant policies covering the site in this instance are Policies RES 6 – Residential Land Use Policy, ENV 2 – Local Green Network and Policy CTY 1 - Primary School Modernisation Proposal. A community garden in this residential location is considered to be an acceptable use and in accordance with the above policies. The establishment of a community garden does not have an adverse effect on the proposals currently underway for the redevelopment of the adjacent school nor on the sites designated as Local Green Network. The proposal, therefore, raises no policy issues.
- 6.6 In accordance with SPP 11 and PAN 65 and as part of the preparation of the local plan, the Council has undertaken a rigorous audit exercise involving a review of green space of the larger settlements including Bothwell. The most important areas of green space have been identified through this review work and are shown on the proposals map and are covered by Policy ENV 1 – Priority Green Space Land Use. The audit exercise looked at the primary function of the green space, its quality and landscape value and whether or not it was fit for purpose. The audit exercise did not consider this area as a priority area of greenspace given its function as land associated with the school.
- 6.7 In terms of the detail of the proposal Policies DM 1 – Development Management Policy and ENV 29 – Development Design are relevant to the assessment of the application. Policy DM 1 generally requires new development to have due regard to the layout, form, design and local context of the area and Policy ENV 29 requires all new development to promote quality and sustainability in its design. I am satisfied that the scale and general layout of the community garden is acceptable. The management of the existing woodland and the establishment of a wildlife and bog garden will improve the overall quality of the environment.
- 6.8 Whilst objections have been received to the proposals, any concerns raised can be

dealt with by attaching planning conditions to any consent granted. Other issues raised are not significant enough to warrant refusal of the application.

- 6.9 In summary, the proposal to establish a community garden is considered to be acceptable and in accordance with local plan policy. It is therefore recommended that planning consent be granted. However as the proposal results in the loss of an area of land previously used as a sports pitch and SportsScotland have objected, the application requires to be referred to the Scottish Ministers for determination.

7 Reasons for Decision

- 7.1 The proposal has no adverse impact on either residential or visual amenity nor raises any environmental or infrastructure issues and complies with Policies CTY 1 – Primary School Modernisation Proposal, RES 6 – Residential Land Use Policy, ENV 2 – Local Green Network, DM 1 – Development Management and ENV 29 – Development Design of the adopted South Lanarkshire Local Plan.

Colin Mcdowall

Executive Director (Enterprise Resources)

27 October 2009

Previous References

- ◆ Planning Application HM/09/0115

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations
 - Education Resources 29/09/2009
 - Environmental Services 24/09/2009
 - Enterprise Resources (Estates) 25/09/2009
 - Roads and Transportation Services (Hamilton Area) 21/10/2009
 - SportsScotland 08/10/2009
 - Leisure Services (Arboricultural)
- ▶ Representations
 - Representation from : Douglas Brown, 12 Arran Way, Bothwell, G71 8TR Dated 5/10/2009
 - Representation from : George Adams, 10 Arran Way, Bothwell, G71 8TR Dated 5/10/2009
 - Representation from Alexina Brown, 6 Arran Way, Bothwell, G71 8TR, Dated 5/10/2009

Representation from Mrs M Thomthwaite. No 41 Castle Court, 21 Blantyre Road,
Bothwell, G71 8PD, Dated 22/09/2009

Representation from Mr and Mrs D Irving, Flat 50 Castle Court, 21 Blantyre Road,
Bothwell, G71 8PD, Dated 23/09/2009

Contact for Further Information

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

Jim Blake, Planning Officer, Brandon Gate, Hamilton
(Tel :01698 453508)
E-mail: Enterprise.hamilton@southlanarkshire.gov.uk

CONDITIONS

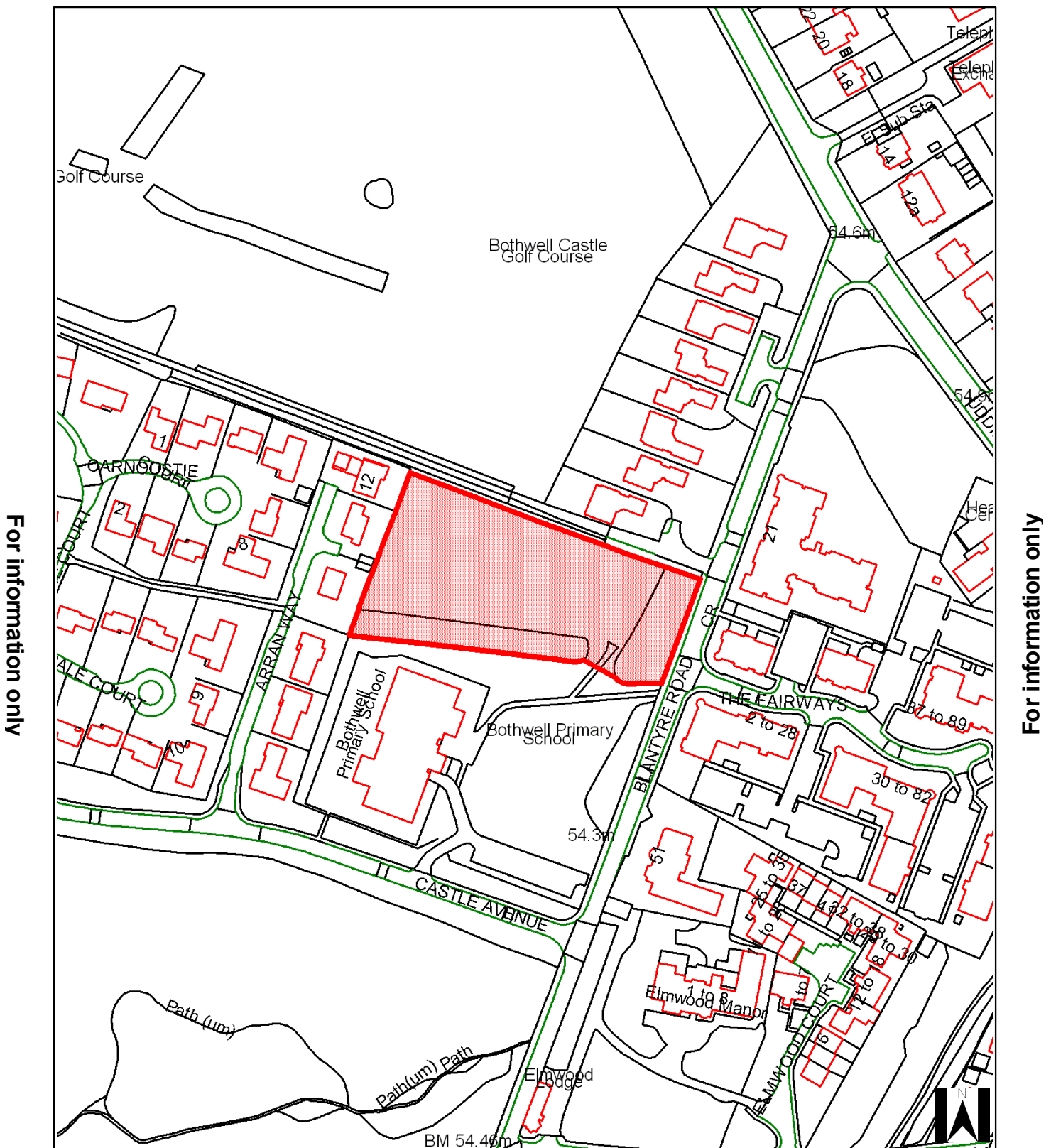
- 1 The consent shall be carried out strictly in accordance with drawing number 01:
- 2 That the permission hereby granted is for a temporary period only and shall expire on 3/10/24
- 3 The development hereby permitted shall be started within three years of the date of this permission.
- 4 That the development shall be carried out strictly in accordance with the plans hereby approved and no change to the design or external finishes shall take place without the prior written approval of the Council as Planning Authority.
- 5 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.
- 6 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.
- 7 That no trees within the application site shall be lopped, topped, pollarded or felled, or otherwise affected, without the prior written consent of the Council as Planning Authority.
- 8 That the existing trees to be retained must be protected in accordance with methods as set out in BS5837/1991 during and until completion of all site operations and building works.
- 9 Prior to the development being brought into use, details of the storage of waste arising from the commercial activity shall be submitted to and approved in writing by the Council as Planning Authority. The agreed details shall be in place prior to the development being brought into use.
- 10 That before the community garden hereby approved is brought into use, a dropped kerb access to the site shall be constructed in accordance with the specification and to the satisfaction of the Council as Roads and Planning Authority.
- 11 That before the access hereby approved is completed or brought into use, a private vehicular access or driveway of at least 6 metres in length shall be provided and the first 2 metres of this access from the heel of the footway/service strip shall be hard surfaced across its full width to prevent deleterious material being carried onto the road.
- 12 That before the community garden hereby approved is completed or brought into use, 6. parking spaces (2.5m x 5m modules) shall be laid out, constructed and

thereafter maintained to the specification of the Council as Roads and Planning Authority.

- 13 That before the community garden hereby approved is completed or brought into use, a visibility splay of 2.5 metres by 35 metres measured from the road channel shall be provided on both sides of the vehicular access and everything exceeding 0.9 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.
- 14 That the driveway shall a minimum length of 12 metres measured from the heel of the footway/service strip and the first 2 metres of which as measured from the heel of the footway/service strip shall be hard surfaced across its full width to prevent deleterious material being carried onto the public footway and/or carriageway.
- 15 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 or entering the highway.
- 16 The gates installed at the entrance to the community garden shall only open inwards and be set back 6 metres from the road channel.

REASONS

- 1 For the avoidance of doubt and to specify the drawings upon which the decision was made.
- 2 In order to retain effective planning control
- 3 To comply with section 58 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 4 In the interests of amenity and in order to retain effective planning control.
- 5 These details have not been submitted or approved.
- 6 To ensure the provision of a satisfactory land drainage system.
- 7 To ensure the protection and maintenance of the existing mature trees within the site
- 8 To ensure that adequate steps are taken to protect existing trees on the site throughout the period of the proposed building operations.
- 9 To minimise nuisance, littering and pest problems to nearby occupants.
- 10 In the interest of public safety
- 11 To prevent deleterious material being carried into the highway.
- 12 To ensure the provision of adequate parking facilities within the site.
- 13 In the interest of road safety
- 14 In the interest of public safety
- 15 In the interest of public safety
- 16 In the interest of road safety



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