

# Report

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>22 September 2020</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/20/0624
Planning proposal:	Formation of extension to Cuningar Loop Woodland Park incorporating open space, path network, woodland planting, land regrading, paths, boardwalk, street furniture and associated works

## 1. Summary application information

Application type:	Detailed planning application
Applicant:	Clyde Gateway Developments Ltd
Location:	Cuningar Woodland Park Downiebrae Road Rutherglen Glasgow South Lanarkshire

## 2. Recommendation(s)

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

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

### 2.2 Other actions/notes

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

## 3. Other information

- ◆ Applicant's Agent: Claire Stewart
- ◆ Council Area/Ward: 12 Rutherglen Central And North
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (Adopted 2015)**  
Policy 1 – Spatial strategy  
Policy 4 - Development management and placemaking  
Policy 6 - General urban area/settlements  
Policy 14 - Green network and green space

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

Policy DM13 - Development within general urban area/settlement  
Policy DM14 - Tourist facilities and accommodation

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

Policy 1 - Spatial Strategy  
Policy 3 - General Urban Areas  
Policy 5 - Development Management and Placemaking  
Policy 6 - Visitor Economy and Tourism  
Policy 13 - Green Network and Greenspace  
Policy DM1 - New Development Design

◆ **Representation(s):**

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

◆ **Consultation(s):**

Roads Development Management Team

Environmental Services

Roads Flood Risk Management

Scottish Water

SEPA West Region

SEPA Flooding

Estates Services - Housing and Technical Resources

Countryside and Greenspace

SP Energy Network

Rutherglen Community Council

SGN Use [www.linesearchbeforeudig.co.uk](http://www.linesearchbeforeudig.co.uk)

Coal Authority Planning Local Authority Liaison Dept

Arboricultural Services

SNH

# **Planning Application Report**

## **1. Application Site**

- 1.1 The existing Cuningar Loop Woodland Park is located off Downiebrae Road, Rutherglen on the southern bank of the River Clyde. The park is within a meander of the River Clyde which forms its northern and eastern boundaries. The overall Cuningar Loop area extends to approximately 27 hectares. Its re-development has been split into two phases with Phase 1 approved in 2013.
- 1.2 The current application site, which forms Phase 2 of the project, is the area located to the south and southwest of the existing park area incorporating the existing access from Downiebrae Road and covering approximately 9.12 hectares. It is noted, the vehicular access to the site is adjacent to Cuningar Estate which comprises of a number of residential properties. The remainder of the application site is undeveloped and currently comprises of trees, bushes and scrub vegetation.

## **2. Proposal(s)**

- 2.1 The applicant, Clyde Gateway Developments Ltd, seek detailed planning permission for the formation of an extension to the existing woodland park incorporating open space, path network, woodland planting, land regrading, paths, boardwalk, street furniture and associated works. This would also include the provision of additional car parking spaces next to the existing car park. The proposal is intended to build on the success of the existing woodland park by improving access into an area of woodland and creating biodiversity improvements. A number of supporting documents including site investigation, geo-environmental and geotechnical reports, landscaping plans, tree surveys and ecology reports have been submitted as part of this proposal. Vehicular access to the site would continue to be as present from Downiebrae Road.
- 2.2 Due to the size of the application site, it was necessary for the applicants to undergo the Pre-Application Consultation process in advance of the submission of a formal application. As part of this process this included consultation with key stakeholders, advertisement in the local press and public events at Cuningar Loop and Rutherglen Town Hall. It is noted that feedback from these events was generally positive.

## **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) and Supplementary Guidance (SG) produced in support of the SLLDP. In this instance the relevant policies are 1 – Spatial Strategy, 4 – Development Management and Placemaking, 6 – General Urban Area/Settlements, and 14 – Green network and green space.
- 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. A number of amendments to policy have been recommended which will be carried through to adoption stage. For the purposes of determining planning applications, the Council will assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan and those within the proposed South Lanarkshire Local Development Plan 2 alongside the Reporters

amendments. Whilst the Reporters amendments have yet to be ratified by South Lanarkshire Council, they are nevertheless a material consideration. In this instance, Policies 1, 3, 5, 6, and 13 are applicable.

### 3.2 **Relevant Government Advice/Policy**

- 3.2.1 Scottish Planning Policy (SPP) provides advice on national planning policy issues. The SPP states that good quality open spaces and opportunities for sport and recreation make important contributions to a healthier Scotland. The planning system should seek to help create an environment where physical wellbeing is improved and activity made easier. SPP states that providing play space and other opportunities for children and young people to play freely, explore, discover and initiate their own activities can support their development. It also notes that, access to good quality open spaces can encourage people to be physically active and aid health and wellbeing.

### 3.3 **Planning Background**

- 3.3.1 Planning permission was granted for the formation of woodland park incorporating open space, path network, woodland planting, land regrading, street furniture and associated works and pedestrian bridge across River Clyde to allow access to the proposed park from the north and west under application CR/13/0001. Since the park opened, a number of subsequent applications for improvements to the park such as a sculpture, car park, bothy, allotments and elevated walkway have been approved with some already implemented.

## 4. **Consultation(s)**

- 4.1 **Roads and Transportation Services** – no objections to the proposal, subject to the attachment of conditions, in relation to the submission of a management plan for operation of the park while works take place, details of the construction compound and storage facilities for materials to be submitted and agreed before works commence on site.

**Response:** Noted. Appropriate conditions can be attached to any consent issued.

- 4.2 **Environmental Services** – no objections to the proposal and note the detailed reports and assessments that have been submitted, however, also note that should any details change then the comments may need to be reviewed.

**Response:** Noted. Appropriate conditions and advisory notes can be attached to any consent issued.

- 4.3 **Roads Flooding** – no objections subject to conditions related to the provision of a SUDs drainage system and provision of a flood risk/drainage assessment.

**Response:** Appropriate conditions can be attached to any consent issued.

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

**Response:** Noted.

- 4.5 **SEPA** – no objections to the proposal.

**Response:** Noted.

- 4.6 **Estates Service** – no objections to the proposal.

**Response:** Noted.

- 4.7 **Countryside and Greenspace** – no objections to the proposal.

**Response:** Noted.

- 4.8 **SP Energy Networks** – no objections to the proposal.  
**Response:** Noted.
- 4.9 **Rutherglen Community Council** – no response received to date.  
**Response:** Noted.
- 4.10 **Scottish Gas Network** – no response received to date.  
**Response:** Noted.
- 4.11 **The Coal Authority** – no objections to the proposal, however, request the attachment of an advisory note containing general guidance for the developer.  
**Response:** Noted, an appropriate advisory note can be attached to any consent issued.
- 4.12 **Arboricultural Services** – no response received to date.  
**Response:** Noted.
- 4.13 **SNH** – no response received to date.  
**Response:** Noted.

## **5. Representation(s)**

- 5.1 Statutory neighbour notification was undertaken, and the proposal was advertised in the local press due to the nature of the works and as not all neighbouring properties could be identified; however, no representations have been received from third parties.

## **6. Assessment and Conclusions**

- 6.1 The applicant, Clyde Gateway Developments Ltd, seek detailed planning permission to develop a further section of Cuningar Loop to incorporate with the existing woodland park. This would incorporate open space, a new path network, woodland planting, land regrading, paths, a boardwalk, street furniture and additional car parking. The determining issue in the assessment of this proposal is its compliance with local development plan policy and any other material considerations.
- 6.2 As noted above, Scottish Government policy and advice on developments of this nature is contained within the Scottish Planning Policy (SPP). The SPP states that good quality open spaces and opportunities for sport and recreation make important contributions to a healthier Scotland. The planning system should seek to help create an environment where physical wellbeing is improved and activity is made easier. In this case, it is considered that the development of this section of Cuningar Loop, through the formation of education areas, play areas, path networks etc would make an important contribution to the quality of life in the area and help to further improve the health and wellbeing of local residents and visitors to the park. The proposal is, therefore, considered to be entirely in keeping with the aspirations of the SPP.
- 6.3 In terms of the Adopted South Lanarkshire Local Development Plan (2015), the Council's Spatial Strategy, as set out in Policy 1 seeks to promote sustainable economic growth that protects or enhances the existing built and natural environment. As this proposed development would facilitate the enhancement of Cuningar Loop as a visitor attraction and public amenity, the proposed development is considered to comply with the provisions of Policy 1 and the Spatial Strategy.

- 6.4 Policy 14 - Green network and green space is also applicable in this instance. Proposals within these areas are required to ensure that green spaces and biodiversity within the site are protected and enhanced. In this instance, and as per Phase 1, the existing open space is proposed to be fully retained with some trees being removed to make the improvements to the quality of the park. However landscaping proposals for the site will also include replanting and ecological surveys have been provided to confirm that there would be no adverse impact on European or other protected species. It is therefore considered the proposal complies with Policy 14.
- 6.5 Policy 4 - Development Management and DM13 - Development within general urban area/settlement require that all planning applications should take fully into account the local context and built form – i.e. development should not take place in isolation and must take cognisance of amenity issues in terms of scale, position and materials of adjacent buildings and surrounding streetscape. Policy DM14 - Tourist facilities and accommodation states that the Council will support proposals where they respect the existing development pattern within the locality, where they are of a form, design and scale appropriate to the area and are reasonably accessible by public transport. In this case, the proposal is the second phase of the overall Cuningar Loop proposal and will expand the existing woodland park following the success of the first phase. As such, the proposal is considered to be consistent with the principles of the above policies.
- 6.6 Policy 6 - General urban area/settlements is also of relevance and states that developments will be assessed on their own merits and will not be permitted if they are detrimental to the amenity of existing residents. Whilst the proposal includes additional parking for the woodland park, the new spaces are in line with the existing parking spaces and will not come any closer to the adjacent residential properties. It is, therefore, considered the proposal also meets with the requirements of this policy.
- 6.7 As noted above, all responding consultees have no objection to the proposed development. The Council's Environmental Services have noted that, should anything change on site, the submitted surveys and reports may require to be updated and resubmitted for consideration. In addition, the Council's Roads and Transportation Service also raised no objections to the proposal, however, require the submission of further details prior to works commencing on site including details of the how the park will operate during works, details of the construction compound and storage facilities for materials. The Council's Roads Flooding section require the provision of a SUDs drainage system and a flood risk/drainage assessment. Should permission be granted, appropriate conditions can be attached in relation to the above requirements.
- 6.8 In summary, detailed consultation has been undertaken with relevant stakeholders prior to submission of the application and throughout the formal application process. The application has been assessed and it is considered that the extension to the existing woodland park (phase 2) would be of significant benefit to the local environment and the local area. The development would build on the success of the existing park providing additional recreation space and parking for locals and visitors, thereby, helping to improve health and wellbeing. The proposal complies with all relevant local plan policies and with Scottish Government aims as set out in the Scottish Planning Policy. As such, it is, therefore, recommended that planning permission is granted subject to the attached conditions.

## **7. Reasons for Decision**

- 7.1 The proposed development would have no significant amenity impact and would provide additional recreation space and parking facilities associated with the existing Cuningar Loop Woodland Park and, therefore, complies with Policies 1, 4, 6 and 14 of the Adopted South Lanarkshire Local Development Plan (2015) and Policies 1, 3, 5, 6 and 13 of the Proposed South Lanarkshire Local Development Plan (2018) and their associated supplementary guidance documents.

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

Date: 3 September 2020

### **Previous references**

- ◆ CR/13/0001
- ◆ CR/15/0022
- ◆ CR/16/0036
- ◆ CR/17/0204
- ◆ P/18/1277

### **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 5 June 2020
  
- ▶ Consultations
  - Roads Development Management Team 03.09.2020
  - Environmental Services 13.07.2020
  - Roads Flood Risk Management 27.08.2020
  - Scottish Water 05.06.2020
  - SEPA West Region 19.06.2020
  - Estates Services - Housing And Technical Resources 04.06.2020
  - Countryside And Greenspace 08.06.2020
  - SP Energy Network 05.06.2020
  - Rutherglen Community Council No response
  - SGN No response
  - Coal Authority Planning Local Authority Liaison Dept 12.06.2020
  - Arboricultural Services No response
  - SNH No response

**Contact for further information**

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

Declan King, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455049

Email: [declan.king@southlanarkshire.gov.uk](mailto:declan.king@southlanarkshire.gov.uk)



### **Conditions and reasons**

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

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

02. That the landscaping scheme as shown on the approved plans shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following the completion of the development hereby approved and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.

Reason: In the interests of amenity.

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

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

04. That the development hereby approved shall not be completed or brought into use until the surface water drainage works have been completed in accordance with the details submitted to and approved by the Council as Planning Authority, under the terms of Condition 3 above.

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

05. Notwithstanding the details hereby approved and in respect of the ERS and Sweco reports submitted to support this application, if there is a requirement to either re-use site won material or to import material then the assessment criteria and sampling frequency that would adequately demonstrate its suitability for use shall be submitted to and approved by the Planning authority prior to any material being used. In addition to this an in accordance with BS3882:2015 and BS8601:2013, material to be used in the top 300mm shall also be free from metals, plastic, wood, glass, tarmac, paper and odours.

On completion of the works and at a time and or phasing agreed by the Planning Authority, the developer shall submit a verification report containing details of the source of the material and appropriate test results to demonstrate its suitability for use.

Reason: To safeguard the amenity of the area.

06. That prior to works commencing on site, a management plan of how the existing park will function while construction works are taking place shall be submitted to and approved in writing by the Council as Roads and Planning Authority and thereafter implemented to our satisfaction throughout this period.

Reason: In the interests of traffic and public safety.

07. That prior to works commencing on site, details of the construction compound including office accommodation, welfare facilities and construction car parking shall be submitted to and approved in writing by the Council as Roads and Planning Authority and thereafter implemented to our satisfaction. No consent will be granted for parking on the public road by contractors or sub-contractors.

Reason: In the interests of traffic and public safety.

08. That before works commence on site, details of the storage facilities for all materials, servicing arrangements for deliveries and a turning space to enable vehicles to enter and leave the application site in forward gears at all times shall be submitted to and approved in writing by the Council as Roads and Planning Authority and thereafter implemented to our satisfaction.

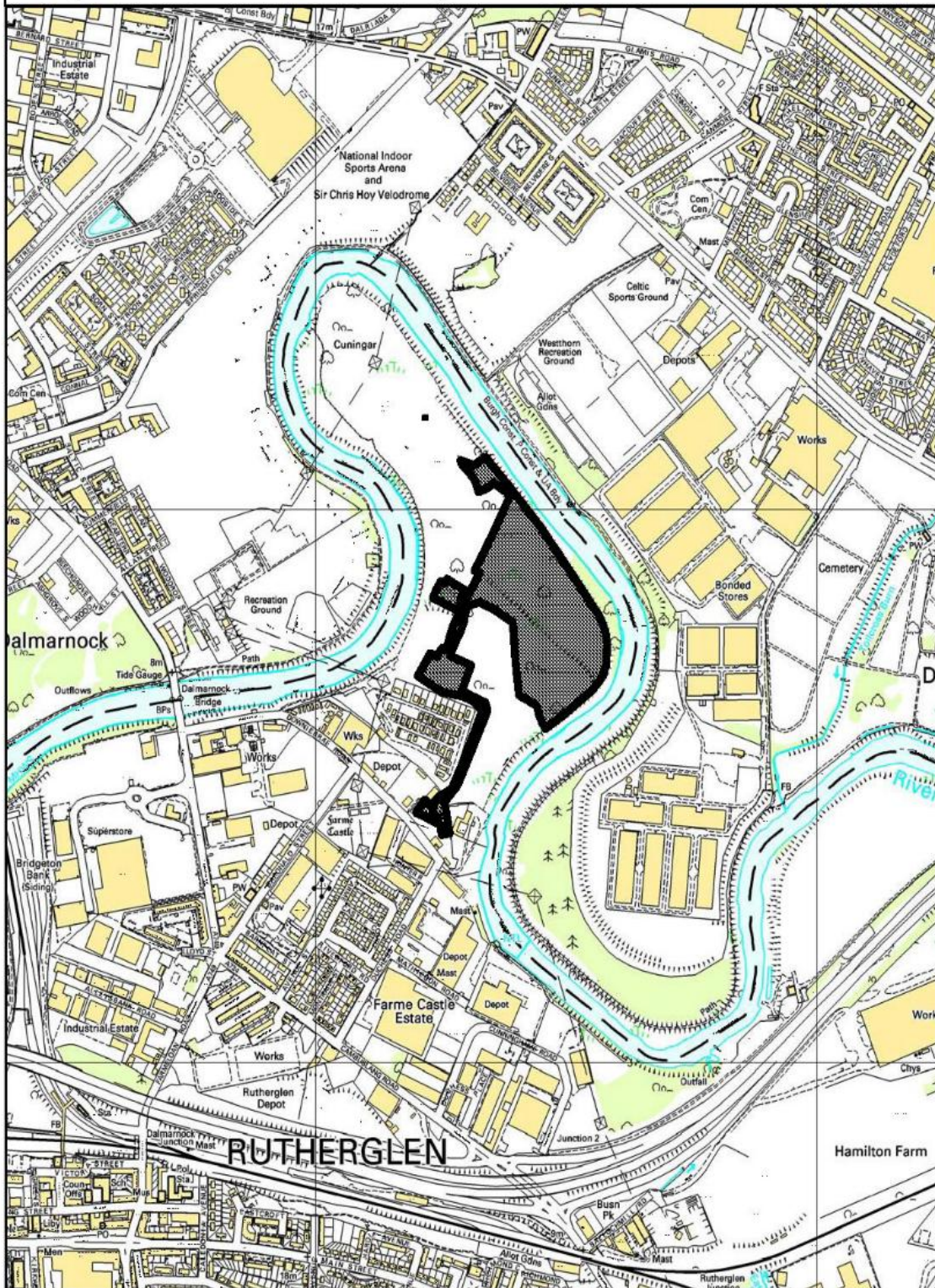
Reason: In the interests of traffic and public safety.

09. That during construction works, the applicant must provide wheel washing facilities within the site to ensure that no muck, debris or water should discharge onto the public road network.

Reason: In the interests of road safety.

P/20/0624

Cuningar Woodland Park, Downiebrae Road, Rutherglen



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Date:  
27/06/2020



**South Lanarkshire Council**  
**Community and Enterprise Resources**  
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