

Report

Report to:	Planning Committee
Date of Meeting:	1 May 2018
Report by:	Executive Director (Community and Enterprise Resources)

Subject:	Appeal Against Non-determination of Planning Application for the erection of a 61 bedroom care home with associated car parking and landscaping at 1 Hamilton Road, Bothwell
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1. Purpose of Report

1.1. The purpose of the report is to:-

- Seek approval to establish the Council's position in dealing with the appeal against the non-determination of a planning application for the erection of a 61 bedroom care home with associated car parking and landscaping.

2. Recommendation(s)

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

- (1) that the Council's position in dealing with the appeal is based on the recommendation to refuse application HM/17/0159 as set out in the attached report (Appendix 1).

3. Background

3.1 Members will be aware that an application for planning consent to demolish the existing buildings at 1 Hamilton Road, Bothwell and erect a 61 bedroom care home with associated car parking and landscaping was submitted by Balmer Developments Ltd. The buildings to be demolished include a former dwelling which was last used as an office, an adjacent dwelling and a number of associated outbuildings. The demolition was proposed to allow the redevelopment of the site for a 61 bedroom care home.

3.2 The application for the erection of the care home was being considered together with an application for conservation area consent for the demolition of a former office, dwelling and outbuildings on the site. This application (HM/17/0204) is also the subject of an appeal against non determination.

3.3 The application was being considered by officers and correspondence was sent to the applicant's agent in December 2017 requesting amendments to the design of the building to address concerns regarding the scale and design of the proposal. No correspondence was received in response to this request until 21 February 2018 when an amended design was submitted for the consideration and comment of the Planning Service. Prior to responding with comments on the revised proposal, an appeal against non determination of both the planning application and the application for conservation area consent was lodged with the Directorate for Planning and

Environmental Appeals (DPEA) on 27 February. Appeal regulations required the Council to set out its position on the proposal by the 20 March 2018, however due to the timing of the appeal and the requirement to report this to the Planning Committee, it was not possible to meet that timescale. DPEA has now confirmed that it will accept the Council's full submission on the appeal provided that it is received prior to 4 May 2018.

- 3.4 In terms of the appeal regulations, the Council must provide a statement on its view of the proposal. A report setting out the Planning Service's assessment and conclusion on the submitted application is attached (Appendix 1). In turn, it is requested that the Committee agree that if it were in a position to take a decision on the application, then it would be in accordance with the recommendation for refusal as set out in the attached report (Appendix 1). The decision will form part of any further statement(s) made in respect of the appeal.
- 3.5 The next steps in relation to the appeal would be, based on the assumption that the Committee endorses the recommendation, that this report is submitted to the Reporter as being the Council's position on the matter. The Council will be advised what, if any, further mechanism the Reporter will use to deal with the appeal i.e. written submissions, hearing, formal inquiry or a combination. The appellant has indicated a preference for the appeal to be dealt with by way of written submissions. Members of the public who submitted a representation have been offered a further opportunity to contribute to the appeal process.
- 3.6 A full assessment of the proposed development is set out in the attached report (Appendix 1) however the reasons for refusal are set out below.
- The proposal is contrary to Policies 4, 6 and 15 of the adopted South Lanarkshire Local Development Plan as it would not relate satisfactorily to adjacent development in terms of its layout and design, it would have a significant adverse impact on the residential and visual amenity of the area and it would fail to preserve or enhance the character of the Conservation Area and its setting.
 - The proposal is contrary to Policy NHE7 of the associated Supplementary Guidance as the character and appearance of the Conservation Area would not be preserved or enhanced by the proposed replacement development within the site.
 - The proposal is contrary to Scottish Planning Policy as the character and appearance of the Conservation Area would not be preserved or enhanced by the proposed replacement development within the site.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

19 April 2018

Link(s) to Council Objectives/Values/Ambitions

Work with communities and partners to promote high quality, thriving and sustainable communities

Previous References

- None

List of Background Papers

- Application for Conservation Area Consent HM/17/0204

Contact for Further Information

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

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Report to:	Planning Committee
Date of Meeting:	1 May 2018
Report by:	Executive Director (Community and Enterprise Resources)

Application No	HM/17/0159
Planning Proposal:	Erection of a 61 bedroom care home with associated car parking and landscaping

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Balmer Developments Ltd
- Location : 1 Hamilton Road,
Bothwell

2 Recommendation(s)

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

- (1) Refuse Detailed Planning Permission – based on reasons attached.

2.2 Other Actions/Notes

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

3 Other Information

- ◆ Applicant's Agent: Turley
- ◆ Council Area/Ward: 16 Bothwell and Uddingston
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
Policy 1 - Spatial Strategy
Policy 4 - Development Management and Place Making
Policy 6 - General Urban Area/Settlements
Policy 7 – Employment
Policy 15 – Natural and Historic Environment
Policy 16 - Travel and Transport
Policy 17 - Water Environment and Flooding

Development Management, Place Making and Design Supplementary Guidance (2015)
Policy NHE7 – Conservation Areas

- ◆ Representation(s):
▶ 86 Objection Letters

▶	0	Support Letters
▶	4	Comments Letter

◆ Consultation(s):

Roads & Transportation Services (Flood Risk Management Section)

Environmental Services

Roads Development Management Team

Countryside and Greenspace

Scottish Water

Bothwell Community Council

Historic Environment Scotland (HES)

West of Scotland Archaeology Service (WOSAS)

Planning Application Report

1 Application Site

- 1.1 The application relates to an area of land located off Hamilton Road at the southern edge of Bothwell. Whilst the site fronts Hamilton Road the existing access to the site is via Old Bothwell Road. The site extends to approximately 0.50 hectares and is mainly flat and rectangular in shape. The southern and eastern parts of the site slope down towards Old Bothwell Road and Hamilton Road respectively. The site is currently occupied by a large red sandstone detached dwelling known as Fairleigh House, a detached single storey dwelling and garage located at 10 Old Bothwell Road, a single storey building comprising an annexe to Fairleigh House and two more modern buildings located close to the Old Bothwell Road area of the site. The northern and south eastern areas of the site incorporate groups of large mature and semi trees which are protected by the site's designation within the Bothwell Conservation Area. The remainder of the site is a mixture of grassed open space and car parking.
- 1.2 The site is bounded to the north by residential properties, to the south and west by Old Bothwell Road and adjacent residential properties and to the east by Hamilton Road.

2 Proposal(s)

- 2.1 This is a detailed planning application for the erection of a 61 bedroom care home with associated car parking and landscaping. The existing buildings within the site would be demolished as part of the proposed development. The proposed building would be mainly three storeys in height with a floor area measuring approximately 4664 square metres. Due to the change in levels within the site an element of basement is incorporated in the design which would house the staff accommodation such as kitchen, plant and laundry, as well as a single wing of accommodation. The building is T-shape in design and has different frontages onto Hamilton Road and Old Bothwell Road. The longer leg of the building extends to the south and is punctuated with bays to break up the mass of the building. A central, glazed link is located at the junction of the T and is used as an entrance for communal facilities.
- 2.2 The proposed accommodation would be set over three levels and would include 61 bedrooms in addition to a reception and informal seating area at ground floor level, a hairdresser's and beauty salon at first floor level, a cafe at second floor level with a cinema room at lower ground level. The building's design would incorporate a series of traditional hipped roofs. Windows would be located on all elevations with Juliet style balconies incorporated on the main elevations and open terraces are provided at every level, accessible from the glazed link. The building would be finished with natural slate roof tiles, a mixture of render, stone and grey aluminium cladding on the exterior walls, light grey upvc windows and full height glass curtain walling.
- 2.3 The submitted layout shows the building accessed via a driveway off Old Bothwell Road with 26 car parking spaces located to the front and northern side elevations of the building. Bin stores would be located towards the rear of the western boundary of the site.
- 2.4 A Planning Statement, Design Statement, Transport Statement, Heritage Impact Assessment, Bat Survey, Preliminary Ecological Appraisal and Badger Survey were submitted with the application as supporting information.

3 Background

3.1 Local Plan Status

3.1.1 In terms of local plan policy, the application site is located within the general urban area and within the Bothwell Conservation Area. The proposal is affected by Policy 1 - Spatial Strategy, Policy 4 - Development Management and Place Making, Policy 6 - General Urban Area/Settlements, Policy 7 - Employment, Policy 15 - Natural and Historic Environment, Policy 16 - Travel and Transport and Policy 17 - Water Environment and Flooding of the adopted South Lanarkshire Local Development Plan. Supplementary guidance relating to conservation areas is provided in Supplementary Guidance 9 - Natural and Historic Environment and in particular Policy NHE7 - Conservation Areas. Additional design guidance is provided in the Development Management, Place Making and Design Supplementary Guidance. The above policies and how they relate to the proposal are discussed in detail in Section 6 of this report.

3.2 Relevant Government Advice/Policy

3.2.1 Scottish Planning Policy (SPP) states that proposals for development within conservation areas and proposals outwith which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character or appearance of the conservation area should be treated as preserving its character or appearance. Where the demolition of an unlisted building is proposed through Conservation Area Consent, consideration should be given to the contribution the building makes to the character and appearance of the conservation area. Where a building makes a positive contribution the presumption should be to retain it.

3.2.2 Historic Environment Scotland Policy Statement June 2016 states that, as with listed buildings, there is a presumption in favour of the retention of unlisted buildings in conservation areas where they make a positive contribution to the character, appearance, or history of the area. Proposals for demolition in a conservation area should be considered in conjunction with a full planning application for a replacement development. The key principle in such cases is that the character and appearance of the area should be preserved or enhanced. This allows consideration to be given to the potential contribution that the replacement building may make to the area's character and appearance. Demolition should not begin until evidence is given of contracts let either for the new development or for appropriate long-term treatment as open space where that outcome conforms to the character of the area. Gap sites could be harmful to the character of the area if allowed to lie undeveloped for a significant time between demolition and redevelopment.

3.3 Planning Background

3.3.1 The applicant submitted an associated application for conservation area consent for the demolition of a former office building, dwellinghouse and outbuildings within the site. This application was registered by the Council on 11 April 2017 and is also under consideration as a separate item at this Planning Committee (HM/17/0204).

3.3.2 Conservation area consent was granted for the demolition of the existing dwellinghouse/garage at 10 Old Bothwell Road on 10 August 2015. The land and buildings relating to 10 Old Bothwell Road are located within the northern part of the current application site.

3.3.3 Detailed planning permission was granted for the demolition of the existing dwellinghouse/garage and the erection of a replacement dwellinghouse at 10 Old Bothwell Road on 31 July 2015. As discussed, the land and buildings relating to 10 Old Bothwell Road are located within the northern part of the current application site.

4 Consultation(s)

- 4.1 **Environmental Services** – have no objections to the proposal subject to a condition requiring the submission of a scheme for the control and mitigation of dust. Informatives should also be attached to any consent granted advising the applicant of appropriate hours for audible construction works at the site, matters relating to demolition and asbestos, potential contamination, smoke control and health and safety matters.
Response: Noted.
- 4.2 **Countryside and Greenspace** – the preliminary ecological assessment report and bat survey have both been carried out to an acceptable standard by appropriately qualified surveyors. Whilst there is some evidence of bat activity across the site, based on the dawn/dusk survey there appears to be no evidence of bats being present in the buildings. A further survey should be undertaken in spring 2018 if the buildings have not been demolished.
Response: Noted.
- 4.3 **Roads Development Management Team** – have no objections to the proposal subject to conditions requiring the provision of a dropped kerb access, additional 25 car parking spaces and surface water trapping. The parking courtyards should have bay dimensions of 2.5 metres x 5.0 metres and have a central aisle width of 6.0 metres. It would appear from the drawings provided the applicant has not achieved this minimum requirement. There is potential for visitors to park on Old Bothwell Road. The applicant should consider this issue when re-visiting the size of the parking courtyard.
Response: Noted.
- 4.4 **Roads and Transportation Services (Flood Risk Management)** – have no objections to the proposal subject to conditions requiring the submission of sustainable urban drainage details (SUDS) and a flood risk assessment and independent check for the Council's approval.
Response: Noted.
- 4.5 **Scottish Water** – no response to date.
Response: Noted.
- 4.6 **Bothwell Community Council** – note that the community has significant concerns about the development as proposed. Relevant objections that we have identified include: layout and density in a residential area; design, appearance and materials; overlooking and loss of privacy; loss of light and overshadowing; drainage infrastructure; effect on character in conservation village; nature conservation (wildlife and trees); parking provision; road safety; traffic generation; noise and disturbance; odours and proximity of bins to dwellings; planning policy at local and government level. Old Bothwell Road should be widened at the southern end to the appropriate standard taking into account goods vehicles that would service such a development.
Response: Noted.
- 4.7 **Historic Environment Scotland (HES)** – the applicant has supplied a Desk Based Cultural Heritage Assessment in support of their application. This considered the proposal's potential impacts on physical remains associated with the Battle of Bothwell Bridge and potential impacts on an ability to appreciate the battlefield landscape. The assessment recommended mitigation for potential impacts and the proposed scheme has been adjusted partly in response to those recommendations. (HES) have been supplied with information illustrating those adjustments. Having

reviewed the submitted information our conclusion remains that the proposed development is unlikely to have sufficient adverse effects that we would consider objecting – we therefore do not object to the amended proposals on the basis of the impact upon this historic battlefield.

Response: Noted.

- 4.8 **West of Scotland Archaeology Service (WOSAS)** – while WOSAS would not necessarily consider the principle of construction of a care home at this location to be incompatible with the aim of protecting and enhancing the Inventory battlefield, the scale and mass of the buildings proposed under the current application appears likely to have a significant detrimental impact on one of the few remaining sections on the northern bank of the river where it is still possible for the observer to understand the layout of the battlefield. While this consideration may not be of sufficient magnitude for the Council to consider outright refusal of the application, on the basis that a significant proportion of the battlefield has already been substantially altered by modern development, it is suggested that the Council should give consideration to asking the developer to reduce the size and height of the buildings proposed. Should the Council feel that the effect of the development on the visual appearance of the battlefield is acceptable and would intend to grant planning consent, a condition should be attached to this consent requiring the developer to appoint a professional archaeological contractor to undertake a programme of work designed to mitigate the direct impact of construction on physical remains associated with the battle. Although it is acknowledged that construction of the existing building and its associated areas of car-parking will have resulted in a certain amount of disruption to any sub-surface archaeological material that may be present, the socio-cultural, historical, and archaeological significance of the nationally designated battlefield is such that archaeological intervention would be necessary to ensure that any such material affected by the proposal was adequately recorded.

Response: Noted.

5 Representation(s)

- 5.1 Statutory neighbour notification procedures were undertaken and the application was advertised in the Hamilton Advertiser under the headings Development Affecting the Character of the Conservation Area and Non-Notification of Neighbours. Eighty six letters of representation have been received in relation to the application in addition to four letters of comment. The grounds of objection are summarised below:

- a) **The design of the proposed building is not in keeping with the rest of the properties in the street. This is a conservation village and this will be an industrial building on a residential street. The existing building on site, whilst not listed, does provide significant value to the conservation area and street frontage. The loss of this building will therefore have a negative impact on the built heritage in the area.**

Response: The proposed building is considered to be inappropriate in terms of its design and layout and this matter is discussed in detail in Section 6 of this report. A number of representations submitted make reference to the demolition of the existing buildings on the site. These matters are addressed in detail in the report for planning application HM/17/0204 which is also under consideration as a separate item at this Planning Committee.

- b) **There are already sewerage pipe problems in the street and adding to the issue will only make matters worse.**

Response: Whilst no consultation response was received from Scottish Water in this regard any building constructed would have to ensure the provision of an acceptable sewerage system within the site.

- c) **There is car parking proposed for only 29 cars which is not nearly enough to accommodate all staff and visitors i.e. nurses, occupational therapists, doctors and advisors plus the families of the residents. The end result will be that cars will have no alternative but to park along Old Bothwell Road. The street is very narrow at some point and this will obviously create a major hazard to road users and pedestrians. There are no pavements at some points in the street, compounding the potential hazard. The bend on Old Bothwell Road is a particular traffic hazard as two commercial vehicles cannot pass on the bend and the proposed care home will have commercial vehicles visiting regularly. At present when the refuse lorry uplifts the bin from my driveway, cars coming down the road have to exercise extreme caution to pass the refuse lorry.**

Response: Subject to conditions, Roads and Transportation Services are satisfied that the proposal raises no access, parking or road safety issues.

- d) **The volume of traffic likely to be generated from the care home is unacceptable for a residential area. The bend on entering Old Bothwell Road is extremely narrow and very steep, this particular part of the road is a hazard at the moment without adding additional traffic.**

Response: Roads and Transportation Services are satisfied that the proposal raises no access, parking or road safety issues.

- e) **The noise generated by visitors and staff as well as other necessary services and traffic from such a vast site will have an adverse impact on the neighbourhood,. The site presently incorporates a residential dwelling and the proposal is for an extensive commercial operation housing 60 number of residents and staff. It is not clear from the submission the number of day and night staff that will be working on site, we would be grateful if this can be clarified. The refuse collection, deliveries, staff movements and visitors related to this will have a significant adverse impact on this quiet residential street.**

Response: The Operational Statement submitted by the applicants estimates that the care home would employ around 120 members of staff. This would be in a variety of full and part time positions, and would be spread across a twenty four hour period seven days a week. Environmental Services raised no adverse comments in relation to noise from the development and it is considered that noise generated by visitors, staff and necessary services would not have a significant adverse impact on the residential amenity of the area.

- f) **The site has no specific land use allocation, although it is within the Bothwell Conservation Area. We note the main policy consideration for the application being Policy 4 - Development Management and Placemaking, and Policy 15 - Natural and Historic Environment.**

Response: The application is assessed against the above policies in Section 6 of this report.

- g) **The site is located within a prominent position and in full view of pedestrians and commuters accessing the village and conservation area. A four storey commercial building is the first impression anyone will have when they enter the “conservation village” from the Bothwell Bridge. The building would be on an elevated position so it would dominate the entrance to the “conservation village” of Bothwell from Hamilton Road and Bellshill Road.**

Response: The site is located in a prominent position when viewed from Hamilton Road and the A725 slip road. The prominence of the site is a key consideration in the assessment of the application and this matter is discussed in detail in Section 6 of this report.

- h) The cost implications for any developer should not be allowed to override the strict building regulations which apply to conservation areas.**

Response: The proposal has been assessed against the Council's relevant policies and design guidance in Section 6 of this report.

- i) There will be a significant adverse impact on the adjacent houses in proximity to the proposed development. The proposal is over development of the site and out of context with the existing buildings on Old Bothwell Road. In terms of scale and mass it is significantly larger than any of the houses on the street and at three storeys in height will result in privacy and daylighting failures on the street.**

Response: It is considered that the proposal does not relate satisfactorily to the directly adjacent development at 12 Old Bothwell Road in terms of its design, layout, scale and massing. However, due to the orientation of the building and its distance from adjacent properties it is considered that the proposal will have no significant adverse impact on existing properties in terms of overshadowing and loss of privacy.

- j) The proposal is out of keeping with the conservation area as any development must have a high quality of materials and finishes which respect the character of the conservation area.**

Response: Whilst finish materials are an important aspect in the assessment of design matters there are a variety of finish materials located within this particular part of the Conservation Area. Dwellings located within this area have been finished with either slate or tiled roofs, sandstone, render or brick walls and timber or UPVC windows and doors.

- k) There are a number of mature trees on site which it is assumed are to be felled given they do not appear in the proposed layout plans. The mature planting fronting onto Hamilton Road presently provides a very attractive entrance to Bothwell, from Bothwell Bridge. The loss of this planting will have a significant adverse impact on the landscape character of the area.**

Response: It is considered that an amended layout could be designed to accommodate more of the existing trees on site in addition to an improved replacement planting scheme which could ensure the continuity of appropriate landscaping that contributes to the character of the area.

- l) Whilst we are not aware of any protected species on site we would expect a Phase 1 habitat survey to be completed as part of the development proposals. As a minimum, a bat roosting survey should be carried out at the appropriate times given the amount of buildings on site that could provide roosts for bats.**

Response: A Bat Survey, Preliminary Ecological Appraisal and Badger Survey were submitted with the application as supporting information. The content and findings of the surveys have been assessed and are considered to be acceptable. Whilst there is some evidence of bat activity across the site there appears to be no evidence of bats being present in the buildings. However, it is recommended that a further survey should be undertaken in spring 2018 if the buildings have not been demolished.

- m) A daylight and sunlight analysis should be completed for the proposed development, given the scale of the proposal in relation to existing properties adjacent. There are concerns that there will be a negative impact on daylight and sunlight for habitable rooms in a number of the houses on Bothwell Road if this proposal is granted planning permission.**

Response: Due to the orientation of the proposed building and its distance from adjacent properties it is considered that the proposal will have no significant adverse impact on existing properties in terms of overshadowing and loss of daylight or sunlight.

- n) **The location of the bin store for the entire development adjacent to an existing house on the street is inappropriate and will give rise to unacceptable amenity issues for residents. There will be an impact from the noise of bins being opened and closed at all times during the day and odour issues given the proximity to residents.**

Response: No adverse comments were raised by Environmental Services in relation to noise and odours from the proposed bin store area. Whilst the applicant had agreed in principle to re-locate the bin store towards the rear of the site no amended plans were formally submitted in this regard to allow for re-notification of neighbours.

- o) **The development is wholly inappropriate for this quiet residential street. The increase in commercial and visitor traffic from this proposal will have serious public safety issues in this quiet residential street. Old Bothwell Road is a narrow street that can barely take two passing vehicles from Hamilton Road. The increase in traffic movements related to this proposal will be highly inappropriate for this location and will result in both traffic safety concerns and increased vehicles movements in a very quiet street.**

Response: Subject to conditions, Roads and Transportation Services are satisfied that the proposal raises no, access, parking or road safety issues.

- p) **Road safety and traffic generation - Old Bothwell Road is a narrow street and already has issues with safety particularly at the steep hill and bend. With the additional traffic this development would bring the safety concerns would be magnified. I have 2 children who regularly cycle to school and to local parks and I would be extremely concerned with this extra volume of traffic on old Bothwell Road.**

Response: Subject to conditions, Roads and Transportation Services are satisfied that the proposal raises no, access, parking or road safety issues.

- q) **There will be a loss of privacy and daylight to myself and adjoining neighbours, and in particular to No. 12 Old Bothwell Road. It is inconsiderate that a company would propose building a four storey care home adjacent to an existing domestic property. The proposed elevation looking on to numbers 12 and 14 Old Bothwell Road will have 14 or more bedrooms overlooking the main entrance to their home as well as a kitchen window and bin store which they will pass every time they enter or exit their driveway. The 12 parking bays, odours from the kitchen and odours from the bin stores will curtail any leisure they could have in their garden.**

Response: The windows of the proposed building would be located in a position which exceeds the minimum distance required between directly facing habitable windows. On this basis, it is considered that the proposal will have no significant adverse impact on adjacent properties in terms of overlooking and loss of privacy. Whilst I have concerns regarding the overbearing impact the building would have on the adjacent property at 12 Old Bothwell Road in terms of its scale and massing, it is considered that the development will have no significant adverse impact on this property in terms of loss of daylight.

- 5.2 These letters are available for inspection in the usual manner and on the Council's Planning Portal.

6 Assessment and Conclusions

- 6.1 This is a detailed planning application for the erection of a 61 bedroom care home with associated car parking and landscaping with the existing buildings within the site being demolished as part of the proposed development. 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, the character of the Conservation Area and the local road network.

- 6.2 In terms of national planning policy, Scottish Planning Policy (SPP) states that proposals for development within conservation areas and proposals outwith which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character or appearance of the conservation area should be treated as preserving its character or appearance. Where the demolition of an unlisted building is proposed through Conservation Area Consent, consideration should be given to the contribution the building makes to the character and appearance of the conservation area. Where a building makes a positive contribution the presumption should be to retain it.
- 6.3 Historic Environment Scotland Policy Statement June 2016 states that, as with listed buildings, there is a presumption in favour of the retention of unlisted buildings in conservation areas where they make a positive contribution to the character, appearance, or history of the area. Proposals for demolition in a conservation area should be considered in conjunction with a full planning application for a replacement development. The key principle in such cases is that the character and appearance of the area should be preserved or enhanced. This allows consideration to be given to the potential contribution that the replacement building may make to the area's character and appearance. Demolition should not begin until evidence is given of contracts let either for the new development or for appropriate long-term treatment as open space where that outcome conforms to the character of the area. Gap sites could be harmful to the character of the area if allowed to lie undeveloped for a significant time between demolition and redevelopment. In this instance, it is considered that the proposal does not comply with national planning policy as it would not relate satisfactorily to adjacent development in terms of its layout, scale and massing, it would have a significant adverse impact on the visual amenity of the area and it would fail to preserve or enhance the character of the Conservation Area and its setting.
- 6.4 In terms of local plan policy, the application site is located within a general urban area and within the Bothwell Conservation Area. The proposal is affected by Policy 1 - Spatial Strategy, Policy 4 - Development Management and Place Making, Policy 6 - General Urban Area/Settlements, Policy 7 - Employment, Policy 15 - Natural and Historic Environment, Policy 16 - Travel and Transport and Policy 17 - Water Environment and Flooding of the adopted South Lanarkshire Local Development Plan. Supplementary guidance relating to conservation areas is provided in Supplementary Guidance 9 - Natural and Historic Environment and in particular Policy NHE7 - Conservation Areas. Additional design guidance is provided in the Development Management, Place Making and Design Supplementary Guidance.
- 6.5 Policy 1 encourages sustainable economic growth and regeneration, protection and enhancement of the built and natural environment and a move towards a low carbon economy. This will be achieved by supporting regeneration activities and maximising regeneration and economic benefits and the delivery of the development proposals identified in Table 3.1 of the Local Development Plan. In this instance, the application site is located in a sustainable location and it is considered that the proposal could provide regeneration benefits through the re-development of a previously developed site. A number of mature trees require to be felled to accommodate the development and it is considered that an amended layout could be designed to accommodate more of the existing trees on site in addition to an improved replacement planting scheme which could enhance the natural environment and ensure the continuity of appropriate landscaping in the area to conform with the above policy.

- 6.6 Policy 7 states that the Council will support sustainable economic growth and regeneration by encouraging the development of business in South Lanarkshire. As it is anticipated that the provision of a care home on the site will enhance the employment opportunities in the area through the management and operation of the facility it is considered that the proposal conforms with Policy 7.
- 6.7 In terms of design the layout and design of the proposal, Policies 4 and 6 generally resist development that will be detrimental to amenity and seek well designed proposals which integrate successfully with their surroundings and make a positive contribution to the character and appearance of the urban environment. As the application site is located within a conservation area, Policy 15 is also relevant to the assessment of the layout and design of the proposal. This policy states that the Council will assess all development proposals in terms of their effect on the character and amenity of the natural and built environment. The Council will seek to protect important natural and historic sites and features from adverse impacts resulting from development, including cumulative impacts. The application site is located within The Bothwell Conservation Area which is designated as a Category 3 site under the terms of this policy. In Category 3 areas, development which would affect these areas following the implementation of mitigation measures will only be permitted where there is no significant adverse impact on the protected resource. Where possible, any development proposals which affect natural and historic designations should include measures to enhance the conservation value of the site affected.
- 6.8 The above policy is supported by Policy NHE7 – Conservation Areas of the Council's Supplementary Guidance which advises that Development and demolition within a conservation area or affecting its setting shall preserve or enhance its character and be consistent with any relevant conservation area appraisal or management plan that may have been prepared for the area. The design, materials, scale and siting of any development shall be appropriate to the character of the conservation area and its setting. Trees which are considered by the Council to have amenity value and contribute to the character and appearance of the conservation area shall be preserved. Given the importance of assessing design matters, planning applications in principle will not normally be considered appropriate for developments in conservation areas. Where appropriate, consents to demolish buildings within conservation areas will be subject to conditions which prohibit demolition until a contract has been let for the redevelopment of the site in accordance with a development scheme which has been approved by the Council.
- 6.9 The supporting information submitted with the application advises that the site has been vacant for several years and that the existing building is at risk of vandalism. It states that the site has been on the market for some time and it has not proved an attractive proposition for any alternative purpose such as retaining it as residential property due to the significant cost involved in the repairs required to the fabric of the building. The supporting information recognises that the existing building does have some importance in terms of its influence on the character of the conservation area as a result of some of its architectural features.
- 6.10 Whilst the above supporting information has been taken into account in the assessment of this application and the associated application for conservation area consent (HM/17/0204) I am not satisfied that the proposed care home has been appropriately designed to be in keeping with the Conservation Area and to a degree that justifies the demolition of the existing sandstone building in the site. Whilst particular aspects of the proposal are considered to be acceptable, overall, the proposed care home in its current form is considered to be an inappropriate form of development that would not relate satisfactorily to adjacent development in terms of

its design, layout, scale and massing. Consequently, it is considered that the proposal would have a significant adverse impact on both the residential and visual amenity of the area and it would fail to preserve or enhance the character of the Conservation Area and its setting.

- 6.11 In terms of visual amenity and the proposed building's impact on the character of the Conservation Area, the proposed care home would be located in a highly prominent position when viewed from Hamilton Road and the A725 slip road to the east of the site. Indeed, the eastern edge of this southern strip of the Conservation Area forms an important gateway into Bothwell. The site's long frontage onto Hamilton Road gives it a strong presence that makes it a focal point on the street. Whilst it is accepted that an element of screening would be incorporated into the development to help reduce any impact the care home would still be highly visible to anyone approaching the site from the southern end of Bothwell Conservation Area. The eastern leg of the building, as designed, appears bulky in terms of its scale and massing and would require to be set back a considerable distance from Hamilton Road to ensure that the building has no adverse impact on the streetscape and the Conservation Area at this particular location. In its current form, it is considered that the building would over dominate the street scene on Hamilton Road and significantly detract from the character and appearance of the streetscape when viewed from this part of the Conservation Area. It is, therefore, considered that the care home as currently designed is an inappropriate and incongruous form of development at this location as it fails to preserve or enhance the character of the Conservation Area and its setting.
- 6.12 In addition to the proposal's impact on visual amenity, it is considered that the footprint of the proposed building as submitted is inappropriate as it represents overdevelopment of the site and would lead to an adverse impact on both residential amenity and the landscaping within the site which contributes to the character of the area. In terms of residential amenity, due to the close proximity of the north elevation of the proposed building to the existing property at 12 Old Bothwell Road, it is considered that the scale of the proposed building is excessive in this particular area and that it would over dominate and overwhelm that dwellinghouse to the extent that it would have an adverse impact on the amenity of the property. It is considered that the proposed building would have to be stepped further away from the northern boundary to render it acceptable in this regard.
- 6.13 In terms of landscaping, the northern and southern parts of the site incorporate areas of mature trees which are protected by the site's designation within the Bothwell Conservation Area and a number of trees require to be felled to accommodate the proposed development. As discussed above, it is considered that an amended layout could be designed to accommodate more of the existing trees on site in addition to an improved replacement planting scheme which could ensure the continuity of appropriate landscaping that contributes to the character of the area.
- 6.14 With regard to other material considerations relevant to the proposal, it is considered that the finish materials for the proposed development are of a relatively high standard that would not be out of keeping with the variety of finish materials in the surrounding area. Due to the orientation of the building and its distance from adjacent properties it is also considered that the proposal will have no significant adverse impact on existing properties in terms of overshadowing and loss of privacy and that the character and amenity of the area will not be adversely impaired by reason of traffic generation, intensity of use, parking, noise or odours to a significant degree. However, for the reasons discussed above it is considered that the proposed development would not relate satisfactorily to adjacent development in terms of its layout, scale and design, it would have an adverse impact on the residential amenity of neighbours and a

detrimental effect on the visual amenity of the area. On this basis, I am not satisfied that the proposal meets the terms of Policies 4, 6, 15 and NHE7.

- 6.15 It should be noted that amended plans were submitted to the Council following detailed discussions between the Planning Service and the applicant. However, these plans were submitted immediately prior to the applicant lodging an appeal to the Scottish Ministers against non-determination of the application and they were not under consideration at the time of the appeal. The plans were not formally submitted to enable the re-notification of neighbours and provide an opportunity to comment on the amended design which in this instance is considered necessary due to the significant number of residents that submitted representation to the application.
- 6.16 Policy 16 - Travel and Transport seeks to ensure that development considers, and where appropriate, mitigates the resulting impacts of traffic growth and encourages sustainable transport options that take account of the need to provide proper provision for walking, cycling and public transport. It goes on to say that existing and proposed walking and cycling routes will be safeguarded, including former railway lines which can provide walking, cycling and horse riding opportunities. The site is accessible by public transport and the development would be well integrated into existing walking and cycling networks. Furthermore, Roads and Transportation Services are satisfied that the proposal raises no access, parking or road safety issues. It is, therefore, considered that the proposal will not have an adverse impact on traffic flows or road safety and that the proposal complies with the terms of Policy 16.
- 6.17 Policy 17 - Water Environment and Flooding states that any development proposals which have a significant adverse impact on the water environment will not be permitted. It is considered that the development will have no significant adverse impact on the water environment and any consent granted would be suitably conditioned to ensure the provision of a sustainable urban drainage system (SUDS) within the site. It is, therefore, considered that the proposal complies with the terms of Policy 17.
- 6.18 In summary, whilst particular aspects of the building's design are considered to be acceptable, overall, the proposed care home is considered to be an inappropriate and incongruous form of development at this location. The proposal does not comply with local plan policy as it is considered that it would not relate satisfactorily to adjacent development in terms of its layout, scale and massing, it would have a significant adverse impact on the residential and visual amenity of the area and it would fail to preserve or enhance the character of the Conservation Area and its setting. I would, therefore, recommend that the application be refused.

7 Reasons for Decision

- 7.1 The proposal is contrary to Scottish Planning Policy (SPP), Policies 4, 6, and 15 of the adopted South Lanarkshire Local Development Plan and Policy NHE7 of the associated Supplementary Guidance as it represents an inappropriate and incongruous form of development within the Conservation Area which would have an adverse affect on the Conservation Area in general and the streetscape in particular.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

9 April 2018

Previous References

HM/17/0204

List of Background Papers

- Application Form
- Application Plans
- South Lanarkshire Local Development Plan (2015)
- Development Management Place Making and Design Supplementary Guidance (2015)
- Neighbour notification letter dated 11.04.2017
- Press advertisement, Hamilton Advertiser dated 20.04.2017

REASONS FOR REFUSAL

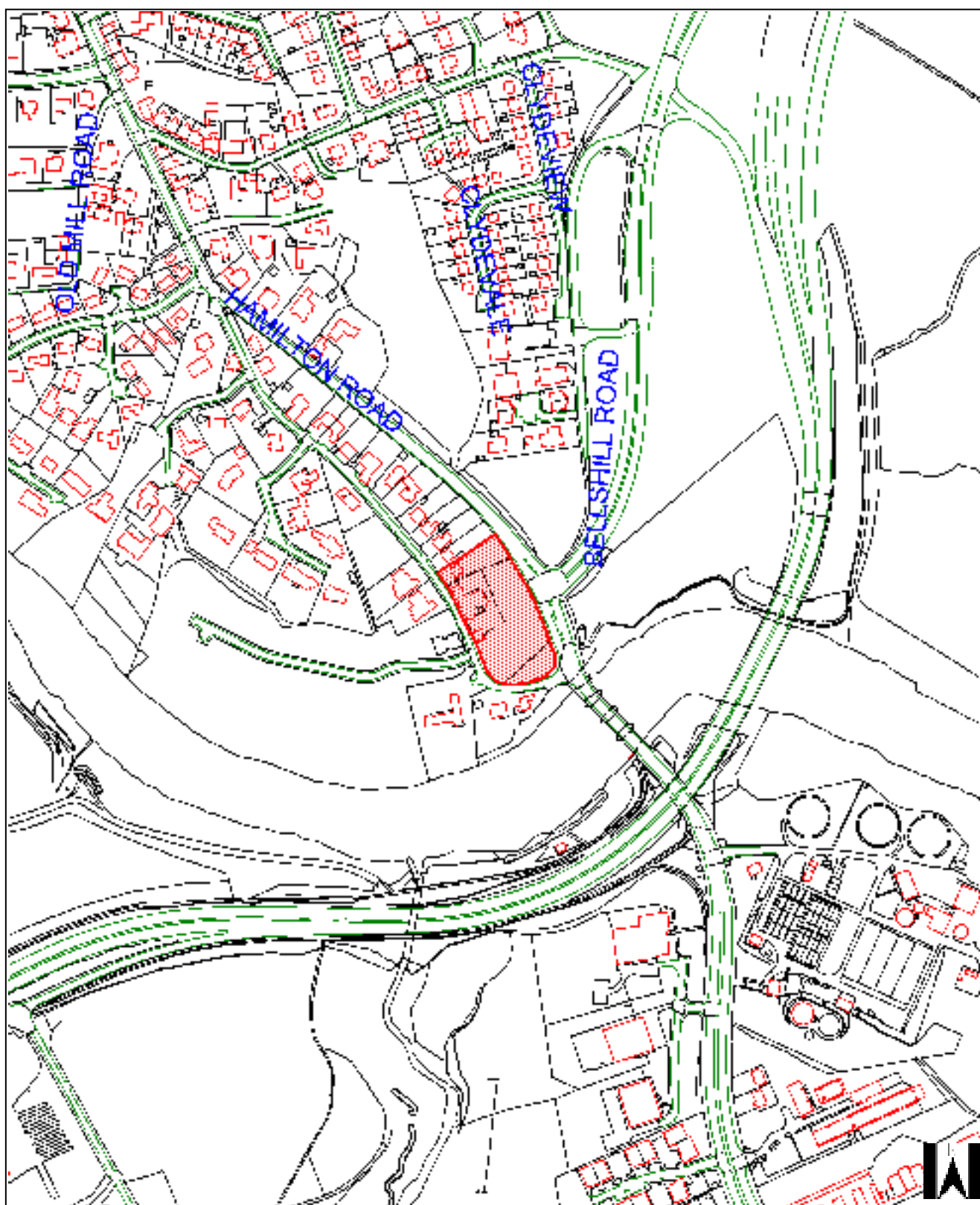
- 1 The proposal is contrary to Policies 4, 6 and 15 of the adopted South Lanarkshire Local Development Plan as it would not relate satisfactorily to adjacent development in terms of its layout and design, it would have a significant adverse impact on the residential and visual amenity of the area and it would fail to preserve or enhance the character of the Conservation Area and its setting.
- 2 The proposal is contrary to Policy NHE7 of the associated Supplementary Guidance as the character and appearance of the Conservation Area would not be preserved or enhanced by the proposed replacement development within the site.
- 3 The proposal is contrary to Scottish Planning Policy as the character and appearance of the Conservation Area would not be preserved or enhanced by the proposed replacement development within the site.

HM/17/0159

1 Hamilton Road, Bothwell

Planning and Building Standards

Scale: 1: 5000



For information only

For information only