

Report to:	Planning Committee
Date of Meeting:	24 May 2011
Report by:	Executive Director (Enterprise Resources)

Application No	HM/10/0156
Planning Proposal:	Demolition of Doctor's Surgery and Erection of Two Storey, 30 Bed Care Home with Ancillary Accommodation, Additional Car Parking and Diversion of Footpath

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Balmer Developments
- Location : Croftbank House
Old Mill Road
Uddingston
G71 7JB

2 Recommendation(s)

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

- (1) Grant detailed planning permission (subject to the following conditions)
- (2) Authorise the promotion of a Stopping Up Order under Section 208 of the Town & 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 Applicant's of the Council's estimated fees therefore; and, if no objections are made to the making of the Order, to confirm the Order.
- (3) Authorise the promotion of a Revocation Order under Sections 65 and 67 of the Town & 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 therefore; and, if there are no objections to the Order, to give the appropriate Notices that the Order is in effect.

2.2 Other Actions/Notes

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

3 Other Information

- ◆ Applicant's Agent: W H Dickie
- ◆ Council Area/Ward: 16 Bothwell and Uddingston
- ◆ Policy Reference(s): **South Lanarkshire Local Plan**
Policy RES6 – Residential Land Use
Policy DM1 – Development Management

- ◆ Representation(s):
 - ▶ 32 Objection Letters
 - ▶ 0 Support Letters
 - ▶ 0 Comments Letters

- ◆ Consultation(s):

Environmental Services

Uddingston Community Council

Roads and Transportation Services (Hamilton Area)

Roads & Transportation Services H.Q. (Flooding)

Care Commission

Scottish Water

Planning Application Report

1 Application Site

- 1.1 The application site is located at 98 Old Mill Road, Uddingston. It is bounded to the north by residential properties, to the east by residential properties (Croftbank Crescent and Simpson Court), to the west by housing and a church and to the south by a clubhouse (David Milne Senior Citizens Centre) and a public car park.
- 1.2 The southern part of the site accommodates an existing care home with 69 bedrooms and 29 off street car parking spaces. Vehicular access to the site is from Old Mill Road which runs parallel to the front of the site and is located in close proximity to Uddingston village centre just off the main street. A well maintained two metre high hedge exists along the eastern boundary of the site and separates the care home from the properties of Simpson Court.
- 1.3 The northern part of the site accommodates a former single storey doctor's surgery and car park which the applicant purchased following the surgery's closure and relocation. The surgery has an existing access off Old Mill Road and is separated from the care home by a footpath which the public has a right of passage over and which runs from Old Mill Road to Simpson Court. In addition there are several mature trees located between the footpath and the former doctor's surgery.

2 Proposal(s)

- 2.1 The applicant seeks detailed planning permission for the demolition of the existing doctor's surgery and the erection of a two storey, 30 bed care home with ancillary accommodation and additional car parking. In order to facilitate the proposed development it is also proposed to stop up/divert the existing footpath.
- 2.2 The proposed care home will be approximately 45 metres wide and 23 metres in depth rising to a height of approximately 8.4 metres. The proposed building will be finished in facing brick and concrete tiles. The applicant has stated in a supporting letter that the extension is necessary to meet the increased size of bedrooms that are required to meet differing care needs of residents today and the equipment required to meet these care needs.
- 2.3 The existing care home has 69 bedrooms and the proposal will result in an additional 30 bedrooms, therefore 99 bedrooms in total will be available within both buildings. An amended car parking layout has also been submitted resulting in a total of 41 car parking spaces being available.
- 2.4 The applicant proposes to use a one way system to enter and exit the facility. The existing access will be utilised as an entrance and a dropped kerb access will be created to the north to exit the facility. The existing access to the doctor's surgery will be removed and replaced with this new drop kerb access.
- 2.5 It is proposed to divert the existing route of the existing footpath which runs between Old Mill Road and Simpson Court. This route is surfaced and has lighting but is not an adopted footpath. The new route will effectively mean that the footpath will not run directly onto Old Mill Road but will be diverted behind the proposed care home before joining Old Mill Road. This will require a separate stopping up/footpath diversion order.

- 2.6 The applicant has an existing planning consent for a 23 bedroom extension to the existing care home (as detailed below in paragraph 3.3.5) which to date has not been implemented. The applicant has stated their agreement to this consent being revoked should planning consent be granted as it is their intention to construct the proposed care home rather than the extension and the site cannot accommodate both developments.

3 Background

3.1 Local Plan Status

- 3.1.1 In terms of the South Lanarkshire Local Plan the site is identified as being within a Residential Area therefore Policy RES6 – Residential Land Use is relevant. This policy states that within areas identified for primarily residential use, the Council will oppose the loss of houses to other uses and resist any developments which will be detrimental to the amenity of these areas. In addition, any development proposed must satisfy a number of criteria including: (1) the development must relate satisfactorily to adjacent and surrounding development in terms of scale, massing, materials and intensity of use, and (2) the character and amenity of the area must not be impaired by reason of traffic generation, parking or visual intrusion, and (3) there must be no adverse effect on public safety.

- 3.1.2 Policy DM1 – Development Management is also relevant and provides general development management guidance. This policy requires all planning applications to take due regard to the local context and built form of the area. Proposals should take cognizance of scale, position and materials of surrounding buildings and landscape.

3.2 Relevant Government Advice/Guidance

- 3.2.1 There is no specific government guidance relative to the determination of this application.

3.3 Planning History

- 3.3.1 The site of the nursing home was formerly owned by Hamilton District Council. It was marketed for community use in 1992 and planning permission was granted for the erection of a 41 bed nursing home in 1994 (reference HN/94/0044).

- 3.3.2 In 1995 the consent was amended and this involved alterations to the room layouts and the number of bedrooms was increased to 43 (reference HN/95/0196).

- 3.3.3 In 1997 planning permission was refused for the erection of an extension incorporating 11 additional bedrooms and a day/dining room (reference HN/97/0182). The applicant however submitted a new scheme reducing the floor area of the extension and planning permission was subsequently granted (HN/97/0537).

- 3.3.4 In 2001 planning consent was granted for a single storey extension to the south of the existing nursing home on adjoining open space incorporating 12 additional bedrooms, a day/dining room, an office and a treatment room (reference HM/00/0044). In conjunction with this application a Section 75 Agreement was completed between the Council and the applicant to ensure the provision of two car parking spaces and service access to the David Milne Senior Citizens Centre. This consent was amended in 2003 to extend the day/dining room, change the office and treatment room into two additional bedrooms, to incorporate one other additional

bedroom and to extend the existing dining room within the building's northern elevation (reference HM/00/0542).

3.3.5 In 2010, planning consent was granted for the extension and alteration to the existing care home, (reference HM/09/0116). This consent has not been implemented however in general terms the proposal would result in an existing single storey block at the southern end of the site being increased in height to two storeys, with pitched roof, to match the remainder of the care home result in an additional 23 bedrooms, therefore 92 bedrooms in total. An amended car parking layout would have resulted in the creation of 4 new car parking spaces to the front of the existing building. The proposed upper floor extension would be approximately 41 metres in width with a floor area of approximately 800 square meters. The height of the roof would have increased from approximately 7 metres to 10.5 metres.

3.3.6 There has been an ongoing issue as to whether the existing footpath which runs between Old Mill Road and Simpson Court is a right of way. At pre-application stage the applicant was advised that in order to facilitate the proposal, the existing footpath would have to be diverted or stopped up. When the planning application was submitted, Community Services advised the Planning Service of the following:

- (a) They were approached in November 2009 about the route and its status
- (b) A local resident subsequently submitted 13 completed questionnaires by individuals claiming that the route was a right of way to Scotways
- (c) Scotways recommended that right of way status be accepted (on the basis evidence submitted) on 29 March 2010, and
- (d) it is understood that the footpath was given right of way status on 14 March 2010

The applicant has however disputed this and submitted correspondence from a professor of commercial property law in order to try and demonstrate that the footpath is not a right of way. The Council sought legal advice on this issue and concluded that the public have a right of access over the footpath, whether or not it is a right of way, and it could only be determined in a court of law if the footpath is a legal right of way. As a result the applicant considered their options including closure of the footpath and altering the care home proposals. Following discussions with the Planning Service they have intimated that they want to proceed with a stopping up/footpath diversion order as detailed above in paragraph 2.5. It should be noted that whilst the Council can seek to progress such an order if objections are received then the Scottish Government is obliged to hold an inquiry or to hear objectors and therefore any final decision will be taken by them and not the Council. The applicant is aware of this situation.

4 Consultation(s)

4.1 **Roads and Transportation Services (Hamilton Area)** – No objections subject to standard conditions relating to a dropped kerb, closure of the existing access and construction of the proposed 41 car parking spaces which satisfies requirements.

Response: Noted. It is advised that these requirements can be addressed through the use of planning conditions.

4.2 **Environmental Services** – have offered no objection to the proposal subject to conditions relative to control of noise, waste, dust/ventilation and standard informatives.

Response: Noted. It is advised that these requirements can be addressed through the use of planning conditions and informatives, where appropriate.

4.3 **Roads & Transportation Services H.Q. (Flooding)** – no objection to the proposed development subject to a sustainable drainage system serving the site and design criteria being satisfied through the completion of a self certification document.

Response: Noted. It is advised that this requirement can be addressed through the use of planning conditions. A copy of the self certification document has been sent to the agent.

4.4 **Scottish Water** – No objections to the proposal commenting that Daer Water Treatment Works has the capacity to service the proposed development.

Response: Noted.

4.5 **Care Commission** – No response to date.

Response: Noted.

4.6 **Uddingston Community Council** – object to the proposal on the following grounds;

1) **Concerns over pedestrian safety with the proposed new route of the right of way which will result in large parts being secluded and hidden from view.**

Response:- It is acknowledged that the diversion of the footpath will result in restricted views therefore it will not be able to be viewed in it's entirety. The applicant's agent has stated that should consent be granted, a fully established footpath with tarmac surface, including lighting and linked to their CCTV system will be in place before any work on the building commences. In addition the new stretch of path will be immediately adjacent to existing residential properties which will contribute to the safety of users. These requirements can be addressed through the use of planning conditions.

2) **The proposal is an overdevelopment of the site and will result in a loss of amenity.**

Response:- It is acknowledged that there are several sandstone properties in close proximity of the application site which give part of the area a relatively unique character due to the layout and design of the houses. It is however not a conservation area or other recognized environmentally sensitive location. However following concerns by the Planning Service amendments have been made to the original submission. These include the building line of the proposed care home being pulled back so that it does not protrude beyond the existing building line along Croftbank Crescent resulting in a smaller footprint with a reduction from 32 to 30 bedrooms. In addition the height of the proposed building has been reduced from approximately 10 meters to 8.4 meters. It is recognised that care homes are 'intensive' uses but in this instance it is considered that the impact of this proposal will be within acceptable limits and will therefore not result in a significant loss of amenity that would merit refusal of this application.

3) **Loss of Privacy/insufficient window to window distance**

Response:- There will be no habitable windows on the proposed rear elevation overlooking 2a Croftbank Crescent. The proposed habitable windows on the western and eastern elevations are located approximately 17-20 meters from residential dwellings on the opposite side of a public road. It is therefore considered that the proposal will not result in an unacceptable loss

of privacy/overlooking to neighbouring properties that would merit refusal of this planning application.

4) Loss of daylight.

Response:- Whilst it is recognised that there will be an element of overshadowing/loss of sunlight and daylight, particularly to 2a Croftbank Crescent, the height of the proposed care home has been reduced in height from approximately 10 metres to 8.4 metres to minimise it's impact. In addition the previous doctor's surgery albeit smaller in height would have also had some impact in terms of shadowing. Overall it is considered that the proposal would not result in a materially significant loss of daylight to neighbouring properties.

5) Increase in noise and traffic volume/congestion, pressure on limited street parking.

Response:- It is acknowledged that the proposal is likely to generate a certain amount of additional vehicular traffic, most likely from family or friends visiting residents. This additional traffic will arrive and depart at different days/times and therefore its impact will be spread throughout the week. On this basis, and given that the previous use of the site was a doctor's surgery, I do not consider that the additional traffic generated by the proposal will be significant or have a serious impact on noise, traffic volume and access/street parking. An amended car parking layout and one way system as detailed above in paragraph 2.4 has been submitted and is considered satisfactory to Roads and Transportation Services who have raised no objections in this respect as detailed above in paragraph 4.1.

6) Loss of mature trees and no replacement ones.

Response:- The trees within the site are not protected by a Tree Preservation Order (T.P.O) and therefore the applicant could remove them at any time without the need for planning consent. In addition the applicant's agent has stated that trees will be replaced as appropriate because they consider that trees in care home settings are attractive and bring a degree of maturity to the buildings and surroundings. An appropriate planning condition relating to landscaping will be imposed should consent be granted.

7) Insufficient space for emergency vehicles particularly fire engines.

Response: It is considered that there should not be any issues accessing the site from Old Mill which is a public road. Internally the building would have to be fitted to the highest standard off fire safety and will need to comply with the Building Standards Regulations. It should be noted however that this does not constitute a material planning consideration in the assessment of this planning application.

5 Representation(s)

5.1 Statutory neighbour notification was undertaken in respect of the proposal. Thirty two letters of representation were received.

5.2 The grounds of objection can be summarised as follows: -

- (a) **Croftbank Crescent is a private road and various other neighbouring streets/residential properties will be affected by the proposal and therefore should be neighbour notified. In addition how has the Planning Department notified the community?**

Response: Planning legislation requires all properties within 20 metres of the curtilage of the proposed application site to be neighbour notified. As Croftbank Crescent is a private road within 20 metres of the curtilage of the application site every property on it has been neighbour notified. In addition the application was advertised in the local press under non-notification of neighbours. The application has been subject to the appropriate notification and publicity required under the terms of planning legislation.

- (b) **The proposal will result in gross over development of site. The layout and density of proposed building is too large for the plot of ground it is to be built on and is higher than any houses in Croftbank Crescent and will overshadow everything in adjacent streets. Proposal is out of character with the style, size materials and design of anything nearby including the existing single storey nursing home which it will dwarf and bear no resemblance to in scale and proportion.**

Response: As detailed above in paragraph 4.6, the application site is not a conservation area or other recognized environmentally sensitive location. The mass and scale of the proposal has been reduced from that originally submitted and whilst the development is a large building it will relate to other properties on Old Mill Road.

- (c) **Location plan indicates that there is open access from Croftbank Crescent to Simpson Court however there are bollards at the end of the street making it a cul-de-sac and therefore no through route for traffic.**

Response: Noted. The physical characteristics of the application site and immediate surrounding area have been observed through various visits to the application site

- (d) **Proposal will exacerbate the existing traffic congestion. Vehicular access to the complex does not comply with basic road standards to ensure safety and easy use. The proposed access from the development will be too close to Croftbank Crescent causing a traffic hazard. There will be no access for emergency vehicles along Mill Road which is narrow and often operates as a single lane road when cars are parked. Higher volume of traffic 24 hours a day, 7 days a week will increase the potential for accidents. Furthermore concerns regarding visibility splays/sightlines and the required distances between access and egress points. Inadequate parking provision both on and off site. The number of spaces indicated is 41 however this figure should be 37, included in the plans are 2 spaces already allocated for the use of the David Millen Centre which should be excluded from any calculations and 2 will be lost due to the design of the footpath. In addition concerns regarding the provision of disabled parking spaces.**

Response: As detailed above in paragraph 4.6, I remain to be persuaded that the additional traffic generated by the proposal will be significant or have a serious impact on traffic flows along Old Mill Road or result in access problems. An amended car parking layout and one way system as detailed above in paragraph 2.4 has been submitted and considered to be satisfactory to Roads and Transportation Services who have raised no objections in this respect.

- (e) **The applicant's supporting letter dated 29 March 2010 is inaccurate and misleading because all concerns of neighbouring residents have not been resolved and there are many objections.**

Response: Noted. The 32 letters of representation that have been received which set out neighbouring resident's concerns and these have been considered through the processing of the planning application .

- (f) **The proposed development will require scaffolding and building materials being located on private road which they have no right to do. Damage to existing road which has recently undergone repairs at sizeable expense to the taxpayer. This would mean further expense at a time where the local council cannot commit to, and have been neglectful to provide for existing community properties within the area. Furthermore there will be insufficient space for storage of materials to allow safe construction without risk.**

Response: Noted. This is a civil issue and does not constitute a material planning consideration in the assessment of this planning application. The grant of planning permission does not obviate the necessity to seek approval from other land owners if required. Any damage to the public road network would require to be covered by the applicant as opposed to the Council.

- (g) **Adverse impact on amenity and natural environment – excess noise, light pollution and activity in what is a quiet street. The existing small doctor's surgery will change to 24/7 resulting in loss of amenity to small village environment. Loss of several mature trees and open space with no replacement proposals which will significantly erode the character of the area and is essential for the well being of residents of care homes. In addition building works will result in a very significant period of disruption which would have an adverse impact on amenity.**

Response: It is considered that the change of use of the site from a doctor's surgery to a care home within the grounds of an existing care home will not have an adverse impact on the amenity of the surrounding area. The trees within the site are not protected by Tree Preservation Orders (T.P.O) and therefore the applicant could remove them at any time without the need for planning consent. In addition the applicant's agent has stated that trees will be replaced as appropriate because trees in care home settings are attractive and bring a degree of maturity to the buildings and surroundings. An appropriate planning condition relating to landscaping will be imposed should consent be granted. Whilst it is recognised that the building works associated with the proposed development will cause some disruption, they are only temporary in nature and would not justify refusal of the application.

- (h) **Loss of sunlight/ daylight/overshadowing to neighbouring dwellings.**

Response: Whilst it is recognised that there will be an element of overshadowing/loss of sunlight and daylight, particularly to 2a Croftbank Crescent, the height of the proposed care home has been reduced in height from approximately 10 metres to 8.4 metres to minimise it's impact. In addition the previous doctor's surgery albeit smaller in height would have also had an impact and overall it is considered that the current proposal would not result in a materially significant loss of daylight to neighbouring properties.

- (i) **Proposed development removes a Right of Way, SROWS SH89. It is not a practical option serving little purpose or benefit and would make the present simple through route a tortuous one and there is no reason why the lane should not simply be built over and retained. The proposed diversion will have an adverse impact on anti-social behaviour because there will be no clear line of sight from one end to another and 2 blind corners resulting in concerns over user's safety. People will be forced**

onto a private road which they have no legal right. This is contrary to planning law and local plans. Proposed access to the path on Old Mill Road is over part of Croftbank Crescent and therefore should not be included in the amended route.

Response: The situation relative to the existing footpath is set out in Section 3.3.6 of the report. The public have a right of passage over the footpath which runs from Old Mill Road to Simpson Court and in order to facilitate the proposed development and following detailed discussion with the Planning Service and the applicant proposes to re-route the footpath around the application site. The Council can seek to promote a stopping up/footpath diversion order and this will be subject to consultation where interested parties will be given the opportunity to make further comments. If the order is promoted successfully then the applicant's agent has stated that a fully established footpath with tarmac surface, including lighting and linked to their CCTV system will be in place before any work on the building commences. It is considered that this would provide appropriate measures to alleviate any concerns relating to anti-social behaviour. The construction details, timing and ongoing maintenance of the footway can be conditioned into any consent granted. Alternatively if the order is not successfully promoted then the development will not be able to take place in its current form. The applicant is aware of this situation.

- (j) **Residents of 93-121 Old Mill Road should be given assurance in writing from the Roads Department that the parking status of the road will not be altered in due course, such as the introduction of yellow lines, to accommodate additional traffic associated with the access and regress to the care home.**

Response: Any potential future road alterations to Old Mill Road do not constitute a material consideration in the assessment of this planning application. In addition the road in question is out with the curtilage of the application site and therefore out with the control of this planning application.

- (k) **Granting a 2 storey development on this site could lead to the entire care home becoming 2 storeys in height.**

Response: Notwithstanding the fact that every planning application must be assessed on its own merit, as detailed above in paragraph 3.35, planning consent was granted for the extension and alteration to the existing care home which in general terms would result in an existing single storey block at the southern end of the site being increased in height to two storeys, with pitched roof, to match the remainder of the care home result in an additional 23 bedrooms, therefore 92 bedrooms in total. To date this consent has not been implemented and should consent be granted, this existing planning consent would be formally revoked. The applicant is aware of this requirement and has confirmed his agreement to this.

- (l) **Increased carbon footprint and reduction in natural environment.**

Response: It is considered that the demolition of an existing doctor's surgery and the erection of a care home, albeit larger in size at this location will not have a materially adverse impact on the natural environment that would justify refusal of this planning application. Whilst it is acknowledged that the replacement building will result in an increased carbon footprint, again this would not merit refusal of the planning application. In addition it should be noted that the CO₂ emissions in relation to a new building is a Building Standards issue.

- (m) **It is not clear if the building could lead to any drainage or infrastructure problems, however since the majority of the surrounding buildings are over 100 years old it may be safe to expect some difficulties.**
Response: Scottish Water were consulted on the proposal and raised no objections to the proposal commenting that Daer Water Treatment Works currently has the capacity to service the proposed development. Roads & Transportation Services H.Q. (Flooding) also had no objection to the proposed development subject to design criteria being satisfied through the completion of a self certification document.
- (n) **The unit is totally unsuitable for a dementia unit. There is no facility to take them outside and it would be too dangerous because there is no external security. There would be insufficient dining and recreation areas, inadequate changing or staff facilities contrary to health board policy. Insufficient care would cause hazards to residents and therefore concern to every responsible citizen coming across them. No landscaping to provide a suitable care of the proposed residents.**
Response: Noted. The suitability of the proposed building to operate as a care home is an issue between the applicant and the relevant health board and does not constitute a valid material consideration in the assessment of this planning application.
- (o) **Building line extends beyond the existing building line in Croftbank Crescent inhibiting visibility and outlook and overshadowing street.**
Response: Amendments have been made following concerns about this issue the Planning Service. This has resulted in the building line of the proposed care home being pulled back so that it does not protrude beyond the existing building line along Croftbank Crescent and therefore is now considered to be acceptable.
- (p) **Proposed plans should be put on hold to await the recommendations of the public inquiry into the Rosebank Nursing Home Disaster where 14 residents died. It would be prudent to approve this application on the grounds that it may not adhere to best practice. Approval of this development further extends the possibility of the loss of life.**
Response: Noted. It is recognised that there has been a public inquiry relating to the Rosebank Nursing Home Disaster because it has been widely publicised in the media. This however does not constitute a material consideration in the assessment of this planning application.
- (q) **Proposal will be out of keeping with traditional sandstone Victorian style housing. No information on construction of proposal or details of proposed materials has been provided.**
Response: The planning application states that the proposal will be finished in facing brick, concrete tiles and facing brick. The imposition of a planning condition should consent be granted will ensure that a sample of materials is submitted to the Planning Service for approval prior to works commencing on site. In addition, given the materials that have been used on the existing care home and that the application site is out with the Conservation Area, it is considered that the proposal would not be required to be finished in sandstone.
- (r) **Loss of Value to neighbouring properties.**
Response: This does not constitute a material consideration in the assessment of planning applications.

- (s) **Errors in scale drawings misrepresenting proposed construction.**
Response: It is considered that the amended scaled drawings provide an accurate representation of the proposal.
- (t) **Doubling of effluent from this area would seem excessive loading on the present arrangement. Myers Burn may flow under the site.**
Response: Roads and Transportation Services (flooding) and Scottish Water have raised no objections to the proposal. In addition the site previously occupied a doctor's surgery.
- (u) **Loss of privacy**
Response: Since the application was first lodged and the representations received, the design of the proposal, especially window positions of bedrooms, have been revised and it is now considered that the proposed extension will not result in an unacceptable loss of overlooking to neighbouring properties.
- (v) **Loss of outlook**
Response: This does not constitute a material planning consideration in the assessment of this planning application.

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

6 Assessment and Conclusions

- 6.1 The applicant seeks detailed planning permission for the demolition of the existing doctor's surgery and the erection of a two storey, 30 bed care home with ancillary accommodation, additional car parking and diversion of public footpath.
- 6.2 The determining issues that require to be addressed in respect of this application are its compliance with local plan policy, its impact on road safety and the amenity of the predominately surrounding residential environment.
- 6.3 In terms of the proposed development, Policies RES6 and DM1 of the South Lanarkshire Local Plan are relevant. It is considered that in land use terms the change of use of the site from Class 2 (doctor's surgery) to Class 10 (care home) on land adjacent to the existing care home raises no issues. It is also considered that the design of the proposal has taken cognizance of the local context and built form in terms of finishing materials, design, massing and scale. Indeed amendments have been made following comments from the Planning Service. This has resulted in the building line of the proposed care home being pulled back so that it does not protrude beyond the existing building line along Croftbank Crescent resulting in a smaller footprint with a reduction from 32 to 30 bedrooms. In addition the height of the proposed building has been reduced from approximately 10 meters to 8.4 meters. It is considered that the proposal would not result in a materially significant loss of daylight to neighbouring properties. With regards to privacy, the design of the proposed rear elevation will ensure that neighbouring properties are not overlooked by bedroom windows. I am therefore satisfied that the proposed development is in accordance with these policies.
- 6.4 With regard to the objectors' concerns detailed above in paragraph 5, it is considered that the proposal is in accordance with local plan policy and would not be detrimental

to the residential amenity of the area. In addition, none of the consultees, including Roads and Transportation Services, have raised any objections.

- 6.5 One issue which has been raised by objectors and was highlighted to the applicant at pre-application stage is the existence of a footpath which currently runs between the applicants existing nursing home and the adjacent former doctors' surgery site. As detailed in Section 3.3.6 of the report, the public has a right of access over the footpath and the applicant will require a separate stopping up/footpath diversion order at which stage the public can make further comments which will be considered. The applicant is aware of the fact that should the promotion of the order not be successful then the development cannot take place in its current form.
- 6.6 From a planning perspective there always needs to be a balanced approach taken when assessing the different, and sometimes conflicting, issues affecting a development. In this instance whilst the proposed development results in the need to re-route an existing footpath which the public have access over, the development will secure further care provision in the community together with the associated economic benefits. In this situation it is considered that the benefits of the overall development outweigh any potential issues associated with relocating the footpath.
- 6.7 Given the above, I would recommend that planning permission be granted and that authorisation be given to the promotion of the stopping up/footpath diversion and revocation orders as detailed above.

7 Reasons for Decision

- 7.1 The proposal has no adverse impact on either residential amenity or road safety and complies with Policies RES6 and DM1 of the South Lanarkshire Local Plan.

Colin McDowall
Executive Director (Enterprise Resources)

17 May 2011

Previous References

- ▶ HN/94/0044
- ▶ HN/95/0196
- ▶ HN/97/0537
- ▶ HM/00/0044
- ▶ HM/00/0542
- ▶ HM/09/0116

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Plan
- ▶ Neighbour notification letters dated 7 and 30 April 2010
- ▶ Press advert dated 13 May 2010
- ▶ Applicant's supporting letters dated 19 May 2010 and 26 April 2011

- ▶ Consultations

Scottish Water	12/04/2010
Uddingston Community Council	21/04/2010
Environmental Services	28/04/2010
Roads and Transportation Services (Hamilton Area)	07/04/2010
Roads & Transportation Services H.Q. (Flooding)	28/04/2010

Representations,

- Representation from : Kathleen M Houston, 111 Old Mill Road, Uddingston, G71 7JB, DATED 26/04/2010
- Representation from : Dr Kate Barrie, 3A Croftbank Crescent, Uddingston, G71 7JD, DATED 26/04/2010
- Representation from : Alexander Gardiner, 4 Croftbank Crescent, Uddingston, G71 7JD, DATED 23/04/2010
- Representation from : Catherine R Paton, 15 Croftbank Crescent, Uddingston, G71 7JD, DATED 23/04/2010
- Representation from : John and Ellen Begley, 101 Old Mill Road, Uddingston, G71 7JB, DATED 23/04/2010
- Representation from : Paul Santoni, 7 Croftbank Crescent, Uddingston, G71 7JD, DATED 12/08/2010
- Representation from : Mrs Margaret McCormack, 19 Croftbank Crescent, Uddingston, G71 6TD, DATED 11/05/2010
- Representation from : M and A Beetham, 115 Old Mill Road, Uddingston, G71 7JB, DATED 28/04/2010
- Representation from : B C Toshner, 2A Croftbank Crescent, Uddingston, G71 7JD, DATED 30/08/2010
- Representation from : M and A Beetham, 115 Old Mill Road, Uddingston, G71 7JB, DATED 27/04/2010
- Representation from : Charles L MacLeod MRICS, Rockwood, 13 Croftbank Crescent, Uddingston, Glasgow, G71 7JD, DATED 28/04/2010
- Representation from : Mrs Joanne Walker, 9 Croftbank Crescent, Uddingston, G71 7JD, DATED 27/04/2010
- Representation from : Grace and Graham McKirdy, 5 Croftbank Crescent, Uddingston, G71 7JD, DATED 23/04/2010
- Representation from : Mrs Margaret McCormack, 19 Croftbank Crescent,

Uddingston, G71 7JD, DATED 23/04/2010

- Representation from : Mrs Annie McRae , 103 Old Mill Road, Uddingston, G71 7JB, DATED 23/04/2010
- Representation from : Dr David Smith, 107 Old Mill Road, Uddingston, G71 7JB, DATED 28/04/2010
- Representation from : Morag Santoni, 7 Croftbank Crescent, Uddingston, G71 7JD, DATED 16/04/2010
- Representation from : David F Milligan, 3 Croftbank Crescent, Uddingston, G71 7JD, DATED 20/04/2010
- Representation from : Gerry Naughton, 6 Croftbank Crescent, Uddingston, G71 7JD, DATED 19/04/2010
- Representation from : D Greenshields, 2 Croftbank Crescent, Uddingston, DATED 21/04/2010
- Representation from : Miss Natalie Rough, 121 Old Mill Road, Uddingston, , DATED 21/04/2010
- Representation from : Duffy Toshner & Co, 23 Main Street, Cambuslang, Glasgow, G72 7EX, DATED 26/04/2010
- Representation from : G & M Curtis, 1 Croftbank Crescent, Uddingston, G71 7JD, DATED 26/04/2010
- Representation from : Mrs Susan Hamilton, Jane Villa, 31 Greenrig Street, Uddingston, Glasgow, G71 7JA, DATED 26/04/2010
- Representation from : Frederick & Mary Parsons, 95 Old Mill Road, Uddingston, G71 7JB, DATED 26/04/2010
- Representation from : Gerard & Maureen Ryan, 40 Lower Millgate, Uddingston, G71 7AH, DATED 27/04/2010
- Representation from : Dr Kate Barrie, 3A Croftbank Crescent, Uddingston, Glasgow, G71 7JD, DATED 27/04/2010
- Representation from : Catherine Brady, 105 Old Mill Road, Uddingston, G71 7JB, DATED 27/04/2010
- Representation from : Robert and Jean Strock, 17 Croftbank Crescent, Uddingston, G71 7JD, DATED 28/04/2010
- Representation from : David F Milligan, 3 Croftbank Crescent, Uddingston, G71 7JD, DATED 28/04/2010
- Representation from : Mr John McGuire, 99 Old Mill Road, Uddingston, G71 7JB, DATED 28/04/2010
- Representation from : David Milligan, 3 Croftbank Crescent, Uddingston, G71 7JD, DATED 20/08/2010

Contact for Further Information

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

Murray Reid, Planning Officer, Brandon Gate, Hamilton

Ext 3521 (Tel :01698 453521)

E-mail: Enterprise.hamilton@southlanarkshire.gov.uk

CONDITIONS

- 1 The consent shall be carried out strictly in accordance with drawing numbers:
Location Plan 01
Section 02
1008,01A
1008,02A
1008/03A,
- 2 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.
- 3 That before any development commences on site or before any materials are ordered or brought to the site, details and samples of all materials to be used as external finishes on the development shall be submitted to and approved by the Council as Planning Authority.
- 4 Before the development is brought into use, the proposed method of ventilation shall be submitted to and approved in writing by the Council as Planning Authority. The development shall not be brought into use until the ventilation systems are operational in accordance with the approved details.
All odours, fumes and vapours generated on the premises shall be controlled by best practicable means to prevent them causing nuisance to occupants of nearby dwellings or premises.
The ventilation system shall:
 - a) Incorporate systems to reduce the emission of odours and pollutants and shall thereafter be maintained as necessary.
 - b) Be constructed by employing best practical means to minimise noise and vibration transmission via plant and the building structure.
 - c) Noise associated with the business shall not give rise to a noise level, assessed with the windows closed, within any dwelling or noise sensitive building, in excess of the equivalent to Noise Rating Curve 35, between 07:00 and 20:00 hours, and Noise Rating Curve 25 at all other times.
- 5 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.
- 6 Prior to development commencing on site, a scheme for the control and mitigation of dust shall be submitted to and approved in writing by the Council as Planning Authority. No changes to the approved scheme shall take place unless agreed in writing by the Council as Planning Authority. The scheme shall thereafter be implemented in accordance with a programme to be agreed in writing with the Council as Planning Authority.
- 7 Between the hours of 0800 and 2000 the measured noise level emitted from the premises (LAeq (1hour)) shall not exceed the pre-existing background noise level (LA90(1/2hour)) by more than 4dB (A) when measured in accordance with BS4142:1997 at buildings where people are likely to be affected.

Between the hours of 2000 and 0800 the noise emitted from the premises (LAeq (5mins)) shall not exceed the pre-existing background noise level (L A90 (1/2hour)) by more than 4dB(A) when measured in accordance with BS4142:1997 at buildings where people are likely to be affected.

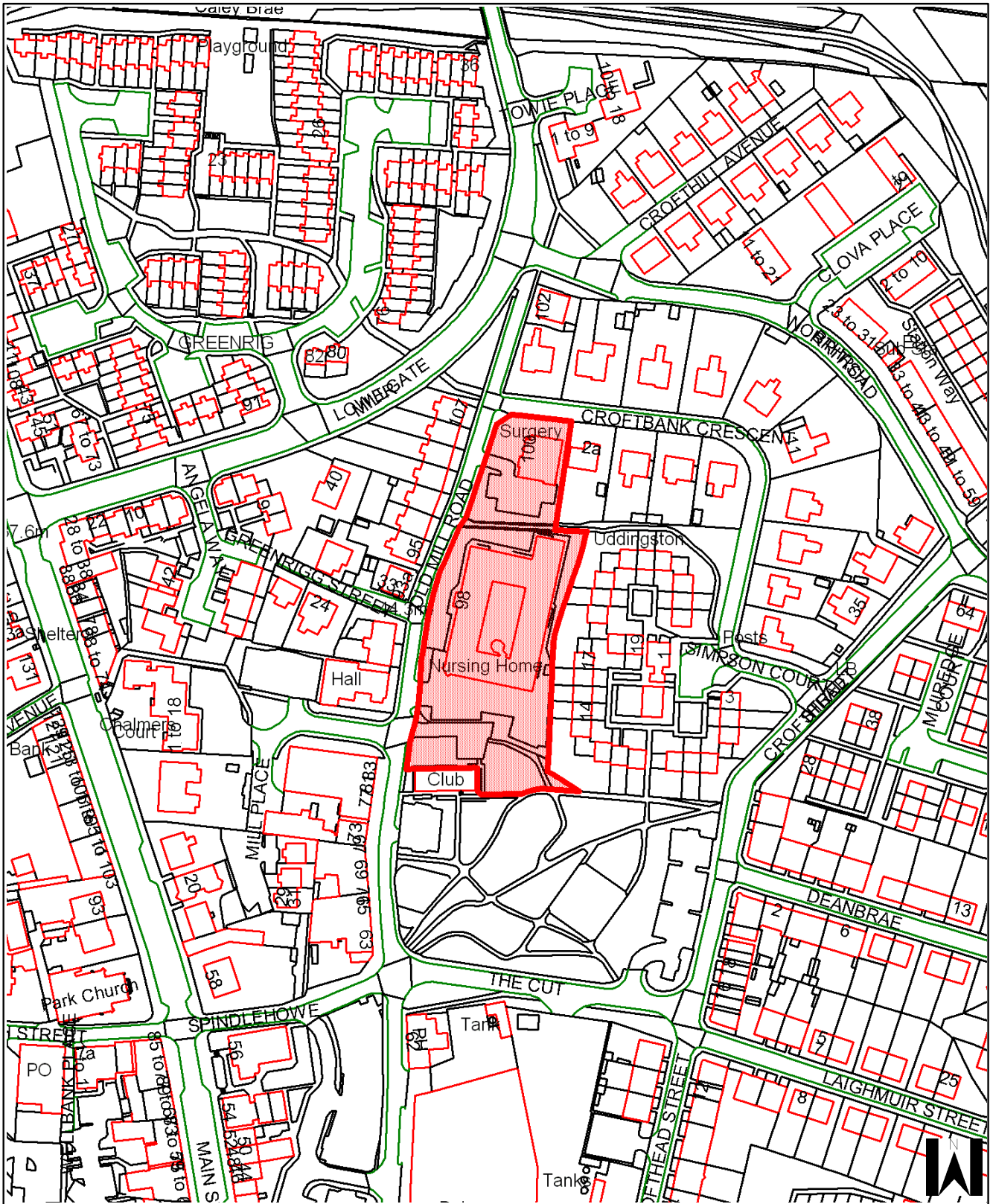
- 8 That before the development hereby approved is brought into use, a dropped kerb access to the site shall be constructed in accordance with the specification and to the satisfaction of the Council as Roads and Planning Authority.
- 9 That before the development hereby approved is completed or brought into use, the existing vehicular access marked blue on the approved plans shall be closed off and all vehicular access to the development site hereby permitted shall be via Old Mill Road.
- 10 That before the development hereby approved is completed or brought into use, 41 no. parking spaces (2.5m x 6m modules) shall be laid out, constructed and thereafter maintained to the specification of the Council as Roads and Planning Authority.
- 11 That before any work commences on the site a scheme of landscaping shall be submitted to the Council as Planning Authority for written approval and it shall include:(a) an indication of all existing trees and hedgerows plus details of those to be retained and measures for their protection in the course of development; (b) details and specification of all trees, shrubs, grass mix, etc.; (c) details of any top-soiling or other treatment to the ground; (d) sections and other necessary details of any mounding, earthworks and hard landscaping; (e) proposals for the initial and future maintenance of the landscaped areas; (f) details of the phasing of these works; and no work shall be undertaken on the site until approval has been given to these details.
- 12 That the approved landscaping scheme shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of the building(s) or completion of the development hereby approved, whichever is the sooner, and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.
- 13 That no development shall commence until details of surface water drainage arrangements have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design Criteria and requirements.
- 14 Prior to the commencement of works on site, a coloured plan showing sustainable drainage apparatus serving the application site together with the contact name and emergency number of the party responsible for it's future maintenance shall be submitted along with details of the future maintenance regime in accordance with the most up to date Construction Design and Management (CDM) regulations.
- 15 Prior to the commencement of works on site, details of the proposed construction details, surfacing, lighting, fencing and maintenance of the diverted part of the footpath shall be submitted to and approved in writing by the Council as Planning Authority.
- 16 Prior to the commencement of works on site, details of the proposed C.C.T.V cameras and their operation for the diverted part of the footway shall be submitted

to and approved in writing by the Council as Planning Authority.

- 17 That no development shall commence on site until the applicant's existing planning consent, reference HM/09/0116 has been revoked by the Council.
- 18 That no development shall commence on site until the stopping up/diversion order has been made.
- 19 That the diverted section of the footpath (coloured green) and the closure of the existing route of the footpath (coloured orange) shall be completed to the satisfaction of the Council as Planning Authority and be made available for public use prior to the commencement of any other works on site.

REASONS

- 1 For the avoidance of doubt and to specify the drawings upon which the decision was made.
- 2 In the interests of amenity and in order to retain effective planning control.
- 3 In the interests of amenity and in order to retain effective planning control.
- 4 To minimise nuisance to occupants of nearby buildings as a result of cooking smells, vapours, airborne pollutants or noise from the premises.
- 5 To minimise nuisance, littering and pest problems to nearby occupants.
- 6 To minimise the risk of nuisance from dust to nearby occupants.
- 7 To minimise noise disturbance to adjacent occupants.
- 8 In the interest of public safety
- 9 In the interest of public safety
- 10 To ensure the provision of adequate parking facilities within the site.
- 11 In the interests of the visual amenity of the area.
- 12 In the interests of the visual amenity of the area.
- 13 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.
- 14 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.
- 15 In the interests of the amenity of the adjoining residential area.
- 16 In the interests of the amenity of the adjoining residential area.
- 17 To define the permission.
- 18 To define the permission.
- 19 To define the permission.



For information only

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