

Report to: **Planning Committee**
Date of Meeting: **1 November 2011**
Report by: **Executive Director (Enterprise Resources)**

Subject: **Demolition of Doctors Surgery and Erection of Two Storey, 30 Bed Care Home with Ancillary Accommodation, Additional Car Parking and Diversion of Footpath (Planning Consent HM/10/0156)
Croftbank House, Old Mill Road, Uddingston G71 7JR**

1. Purpose of Report

1.1. The purpose of the report is to:-

- ◆ Seek approval to refer the Stopping Up Order, under Section 208 of the Town and Country Planning (Scotland) Act 1997, in relation to diverting the path between Simpson Court, Uddingston and Old Mill Road, Uddingston, as shown on Location Plan 01 (attached) to the Scottish Government on the basis that objections have been received to this Order
- ◆ Seek approval to refer any Revocation Order, under Sections 65 and 67 of the Town and Country Planning (Scotland) Act 1997, in relation to the revocation of planning consent reference HM/09/0116, to the Scottish Government in the event that objections are received

2. Recommendation(s)

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

- (1) That approval be given to the referral of the Stopping Up Order, under Section 208 of the Town and Country Planning (Scotland) Act 1997, in relation to diverting the path between Simpson Court, Uddingston and Old Mill Road, Uddingston as shown on Location Plan 01 (attached), to the Scottish Government on the basis that objections have been received to this Order.
- (2) That approval be given to the referral of any Revocation Order, under Sections 65 and 67 of the Town and Country Planning (Scotland) Act 1997, in relation to the revocation of planning consent reference HM/09/0116, to the Scottish Government in the event that objections are received .

The Council's legal expenses in connection with the above matters will be borne by the applicant.

3. Background

3.1 Members will recall that the Planning Committee agreed, at its meeting on 24 May 2011, to grant detailed planning permission for the Demolition of Doctors Surgery

and Erection of Two Storey, 30 Bed Care Home with Ancillary Accommodation, Additional Car Parking and Diversion of Footpath at Croftbank House, Old Mill Road, Uddingston (HM/10/0156).

The Committee also agreed the following recommendations:

- (a) Authorise the promotion of a Stopping Up Order under Section 208 of the Town and Country Planning (Scotland) Act 1997 diverting the path between Simpson Court, Uddingston and Old Mill Road, Uddingston to run along the west boundary of the application site, as shown on Location Plan 01 at the Applicant's expense and following payment by the Applicants of the Council's estimated fees therefor; and, if no objections are made to the making of the Order, to confirm the Order.
- (b) Authorise the promotion of a Revocation Order under Sections 65 and 67 of the Town and Country Planning (Scotland) Act 1997 revoking the existing planning consent reference HM/09/0116 at the Applicant's expense and following payment the Applicants of the Council's estimated fees therefor; and, if there are no objections to the Order, to give the appropriate Notices that the Order is in effect.

3.2 Following the issue of planning consent for application HM/10/0156 the Planning Service and Legal Services commenced work on the proposed Footpath Diversion/Stopping Up Order. In accordance with Section 208 of the Town and Country Planning (Scotland) Act 1997 publicity was required to be undertaken in connection with the proposed Order and this included the following:

- Notification of all relevant parties including all owners, tenants and occupiers who were neighbour notified in connection with the planning application and who resided in Simpson Court. All objectors to planning application HM/10/0156 and a number of statutory services were also notified.
- An advert being placed in the local press on 21 July 2011, and
- A site notice, dated 14 July 2011, being erected in the vicinity of the footpath which was proposed to be diverted.

The time period for lodging objections to the proposed Order expired on 19 August 2011 and a total of 22 letters of objection have been received to date, including 1 from Michael McMahon MSP and 1 from Richard Lyle MSP. The applicant's lawyer was given a copy of all of these letters and was asked to comment on the objections raised with a view to determining if any of the objections can be addressed and therefore withdrawn. The lawyer has submitted a letter to address all of the grounds of objection to the Order however currently all of the objections still stand as none have been withdrawn. On the basis that objections have been received in connection with the proposed Order, it is, therefore, necessary, in terms of planning legislation, to refer the Order to the Scottish Government. Committee approval is required to make this referral and when the Order is sent to the Scottish Government they will be obliged to hold either an Inquiry or hear the objectors prior to taking a decision on the Order.

3.3 The Planning Committee on 24 May 2011 also agreed to authorise the promotion of a Revocation Order under Sections 65 and 67 of the Town & Country Planning (Scotland) Act 1997 to revoke the existing planning consent reference HM/09/0116. This consent required to be revoked as it relates to a 23 bedroom extension to the existing care home which, to date, has not been implemented and the site cannot

accommodate this development together with the proposed new care home development.

However, the need to revoke planning consent HM/09/0116 will be dependent upon what decision the Scottish Government takes in respect of the Footpath Diversion/Stopping Up Order following the relevant hearing/inquiry. If the Footpath Diversion/Stopping Up Order is not successful then planning consent HM/10/0156 cannot be implemented and, therefore, there will be no requirement to pursue the Revocation Order. However, in the event that the Footpath Diversion/Stopping Order is approved by the Scottish Government, then work will commence on the Revocation Order and, again, if objections are received then it will need to be referred to the Scottish Ministers. It is, therefore, desirable to have authorisation for this referral, should it be needed, to avoid delays in progressing this matter. Work will commence on the Revocation Order once a decision is made on the Footpath Diversion/Stopping Up Order.

4. Employee Implications

4.1. None.

5. Financial Implications

5.1. None. The applicants will be expected to meet the legal expenses of the Council.

6. Other Implications

6.1. There are no risk or sustainability implications in terms of the information contained in this report.

7. Equality Impact Assessment and Consultation Arrangements

7.1. This report does not introduce a new policy, function or strategy or recommend a change to an existing policy, function or strategy and therefore no impact assessment is required.

Colin McDowall
Executive Director (Enterprise Resources)

25 October, 2011

Link(s) to Council Objectives/Value

- Support the local economy by providing the right conditions for growth, improving skills and employability

Previous References

- Report to Planning Committee on 24 May 2011 on planning application reference HM/10/0156.
- Report to Hamilton Area Committee on 4 November 2009 on planning application reference HM/09/0116

List of Background Papers

- Planning Application Report on HM/10/0156.
- Planning Application Report on HM/09/0116

Contact for Further Information

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

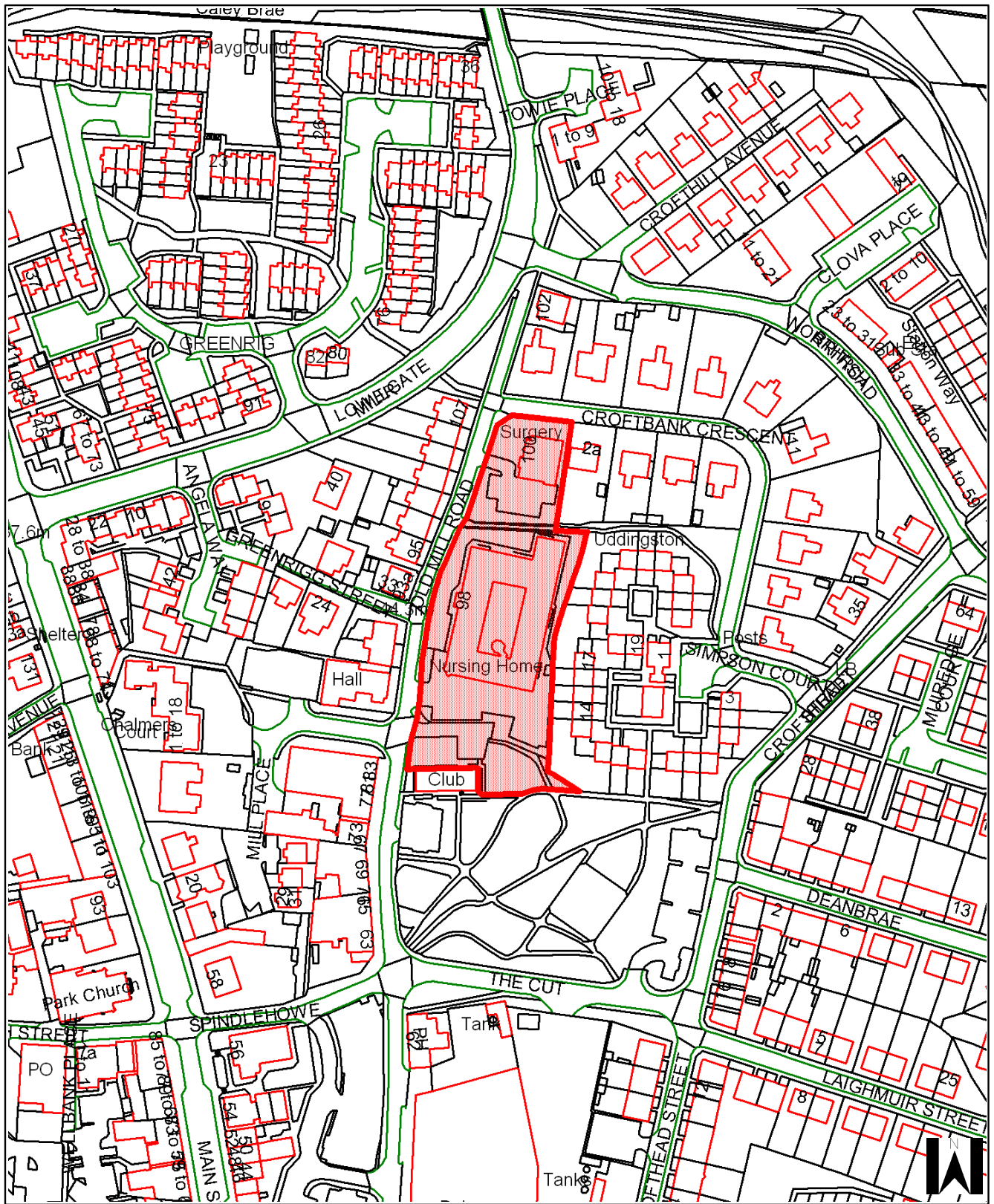
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For information only

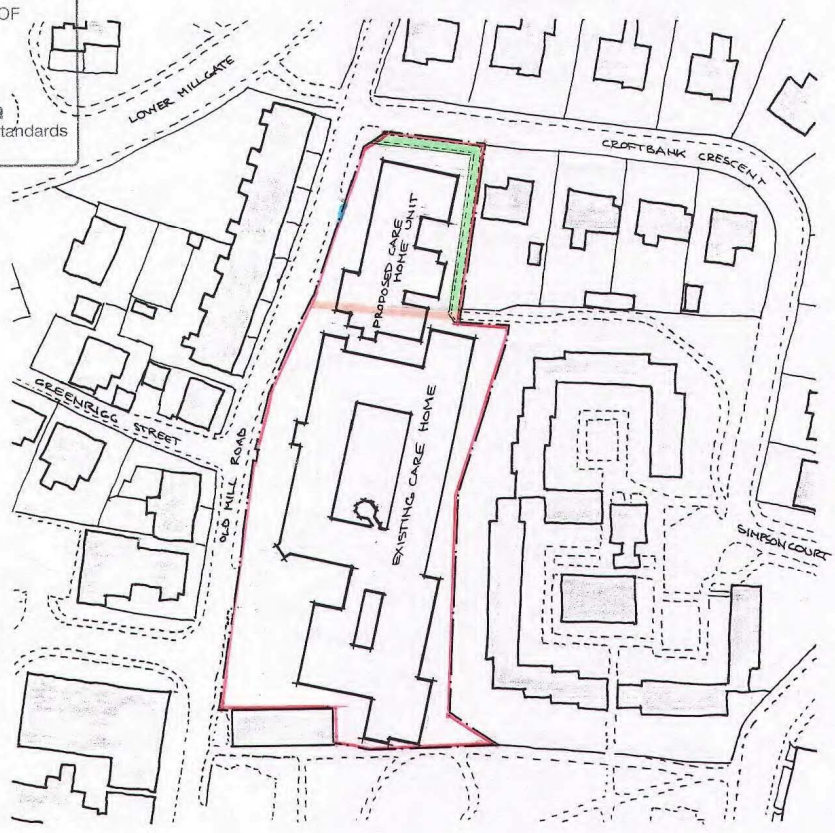
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SOUTH LANARKSHIRE COUNCIL
Town & Country Planning (Scotland) Acts
APPROVED
IN TERMS OF CONSENT OF
2 5 MAY 2011
Michael McGlynn
Head of Planning and Building Standards
Services



SOUTH LANARKSHIRE COUNCIL
Planning App No
HM/10/0156



LOCATION PLAN scale 1:1250