

# Report

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>28 May 2024</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

<b>Reference no:</b>	P/23/1373
<b>Proposal:</b>	Demolition of detached double garage and erection of 39 flats with car parking, cycle storage, landscaping and associated facilities
<b>Site Address:</b>	Vacant Land at Ladyacre Road Lanark ML11 7LQ
<b>Applicant:</b>	West of Scotland Housing Association and Zoom Developments Ltd
<b>Agent:</b>	DTA
<b>Ward:</b>	02 – Clydesdale North
<b>Application Type:</b>	Full Planning Permission
<b>Advert Type:</b>	Development affecting the setting of a listed building and conservation area
<b>Development Plan Compliance:</b>	No
<b>Departures:</b>	N/A
<b>Recommendation:</b>	Refuse
<b>Legal Agreement:</b>	No
<b>Direction to Scottish Ministers</b>	No

## **1. Reason for Report**

- 1.1. This application is required to be determined by the Planning Committee under Clause 17 of the Approved South Lanarkshire Council Scheme of Delegation, as the proposed number of dwellings is more than ten.

## **2. Site Description**

- 2.1. The site consists of grounds associated with St Mary's Church which is an A-listed building. Part of the application site was formerly occupied by a Church Hall which suffered fire damage in 2011 and was subsequently demolished. The site is irregular in shape and fronts onto Ladyacre Road and extends to include land situated behind St Mary's Church.
- 2.2. The Church and remaining grounds sit higher than the site and include pathways and steps down into the site albeit these have been fenced off. To the south of the site lies a petrol filling station with associated shop and car wash and the rear gardens of detached residential dwellings which front Hyndford Road. To the west, the site is bound by a stone wall, beyond which lies the parking area for council offices.

## **3. Description of Proposed Development**

- 3.1. The proposed erection of 39 flats is split over 3 flat roofed blocks. A detached double garage on site is earmarked for demolition and is subject to a separate Conservation Area Consent application being presented to Committee under ref. P/23/1372.
- 3.2. Blocks 1 and 2 are situated to the front of the site facing on to Ladyacre Road, with 3 flats on each floor. Each block comprises 4 storeys of accommodation, totalling 12 flats per block, all of which are 2 bedroom flats.
- 3.3. The block situated to the rear of the site (Block 3) would be arranged over 3 stories of accommodation, totalling 15 flats. The flat mix consists of 3 x 3-bedroom flats and 12 x 2-bedroom flats.
- 3.4. The site access is proposed to be taken from Ladyacre Road, directly opposite Whitelees Place. The access road is positioned between Block 1 and 2 and leads to the rear of the site. The access road position at the narrow point of the site removes steps and pathways associated with the grounds of St Mary's RC Church. A total of 28 parking spaces are shown, 3 of which are accessible, and electric vehicle charging points. An external bike store is proposed for each block.
- 3.5. The landscaping arrangements show open grassed areas, additional tree planting and a hedgerow along the boundary. The plans show solar panels on the roofs of each block and a communal air source heat pump for each block. The site is proposed to connect to the public drainage network and public water supply network.
- 3.6. The application was the subject of pre-application discussions which, whilst accepting the general principal, did not progress to agreeing building positions or the quantity of residential development. Upon submission with no further discussion in late 2023, the applicant was contacted on several occasions to try and seek a reduction in the scale of development.

## **4. Relevant Planning History**

- 4.1. CL/07/0031 - Demolition of church hall (Conservation Area Consent) – Refused in 2007. The building later suffered from a fire in 2011 and was subsequently demolished.

## 5. Supporting Information

5.1. The agent has submitted the following information to support the application:-

- ◆ Design Statement
- ◆ Phase 2 Ground Investigation Report
- ◆ Stage 1 Road Safety Audit
- ◆ Tree Survey Report
- ◆ Ecological Appraisal
- ◆ Arboricultural Impact Assessment

## 6. Consultations

6.1. Roads Development Management – They have objected since there is insufficient parking within the development and a lack of information to demonstrate that the recommendations of the road safety audit can be implemented.

6.2. Historic Environment Scotland – No comments or objections.

6.3. West of Scotland Archaeology Service – No objection subject to condition requiring an appropriate programme of archaeological works.

## 7. Representations

7.1. Following the statutory period of neighbour notification and advertisement, a total of 57 representations have been received (24 objections, 27 support, 6 neutral). The issues raised are summarised as follows:-

### Support

- ◆ Affordable Housing is much needed in Lanark and support South Lanarkshire Council (SLC) developing social housing on site.
- ◆ Develops an uncared-for site, which has attracted anti-social behaviour issues.
- ◆ Sits well with church, not imposing, great design, a good contrast to St Marys RC Church.

### Historic environment

- ◆ Fails to be sympathetic and a lack of visualisation for Block 3 and the development would impact on views of the listed building.
- ◆ Block 1 and 2 show no sympathy to the existing street scene.
- ◆ The proposal ignores all detailed aspects of the conservation area, such as the slate roof, stone/stucco construction, wooden doors and windows.
- ◆ Design Statement is poor and fails to take proper consideration of the listed building and/or conservation area.

### Residential amenity concerns.

- ◆ Privacy issues – overlooking, especially from floor to ceiling windows.
- ◆ Loss of amenity by way of noise, traffic and disturbance.
- ◆ Physical impact, dominating properties.

### Road safety issues

- ◆ Insufficient parking.
- ◆ Road and traffic safety in particular in relation to school children crossing.
- ◆ The location already has several access points.

### Design Issues

- ◆ Use of a pitched roof would be more appropriate.
- ◆ Design inappropriate for the location.
- ◆ Lack of detail for lighting.
- ◆ Block 3 is too tall and will dominate adjacent properties.
- ◆ Facing brick material inappropriate for the location.

### Other matters

- ◆ Internal bike store would be more suitable for security purposes.
- ◆ Concerns of surface water drainage run off, exacerbating existing issues with neighbouring car wash.
- ◆ The developer has not undertaken any public consultation.
- ◆ Amenity housing would be more suited to demographic.
- ◆ No Statement of Community Benefit provided.
- ◆ Allocated sites should be considered first.
- ◆ The proposal will exacerbate poor water pressure in surrounding area.

### Construction Impacts

- ◆ Construction traffic will impact on the town centre in terms of safety and closures for businesses.
- ◆ Noise and dust from construction.
- ◆ Construction in proximity to residential properties.
- ◆ Construction could undermine adjacent church.

The above issues are considered in the assessment below and full copies are available to view on the planning portal.

## **8. Development Plan**

8.1. Under Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

### 8.2. National Planning Framework 4

National Planning Framework 4 (NPF4) is Scotland's national spatial strategy for Scotland. It sets out spatial principles, regional priorities, national developments, and national planning policy. NPF4 supports the planning and delivery of sustainable places, liveable places, and productive places.

#### National Planning Framework 4 Policies

- ◆ Policy 1 – Tackling the climate and nature crises
- ◆ Policy 2 – Climate mitigation and adaptation
- ◆ Policy 3 – Biodiversity
- ◆ Policy 7 – Historic Assets and Places
- ◆ Policy 12 – Zero waste
- ◆ Policy 13 – Sustainable Transport
- ◆ Policy 14 – Design Quality and Place
- ◆ Policy 15 – Local Living
- ◆ Policy 16 – Quality Homes
- ◆ Policy 19 – Heating and Cooling
- ◆ Policy 21 – Play, Recreation and Sport
- ◆ Policy 27 – City, town, local and commercial centres

### 8.3. South Lanarkshire Local Development Plan 2 (2021)

For the purposes of determining planning applications the Council will, therefore, assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan 2 (SLLDP2). In this regard the application site and associated proposals are affected by the following policies contained in the SLLDP2:-

#### SLLDP2 Volume 1 Policies

- ◆ Policy 1 – Strategy
- ◆ Policy 2 – Climate Change
- ◆ Policy 3 – General Urban Area and Settlements
- ◆ Policy 5 – Development Management
- ◆ Policy 9 – Strategic Town Centre
- ◆ Policy 11 – Housing
- ◆ Policy 14 – Natural and Historic Environment
- ◆ Policy 15 – Travel and Transport

#### SLLDP2 Volume 2 Policies

- ◆ NHE1 – New Lanark World Heritage Site
- ◆ NHE3 – Listed Buildings
- ◆ NHE6 – Conservation Areas
- ◆ SDCC4 – Sustainable Transport

#### South Lanarkshire Council (SLC) Supporting Planning Guidance

- ◆ Residential Design Guidance 2011

## 9. **Guidance**

- 9.1. New Design In Historic Settings, Historic Environment Scotland Guidance

## 10. **Assessment and Discussion**

### 10.1. Principle of Development

The proposal is for 39 flats for social housing, the co-applicant is West of Scotland Housing Association, a registered social landlord. The site is identified in the South Lanarkshire Strategic Housing Investment Plan (SHIP), as a site for affordable housing use. However, the site is not an allocated housing site within the South Lanarkshire Local Development Plan 2. The site is partly located within the town centre of Lanark and is near the train and bus station.

- 10.2. NPF4 Policy 16 advises in part (f) that proposals for new homes on unallocated sites, such as this, can be supported in limited circumstances. These circumstances include where the proposal is for affordable housing of less than 50 units as part of a local authority supported affordable housing plan, as in this case. NPF4 Policy 27 also supports new build residential development within town centres. SLLDP2 Policy 1 identifies Lanark as a sustainable urban location and seeks to direct larger development towards it. As the co-applicant is a registered social landlord (RSL) and the site is for social housing less than 50 units, the unallocated site can be considered acceptable for residential use under Policy 16 (f).

- 10.3. Overall, the proposed use of the site for social housing is, in principle, a suitable and acceptable use.

### 10.4. Climate Change

NPF4 Policy 1, NPF4 Policy 2 and SLLDP2 Policy 2 aim to ensure that proposals for new development must seek to minimise and mitigate against the effects of climate change. SLLDP2 Policy SDCC 7 - Low and Zero Carbon emission from New

Buildings, also requires a further 10% reduction in emissions beyond that contained in the Building Regulations. NPF4 Policy 19 Heating and Cooling requires that buildings occupied by people (i.e. dwellings) ensure sustainable temperature management utilising passive methods where possible.

- 10.5. The site is well located for services within the existing settlement, where the majority of the daily needs could be achieved by walking, wheeling or cycling. With regards to energy performance, the dwellings would be required to go through the Scottish Building Standards. The plans show solar panels on the roofs and air source heat pumps. Electric car vehicle charging has been indicated on the plans. Furthermore, some of the flats have been orientated directly south which would provide solar gain.
- 10.6. The proposal is considered, on balance, to meet the terms of NPF4 Policy 1 and NPF4 Policy 2 and SLLDP2 Policy 2 and SDCC7.
- 10.7. Layout, Siting and Design  
The primary concern with this proposal lies with the layout, siting, density and design of the flatted dwellings themselves and landscaping, and the impact on the surrounding area.
- 10.8. The planning policies covering design aspects of the proposal include: NPF4 Policy 14, Policy 21 and SLLDP2 Policy 5 and Policy DM1. Due to this sites location next to the Category A listed building (St Mary's RC Church) and in the conservation area and New Lanark Buffer Zone, further policies including NPF4 Policy 7 and SLLDP2 Policy 14, NHE1, NHE3 and NHE6 are also relevant, however, the impact on the historic environment will be discussed separately.
- 10.9. NPF4 Policy 14 details that proposals will be supported where they are consistent with the six qualities of successful places: healthy, pleasant, connected, distinctive, sustainable and adaptable. Policies 5 and DM1 seek to ensure the proposals integrate well into their local area, and there is no unacceptable significant adverse impact on the amenity of residential properties.
- 10.10. NPF4 Policy 21 advises that where proposals are likely to occupy or be used by children and young people, they should incorporate well-designed, good quality provision for play, recreation and relaxation. The Residential Design Guide (RDG) requires open space to be a focal point and considered at the start of the design process. The healthy quality of a successful place is to create places people feel safe in and create a sense of belonging and identity. The RDG 2011 also details that dwellings should front onto streets and public areas, to create a positive relationship with the houses and the street.
- 10.11. Block 3 fails to have a frontage on to a public area or a positive relationship with the streetscape, resulting in future residents living in a 'backland' area. As a result, the proposal lacks legibility and a clear definition between public and private spaces and a lack of passive surveillance. This also presents further issues when considering the adaptable quality of a successful place. The positioning in a 'backland area' of Block 3 fails to consider how the Block could accommodate different uses over time, which should be a key consideration in a town centre location such as this.

- 10.12. The proposal shows some landscaping surrounding the proposed blocks consisting of grass and trees. It is considered reasonable for the extent of proposed accommodation (39 flats) for some play provision, perhaps in a more informal layout, to be provided within the development to ensure residents are catered for in the vicinity of their own home.
- 10.13. The proposals fail to demonstrate how this open space would be arranged for use by occupants, for example: drying greens, spaces for young children to teenagers to play and relax and for adults to sit out. Furthermore, any open space provision for Blocks 1 and 2, positioned on Ladyacre Road would be at the other end of the site and considered too remote to be used by these residents. The immediate area around Blocks 1 and 2 is dominated by parking. In conclusion, the open space and landscaping fails to be an integral part of the development and create an attractive natural space with variety and quality of play, recreation and relaxation.
- 10.14. Additionally, the proposal fails to make provision or utilise the opportunity to connect either through the existing path at the Church and/or at the gate within the western boundary wall to provide a route to Lanark High Street, which would be a clear desire line for residents. There has been no consideration to creating a more permeable space. A key tenant to creating a connected place.
- 10.15. The proposal has failed to demonstrate that open space and landscaping is integral to the development and failed to create a pleasant, healthy and connected place.
- 10.16. Impact on Residential Amenity  
SLLDP2 Policy DM1 and Policy 5 require that there is no unacceptable impact in terms of amenity on nearby residential properties. It is therefore necessary to consider if the proposal poses impact on adjacent neighbours in terms of overshadowing, overlooking and or by sheer physical impact, and if it is suitable for future residents.
- 10.17. For the housing immediately north of the site, the position of the proposed development, for the most part, results in no adverse impact in terms of overshadowing.
- 10.18. For the housing to the south, the distance between the rear boundary and Block 3 is 9.8m, the Residential Design Guide advises a three-storey block requires to be 13m from a rear boundary unless it can be shown there are no privacy issues. The site levels result in Block 3 sitting above the properties on Hyndford Road, further exacerbating the amenity issues. The site levels, distance and position of Block 3 results in overlooking into the rear garden ground of properties on Hyndford Road and an overbearing impact, by sheer physical impact, on those residents. There is therefore an unacceptable impact on amenity of neighbouring properties.
- 10.19. In terms of Block 1 and Block 2 there are further concerns in relation to privacy, in particular the rear flatted dwellings have pathways from the car parking area to the entrance door running adjacent to bedroom windows of future residents. There are windows on the south elevation of Block 1 and north elevation of Block 2 facing one another at a distance of 11m, far less than the 18m window to window distance required for privacy. Furthermore, Block 2 is located within 2m of the boundary with the petrol station and associated manually operated car wash. Policy 23 Health and Safety requires the agent of change principle applies to noise sensitive development, i.e. noise sensitive properties (residential) which are likely to be affected by noise from existing development to assess impact and incorporate appropriate measures. The close proximity is likely to result in future residents being disturbed by the car wash and a lack of privacy. No assessment of noise and disturbance and how this could be

mitigated has been submitted with the application. The proposal fails to meet the terms of Policy 23.

10.20. The proposal would have an unacceptable significant adverse impact upon the amenity of nearby residential properties in terms of overlooking, sheer physical impact and on future residents by overlooking, loss of privacy, noise and disturbance.

10.21. Impact on Historic Environment

NPF4 Policy 7 Historic Assets seeks to ensure proposals in the conservation area and those affecting the setting of a listed building, such as this one, will only be supported where the character and appearance of a conservation area is preserved or enhanced, and the character and special interest of listed building is preserved. Furthermore, trees and walls which add to the character of the conservation area should be retained. This is echoed in the distinctive quality of NPF4 which seeks to support attention to detail of local architectural styles and consider scale, including density, active frontages, building heights, orientation and building lines. The principles for new design in historic settings, detailed in Historic Environment Scotland guidance, includes considering the design principles of: urban structure and layout, density and mix, scale, materials and detailing, landscape, views and landmarks and historic development.

10.22. This site has a particular historical context, being positioned directly south of the Category A listed building, St Mary's Church, Lanark and being partly within a conservation area. St Mary's Church was erected in 1856 and is situated on a prominent elevated position within the town. Historical mapping from 1858 shows the rectory positioned on Hyndford Road and the rear steps and path of the Church, demonstrating a connection and desire line between the two. On later mapping a boundary running from the rear of the now adjacent Council car park was further formalised by a line of trees. These have been removed without obtaining the required permissions.

10.23. Block 3 is positioned at the bottom of the steps and steep slope at the rear of St Marys Church. A site section has been provided to show the relationship between the residential properties and the Church.

10.24. The positioning of Block 3 fails to take consideration of the existing pattern of development. The positioning obscures the topography which provides the setting to the Church. Furthermore, the vehicular access and parking to Block 3 is proposed to cut through the existing topography, stone steps and path to the rear of the Church. The proposal fails to take consideration of the existence of the steps and pathways at the rear of the Church and the historical connections (to the rectory) that they represent. The existing paths also presented an opportunity to provide improved connections across the site which has been disregarded by the applicant.

10.25. The scale of the 3 storeys as demonstrated by the site section is not reflective of the surrounding area. Whilst the 3 storeys and site levels result in the proposed Block 3 being lower in height than St Mary's Church, it nevertheless towers over the adjacent residential properties and their rear gardens.

10.26. Furthermore, the volume and form of Block 3 creates a mass that does not respect the character and special interest of the listed building and conservation area. There are no design features of the adjacent listed building which are emulated or referenced in the proposed design.



- 10.27. Whilst the rear portion of the site has limited public frontage views due to its backland nature, St Mary's Church and this rear area is viewed intermittently from Hyndford Road and the rear Council car park. Although the car park is a secondary location, it is highly used and facilitates a thoroughfare for pedestrians from the High Street and South Vennel to Ladyacre Road, via St Marys. There has been no assessment on views to St Mary's Church by the applicant to assess the impact.
- 10.28. Overall, it is considered that it would be difficult to develop out the rear part of the site to any significant degree, without a negative impact on the listed building. This is due to the location of this part of the site, the topography and relationship with the adjacent church and residential properties. The scale and density of development proposed on this part of the site would have a negative impact on the listed building and conservation area.
- 10.29. Block 1 and 2 are positioned on Ladyacre Road, also part of the conservation area. The scale at 4 storeys high, coupled with the flat roof form, fails to take cognisance of the surrounding area. The 4 storeys appear high on the southern end and out of place where the site is adjacent to the petrol station. Furthermore, the adjacent buildings to the site all include a pitched roof. Key design elements such as the ridge line and eaves line of the adjacent buildings have not been considered and opportunities to break up the mass or take into consideration the surrounding context have not been taken. The use of facing brick is also an anomaly within the vicinity of the surrounding conservation area. In conclusion, Block 1 and 2 do not seek to preserve and enhance the conservation area.
- 10.30. The tree survey report identifies 30 trees across the site, none of which are identified to be veteran or ancient trees. The report categorises all trees as 'B' in terms of their status and condition. The report and plans show 12 trees being removed.
- 10.31. There is no assessment within the Arboricultural Impact Assessment or the Design Statement as to consideration to how the proposal could have been designed for more trees to be retained. It is acknowledged that the majority of the trees for removal are positioned to the front of the site where Blocks 1 and 2 are positioned. However, 3 lime trees all categorised as B positioned to the rear of Block 1 could have been given greater consideration and incorporated into an attractive landscaping layout.
- 10.32. The stone wall running across the front of the site currently measures 2.5m in height. The wall consists of random rubble sandstone with a curved coping stone. There are areas which appeared to have been harled adjacent to the gate piers which may indicate to an increase in height of the wall at some point. The gate piers also mark a stepped pedestrian entrance to the site, and former Church Hall, with metal gates. The proposed plans show a removal of this wall and rebuild at a lower height to facilitate visibility splays. Overall, the wall is not of sufficient merit to prevent its reduction in height to facilitate safe vehicular access to the site. However, it is considered important that the feature is retained in an appropriate form in the conservation area and further details of how the gate piers and metal gates could be reused in the design would be required, if the rest of the proposal could be considered acceptable.
- 10.33. In conclusion, it is not considered that the proposed development results in a positive impact on the surrounding historic environment. The proposal has not considered the architectural and historic character of the area, existing built form and layout, context, siting of the conservation area and has failed to take these into consideration in the design. The proposal would have a negative impact on the setting of the listed building and fails to preserve its character, special architectural and historic interest.

10.34. Road Access

Roads and Transportation have objected to the proposals due to a lack of parking on site. The plans also fail to show acceptable pedestrian access from the street into the site. The parking reduction has not been adequately justified. NPF4 Policy 13 Sustainable Transport seeks to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel. The position of the site in proximity to many services within Lanark and close to the train and bus station means that there are sustainable transport options available and provision for cycle parking.

10.35. Further, objections have been raised due to a lack of detail on drawings and the full recommendations of the Road Safety Audit submitted have not been addressed.

10.36. Given the parking and pedestrian access issues highlighted above and the lack of information submitted to demonstrate the vehicle access is suitable in road safety terms, the proposal fails to meet the terms of NPF4 Policy 14, SLLDP2 Policy 5 and DM1.

10.37. Biodiversity.

NPF4 Policy 3 Biodiversity under part (c) details that all local developments shall include appropriate measures to conserve, restore and enhance biodiversity. The Developing with Nature Guidance is pertinent in this case. The guidance encourages a mitigation hierarchy to be applied - avoid, minimise, restore and offset to achieve a net positive biodiversity impact.

10.38. The Ecological Appraisal has not identified any protected species on site, but the site does represent a possible habitat for bats. The loss of the grassed area and 12 trees earmarked for removal mean that there is an overall loss of biodiversity as a result of the proposal. As noted earlier, there is no clear assessment on how more trees could have been retained nor any assessment on how biodiversity on site has been considered and conserved. Therefore, the proposal does not meet the terms of NPF4 Policy 3.

10.39. Other issues

The representations have raised concerns that have not been otherwise considered in relation to construction impacts. Construction impacts are in general considered a short-term issue, however, given the nature of the site and proximity to existing housing, if re-development was supported then construction traffic management conditions would be considered appropriate.

10.40. There are various letters supporting both the use of the site for affordable housing and the layout, design etc. The layout and design have been discussed above. It should be noted that the Council is supportive of affordable housing and housing in town centres. However, this should be in an appropriate form. It is not considered that because the proposal is for social housing that other concerns should be over-riden and it remains important to ensure the design is suitable for those future residents, those already living adjacent and the wider town.

10.41. Technical Matters

SLLDP2 Policy SDCC 3 Sustainable Urban Drainage seeks to ensure suitable sustainable urban drainage is incorporated into a development. NPF4 Policy 22 Flood risk and water management details that proposals should not increase the risk of surface water to others or themselves. Additionally, all rain and surface water should be managed through SUDS and form part of the proposed/existing, blue/green infrastructure and areas of impermeable surfaces are to be minimised.

10.42. The site is not at risk from river or surface water flooding, however, no details of sustainable urban drainage have been provided on the submitted plans. Drainage requires to be an integral part of the development and considered early in the process to ensure it is achievable. It is not considered appropriate for this scale of development to request these details by condition. The proposal fails to demonstrate it is capable of managing all surface water via sustainable urban drainage systems nor how these form part of the existing green infrastructure. Accordingly, the proposal does not meet the terms of SLLDP2 Policy SDCC3 and NPF4 Policy 22.

10.43. SLLDP2 Policy DM16 Water Supply and Policy DM16 Foul Drainage seeks to ensure appropriate water supply and foul drainage arrangements. The application form details connections would be made to the existing public water and sewerage system. Therefore, the proposal, subject to relevant conditions, would likely meet the terms of Policy DM15 and DM16.

10.44. Conclusion

The site is located within the town centre in close proximity to services and sustainable transport nodes and represents a suitable site in principle for an affordable housing development. However, the density of development in its current layout, form and design is not appropriate for the surrounding historic environment and local surroundings. Furthermore, there is an unacceptable impact on residential amenity of neighbouring properties and future residents. The proposal also fails to meet the six qualities of a successful place. In addition, there is an outstanding objection from Road and Transportation. There is also insufficient information to demonstrate surface water arrangements. Overall, it is recommended that planning permission is refused.

**11. Recommendation and Reasons**

11.1. The Committee is asked to agree the following recommendation:-

**Refuse planning permission for the following reasons:-**

01. The proposal is contrary to Policy DM1 - New Development Design of South Lanarkshire Local Development Plan 2 as it fails to:-

- ◆ respond to the local context and be appropriate to the character of the site. The proposal fails to be of a design which is sympathetic to local traditions of form.
- ◆ ensure that the provision of green infrastructure is an integral part of the development.
- ◆ have appropriate linkages to local centres and services.
- ◆ provide sufficient information to ensure provision of a suitable access in road safety terms.
- ◆ ensure there is no conflict with adjacent land uses and there is an adverse impact on existing properties in terms of overlooking, physical impact and loss of privacy and an adverse impact on proposed properties in terms of overlooking, loss of privacy and noise and disturbance.

02. The proposal is contrary to Policy 14 - Quality, Design and Place of National Planning Framework 4 as the proposal fails to improve the quality of the area and to be consistent with the six qualities of a successful place.

- ◆ The proposal fails to be distinctive and support attention to the detail of local architectural styles including scale, massing, orientation, legibility, design influences, architectural styles, landscape design, active frontages.

- ◆ The proposal fails to demonstrate a pleasant space by failing to provide variety and quality of play and recreation spaces for people of all ages and abilities and fails to enable people to spend more time outdoors.
  - ◆ The proposal fails to represent a connected place, despite the position of the site in the town centre, the proposal has failed to consider footpaths, desire lines, permeability of the site.
  - ◆ The proposal fails to represent an adaptable place, by investing in the long-term value of spaces by allowing for flexibility and accommodate different uses over time.
03. The proposal is contrary to Policy 21 – Play, recreation and sport of National Planning Framework 4 as the proposal is likely to be occupied by children and young people and fails to incorporate well-designed, good quality provision for play, recreation and relaxation.
04. The proposal would be contrary to Policy 5 - Development Management and Placemaking as the proposal fails to provide appropriate open space, green infrastructure and landscape provision and has an unacceptable adverse impact on:-
- ◆ the amenity of nearby residents in terms of overlooking and privacy.
  - ◆ streetscape in terms of layout, scale, massing and design.
  - ◆ the historic environment.
05. The proposal is contrary to Policy 5 - Development Management and Placemaking and Policy SDCC3 Sustainable Drainage System Design of South Lanarkshire Local Development Plan 2 as there is a lack of information to demonstrate there is an appropriate Sustainable Drainage system which is integral and considered early in the design process.
06. The proposal is contrary to Policy NHE3 Listed Buildings of Design of South Lanarkshire Local Development Plan 2 as it fails to, as a first principle, seek to preserve the building and setting of St Mary's Church.
07. The proposal is contrary to Policy 14 Natural and Historic Environment of South Lanarkshire Local Development Plan 2 as there is a significant adverse impact on a Category 2 area which is not outweighed by social or economic benefits.
08. The proposal is contrary to Policy NHE6 Conservation Areas of South Lanarkshire Local Development Plan 2 as it fails to demonstrate a design, siting and scale of proposal which is appropriate to the conservation area.
09. The proposal is contrary to Policy 7 Historic Assets of National Planning Framework 4 as the proposal fails to preserve and enhance the character of the conservation area and fails to preserve the character and special architectural and historic interest of the adjacent listed building.
10. The proposal is contrary to Policy 7 Historic Assets of National Planning Framework 4 as the proposal fails to assess and mitigate the impact of existing development upon the proposed residential development.
11. The proposal is contrary to Policy 3 Biodiversity of National Planning Framework 4 as the applicant has failed to identify measures to protect and enhance biodiversity on site.

**David Booth**  
**Executive Director (Community and Enterprise Resources)**

**Date: 20 May 2024**

### **Background Papers**

Further information relating to the application can be found online:-

[P/23/1373 | Demolition of detached double garage and erection of 39 flats with carparking, cycle storage, landscaping and associated facilities | Vacant Land At Ladyacre Road Lanark ML11 7LQ \(southlanarkshire.gov.uk\)](https://www.southlanarkshire.gov.uk/P/23/1373|Demolition%20of%20detached%20double%20garage%20and%20erection%20of%2039%20flats%20with%20carparking%20cycle%20storage%20landscaping%20and%20associated%20facilities|Vacant%20Land%20At%20Ladyacre%20Road%20Lanark%20ML11%207LQ)

### **Corporate Considerations**

The report raises no impacts or risks in terms of equalities or financial implications. Any implications in terms of climate change, sustainability or the environment will have been considered above in terms of the relevant national and local policies.

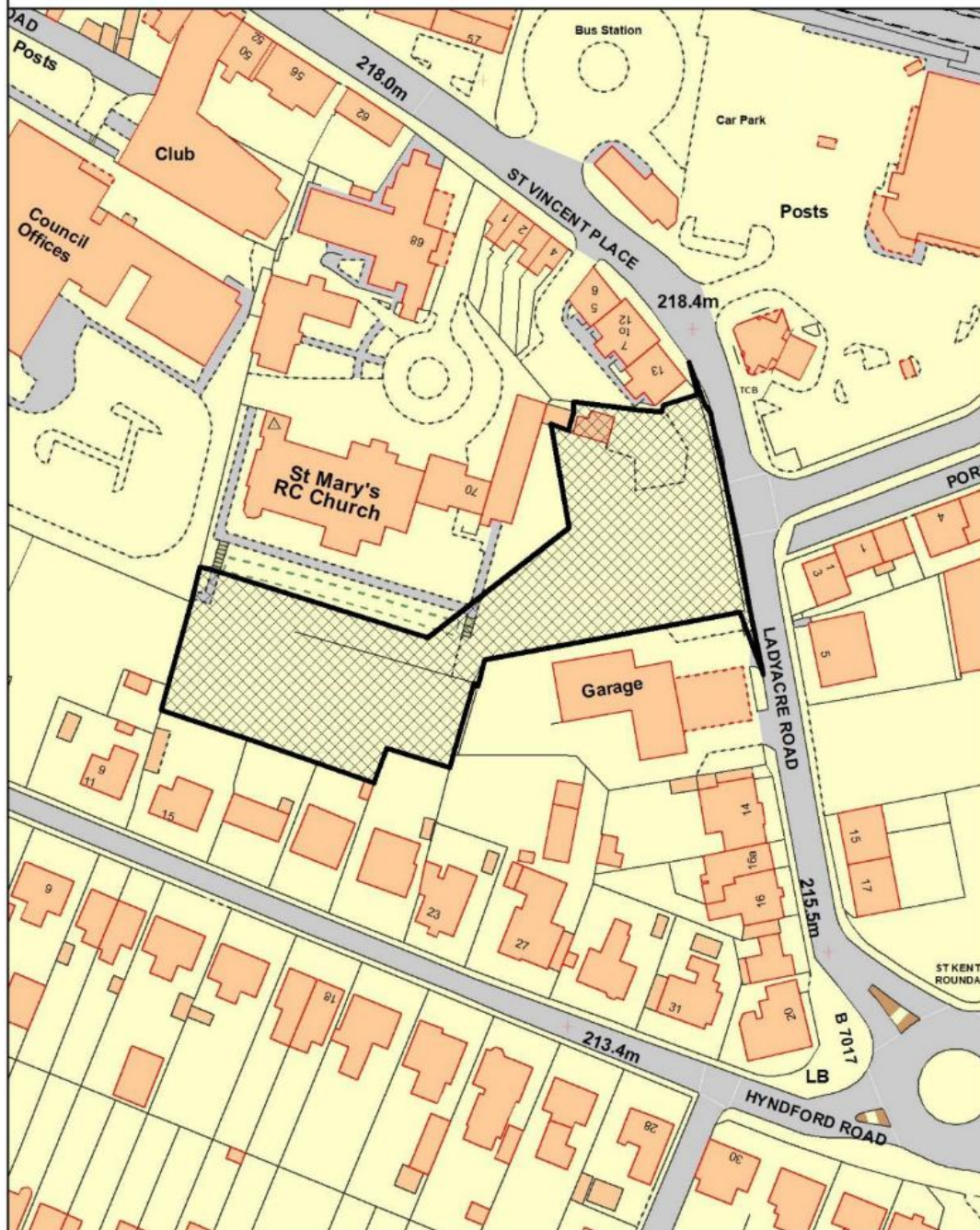
### **Contact for Further Information**

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

Tel: 01698 454867

E-mail: [planning@southlanarkshire.gov.uk](mailto:planning@southlanarkshire.gov.uk)

P/23/1373 Ladyacre Road, opposite Whitelees Road, Lanark



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Scale:  
1:1,250  
Date:  
08/05/2024



**South Lanarkshire Council**  
**Community and Enterprise Resources**  
Planning and Regulatory Services