



Council Offices, Almada Street  
Hamilton, ML3 0AA

Monday, 15 February 2021

Dear Councillor

## **Planning Committee**

The Members listed below are requested to attend a meeting of the above Committee to be held as follows:-

**Date:** Tuesday, 23 February 2021  
**Time:** 10:00  
**Venue:** By Microsoft Teams,

The business to be considered at the meeting is listed overleaf.

Yours sincerely

**Cleland Sneddon**  
**Chief Executive**

### **Members**

Isobel Dorman (Chair), Mark Horsham (Depute Chair), John Ross (ex officio), Alex Allison, John Bradley, Archie Buchanan, Stephanie Callaghan, Margaret Cowie, Peter Craig, Maureen Devlin, Mary Donnelly, Fiona Dryburgh, Lynsey Hamilton, Ian Harrow, Ann Le Blond, Martin Lennon, Richard Lockhart, Joe Lowe, Davie McLachlan, Lynne Nailon, Carol Nugent, Graham Scott, David Shearer, Collette Stevenson, Bert Thomson, Jim Wardhaugh

### **Substitutes**

John Anderson, Walter Brogan, Janine Calikes, Gerry Convery, Margaret Cooper, Allan Falconer, Martin Grant Hose, Ian McAllan, Catherine McClymont, Kenny McCreary, Mark McGeever, Richard Nelson, Jared Wark, Josh Wilson

## BUSINESS

### 1 Declaration of Interests

### 2 Minutes of Previous Meeting

3 - 8

Minutes of the meeting of the Planning Committee held on 26 January 2021 submitted for approval as a correct record. (Copy attached)

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#### Item(s) for Decision

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| <b>3</b> | <b>Application P/20/1006 for Change of Use of Agricultural Land (Sui Generis) to Form an Outdoor Children's Nursery (Class 10), Associated Access and Parking at Land 100 Metres North of 1 Blueknowes Road, Law</b><br>Report dated 12 February 2021 by the Executive Director (Community and Enterprise Resources). (Copy attached)   | 9 - 22  |
| <b>4</b> | <b>Application P/20/1728 for Siting of Temporary Accommodation Associated with Outdoor Children's Nursery at Land 100 Metres North of 1 Blueknowes Road, Law</b><br>Report dated 3 February 2021 by the Executive Director (Community and Enterprise Resources). (Copy attached)  | 23 - 34 |
| <b>5</b> | <b>Application P/20/1857 for Erection of 120 Metre Wind Monitoring Mast and Associated Measuring Equipment for a Temporary 3 Year Period at Scaur Hill, Bodinglee Road, Wiston, Biggar</b><br>Report dated 3 February 2021 by the Executive Director (Community and Enterprise Resources). (Copy attached)  | 35 - 46 |
| <b>6</b> | <b>Application P/20/1148 for Demolition of Derelict House and Erection of Licensed Hotel, Spa, Restaurant and 4 Lodges with Associated Landscaping, Parking and Access Improvements at Land 160 Metres East North East of Crossbasket Castle, Stonymeadow Road, Blantyre</b><br>Report dated 10 February 2021 by the Executive Director (Community and Enterprise Resources). (Copy attached) | 47 - 66 |
| <b>7</b> | <b>Application P/20/1168 for Change of Use of Vacant Office to Licensed Restaurant, Bar with Associated Take-Away Facility and Installation of Extraction System at 115 Cadzow Street, Hamilton</b><br>Report dated 12 February 2021 by the Executive Director (Community and Enterprise Resources). (Copy attached)  | 67 - 82 |

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#### Urgent Business

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### 8 Urgent Business

Any other items of business which the Chair decides are urgent.

#### ***For further information, please contact:-***

Clerk Name: Stuart McLeod

Clerk Telephone: 01698 454815

Clerk Email: [stuart.mcleod@southlanarkshire.gov.uk](mailto:stuart.mcleod@southlanarkshire.gov.uk)

## PLANNING COMMITTEE

2

Minutes of meeting held via Microsoft Teams on 26 January 2021

### **Chair:**

Councillor Isobel Dorman

### **Councillors Present:**

Councillor Alex Allison, Councillor John Bradley, Councillor Archie Buchanan, Councillor Stephanie Callaghan, Councillor Margaret Cowie, Councillor Peter Craig, Councillor Maureen Devlin, Councillor Mary Donnelly, Councillor Fiona Dryburgh, Councillor Allan Falconer (*substitute for Councillor Lynsey Hamilton*), Councillor Ian Harrow, Councillor Mark Horsham (Depute), Councillor Ann Le Blond, Councillor Martin Lennon, Councillor Richard Lockhart, Councillor Davie McLachlan, Councillor Lynne Nailon, Councillor Carol Nugent, Councillor Graham Scott, Councillor David Shearer, Councillor Collette Stevenson, Councillor Bert Thomson, Councillor Jim Wardhaugh

### **Councillors' Apologies:**

Councillor Lynsey Hamilton, Councillor Joe Lowe, Councillor John Ross (ex officio)

### **Councillor Also Attending:**

Councillor Monique McAdams

### **Attending:**

#### **Community and Enterprise Resources**

B Darroch, Planning and Building Standards Manager (East); P Elliott, Head of Planning and Economic Development; T Finn, Planning and Building Standards Manager (Headquarters); F Jack, Team Leader, Development Management Team, Roads and Transportation Services; T Meikle, Planning and Building Standards Manager (West)

#### **Finance and Corporate Resources**

J Burke, Administration Assistant; L Carstairs, Public Relations Officer; P MacRae, Administration Adviser; G McCann, Head of Administration and Legal Services; G Stewart, Solicitor

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### **Opening Remarks**

At the request of the Chair, the Head of Planning and Economic Development advised the Committee of the sad death of Gail Rae, Planning Team Leader. Sincere condolences were extended to Gail's family and, as a mark of respect, all present observed a minute's silence.

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### **1 Declaration of Interests**

No interests were declared.

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## **2 Minutes of Previous Meeting**

The minutes of the meeting of the Planning Committee held on 1 December 2020 were submitted for approval as a correct record.

**The Committee decided:** that the minutes be approved as a correct record.

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## **3 Application P/20/0382 for Erection of Two Storey Rear Extension and Upper Floor Side/Front Extension at 38 Castle Wynd, Bothwell**

A report dated 5 January 2021 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/0382 by G Williamson and R Paterson for the erection of a two storey rear extension and upper floor side/front extension at 38 Castle Wynd, Bothwell.

A request for a hearing in respect of the application had been received, however, the application did not meet the criteria for a hearing.

**The Committee decided:** that planning application P/20/0382 by G Williamson and R Paterson for the erection of a two storey rear extension and upper floor side/front extension at 38 Castle Wynd, Bothwell be granted subject to the conditions specified in the Executive Director's report.

*[Reference: Minutes of 1 December 2020 (Paragraph 3)]*

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## **4 Application P/20/1180 for Sub-division of Garden Ground and Erection of a Single Storey Detached House and Associated Parking at 55 Dunedin Drive, East Kilbride**

A report dated 6 January 2021 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/1180 by Mr and Mrs Robertson for the sub-division of garden ground and erection of a single storey detached house and associated parking at 55 Dunedin Drive, East Kilbride.

At its meeting on 1 December 2020, the Committee continued consideration of the application to a future meeting to allow a further site visit and meeting between the applicants and Planning Officers to take place. This site visit had taken place on 15 December 2020 and the applicants had also submitted an additional statement in support of the application, together with a letter setting out health issues which the applicants wished to have considered in support of the need for the proposed development.

The Planning and Building Standards Manager for the West Area advised that a late email had been received from the applicants' agent requesting that consideration of the application be continued on medical grounds.

The Committee heard Councillor McAdams, a local member, on the application.

Councillor Dorman, seconded by Councillor Horsham, moved that planning permission be refused for the reasons detailed in the Executive Director's report. Councillor Scott, seconded by Councillor Thomson, moved as an amendment that the application be continued to a future meeting of the Committee to allow for further information to be received on the medical issues cited by the applicants. On a vote being taken by roll call, members voted as follows:-

**Motion**

Alex Allison, John Bradley, Archie Buchanan, Stephanie Callaghan, Peter Craig, Mary Donnelly, Isobel Dorman, Fiona Dryburgh, Ian Harrow, Mark Horsham, Ann Le Blond, Richard Lockhart, Lynne Nailon, Carol Nugent, David Shearer, Collette Stevenson, Jim Wardhaugh

**Amendment**

Margaret Cowie, Maureen Devlin, Martin Lennon, Davie McLachlan, Graham Scott, Bert Thomson

17 members voted for the motion and 6 members voted for the amendment. The motion was declared carried.

**The Committee decided:** that planning application P/20/1180 by Mr and Mrs Robertson for the sub-division of garden ground and erection of a single storey detached house and associated parking at 55 Dunedin Drive, East Kilbride be refused for the reasons detailed in the Executive Director's report.

*[Reference: Minutes of 1 December 2020 (Paragraph 10)]*

*Councillor McAdams, having made representations to the Committee on this application as a local member, then withdrew from the meeting during its consideration*

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**5 Application P/20/1452 for Change of Use from Class 1 (Retail) to Class 2 (Office) at 254 to 256 Stonelaw Road, Rutherglen**

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A report dated 6 January 2021 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/1452 by J Dempster for a Change of Use from Retail (Class1) to Office (Class 2) at 254 to 256 Stonelaw Road, Rutherglen.

Councillor Dorman, seconded by Councillor Horsham, moved that planning permission be granted subject to the conditions detailed in the Executive Director's report. Councillor Nugent, seconded by Councillor Cowie, moved as an amendment that planning permission be refused and that the site be retained as a Class 1 retail use to protect the vibrancy and diversity of the neighbourhood centre. On a vote being taken by roll call, members voted as follows:-

**Motion**

Alex Allison, Archie Buchanan, Isobel Dorman, Fiona Dryburgh, Mark Horsham, Ann Le Blond, Jim Wardhaugh

**Amendment**

John Bradley, Stephanie Callaghan, Margaret Cowie, Peter Craig, Mary Donnelly, Ian Harrow, Martin Lennon, Richard Lockhart, Davie McLachlan, Lynne Nailon, Carol Nugent, Graham Scott, David Shearer, Colette Stevenson, Bert Thomson

7 members voted for the motion and 15 members voted for the amendment, which was declared carried.

**The Committee decided:** that planning application P/20/1452 by J Dempster for a Change of Use from Retail (Class 1) to Office (Class 2) at 254 to 256 Stonelaw Road, Rutherglen be refused on the grounds that retention of the site as a Class 1 retail use would protect the vibrancy and diversity of the neighbourhood centre.

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## **6 Application P/20/1202 for Erection of Residential Development Comprising 19 Flats and Associated Works**

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A report dated 18 January 2021 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/1202 by Patersons of Greenoakhill Limited for the erection of a residential development comprising 19 flats and associated works at 53 Union Street, Hamilton.

In response to members' questions regarding developer contributions, the Head of Planning and Economic Development advised that awareness sessions would be arranged to allow members to further consider the broader issue of developer contributions.

At its meeting on 7 July 2015, the Committee had approved a procedure for processing planning applications which required completion of a Legal Agreement. If approved, the application would be subject to a Legal Agreement and/or other appropriate mechanism and the approved procedure would apply.

### **The Committee decided:**

- (1) that planning application P/20/1202 by Patersons of Greenoakhill Limited for the erection of a residential development comprising 19 flats and associated works at 53 Union Street, Hamilton be granted subject to:-
  - ◆ the conditions specified in the Executive Director's report
  - ◆ prior conclusion of a Section 75 Agreement and/or other appropriate agreement between the Council, the applicant and the site owner(s) to ensure that appropriate financial contributions were made at appropriate times during the development towards the provision of open space, landscaping and recreational areas, including the provision of appropriate fixed play areas
  - ◆ the developers meeting the Council's legal costs associated with the Legal Agreement
- (2) that it be noted that, in accordance with the agreed procedure, should there be no significant progress by the applicant towards the conclusion of the Legal Agreement within 6 months of the date of the meeting at which the application was considered, the proposed development could be refused on the basis that, without the planning control or developer contribution which could be secured by the Legal Agreement, the proposed development would be unacceptable; and
- (3) that it be noted that, if the Legal Agreement had not been concluded within the 6 month period but was progressing satisfactorily, the applicant would be offered the opportunity to enter into a Processing Agreement, if this was not already in place, which would set an alternative agreed timescale for the conclusion of the Legal Agreement.

*[Reference: Minutes of 7 July 2015 (Paragraph 15)]*

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## **7 Scottish Government Consultation on Scotland's Fourth National Planning Framework Position Statement and Update on the Reform of Scotland's Planning System**

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A report dated 14 January 2021 by the Executive Director (Community and Enterprise Resources) was submitted on the Council's response to the Scottish Government's consultation on Scotland's fourth National Planning Framework Position Statement and providing an update on other Scottish Government activity in relation to the reform of Scotland's planning system.

As part of the consultation on the provisions of the Planning (Scotland) Act 2019, the Scottish Government highlighted that the planning system had a key role in achieving its goals of making Scotland a more successful country through increased wellbeing and sustainable and inclusive economic growth. National planning policy included the National Planning Framework, which was in its third version. This document set the long-term spatial strategy for Scotland and Scottish planning policy.

As part of the work programme produced by the Scottish Government in relation to the 2019 Act, a fourth National Planning Framework (NPF4) was planned to be completed and laid before the Scottish Parliament in September 2020, with consultation carried out thereafter. However, that timescale had been delayed as a result of COVID-19, and it was expected to be laid before the Scottish Parliament in autumn 2021. Approval was anticipated in mid 2022. As an interim measure, the Scottish Government had published a position statement on NPF4, including a wide range of evidence submitted during the Call for Ideas exercise. South Lanarkshire Council had contributed to this exercise. It was stressed that the position statement was not a draft of NPF4 and had no formal status in the planning process.

The central themes of the position were:-

- ◆ net-zero emissions
- ◆ resilient communities
- ◆ a wellbeing economy
- ◆ better, greener spaces

The Council had been given an opportunity to comment on the position statement and the proposed response was attached as an appendix to the report.

Updates on other areas of activity from the Scottish Government on matters of planning policy were detailed in the report, including:-

- ◆ the response of the planning system to COVID-19 and economic recovery
- ◆ Digital Strategy for Planning
- ◆ review of permitted development rights
- ◆ consultation on planning fees
- ◆ Local Development Plan procedures
- ◆ Local Place Plans
- ◆ Open Space Strategies

Members commented on various aspects of the report.

**The Committee decided:**

- (1) that the activities of the Scottish Government as part of the reform of the planning system be noted;
- (2) that the Council's response to the Scottish Government's consultation on Scotland's Fourth National Planning Framework Position Statement, as detailed in the appendix to the report, be approved for submission to the Scottish Government; and
- (3) that the Head of Planning and Economic Development be authorised to make any drafting and technical changes to the response prior to its submission.

*[Reference: Minutes of 1 December 2020 (Paragraph 4)]*

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**8 Urgent Business**

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There were no items of urgent business.

# Report

**3**

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>23 February 2021</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/20/1006
Planning proposal:	Change of use of agricultural land (sui generis) to form an outdoor children's nursery (Class 10) and associated access and parking

## 1 Summary application information

Application type:	Detailed planning application
Applicant:	Mr John Hendrie
Location:	Land 100 metres north of 1 Blueknowes Road Blueknowes Road Law Carluke South Lanarkshire

## 2 Recommendation(s)

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

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

### 2.2 Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application.
- (2) A corresponding planning application for this same site and proposal has been submitted under reference P/20/1728 Siting of temporary accommodation associated with outdoor children's nursery.(temporary consent) which is also presented for determination to this Planning Committee.

### 3 Other information

- ◆ Applicant's Agent:
- ◆ Council Area/Ward: 01 Clydesdale West
- ◆ Policy Reference(s):
  - Proposed SLLDP2:**
  - Policy 3 General Urban Areas
  - Policy 5 Development Management and Placemaking
  - South Lanarkshire Local Development Plan:**
  - Policy 6 General urban area/settlements
  - Policy 4 Development management and placemaking
  - Supplementary Guidance 3: Development Management, Placemaking and Design**
  - Policy DM13 Development within general urban area/settlement

#### ◆ Representation(s):

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

#### ◆ Consultation(s):

Countryside and Greenspace

Roads Development Management Team

Environmental Services

Early Years Co-ordinator

Care Inspectorate

## **Planning Application Report**

### **1 Application Site**

- 1.1 The application site relates to an open field sited to the rear of residential properties, 58 and 60 Blueknowes Road, accessed via Blueknowes Road. The application site includes part of a tree lined track on its western boundary known as Blueknowes Road. The other boundaries are marked by a post and wire fence and boundary trees or hedges. To the north and west of the application site lies open land designated as the Green Belt. To the east of the site lies open land situated within the settlement boundary of Law. To the south of the site lies 4 residential properties. The application site includes Blueknowes Road, a private road connecting the site to the public road, Brownlee Road.

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

- 2.1 The proposal is to change the use of agricultural land to form an outdoor children's nursery. Relevant plans have been submitted along with a supporting statement.
- 2.2 The applicants currently run a childminding business from their property located at 1 Blueknowes Road, sited to the west of the site. The proposal seeks to relocate that childminding business from their dwellinghouse to this field. The existing childminding business caters for up to 7 children. The proposed outdoor nursey will cater for up to 10 children. The supporting statement details that the outdoor nursey will be operated by the same people as the childminding business and there will be no increase in staffing. Therefore, the proposal is to relocate an existing childminding business from a residential property to an adjacent field. The proposal includes dedicated parking for 5 spaces and a turning area for users on Blueknowes Road (a private road). Shelter and toileting for the outdoor nursery will be provided via a portacabin which has been applied for separately under reference P/20/1728.

### **3 Background**

#### **3.1 Local Development Plan Status**

- 3.1.1 On 17 August 2020, the Directorate for Planning and Environmental Appeals issued its report of the Examination of the proposed South Lanarkshire Local Development Plan 2 (SLLDP2) in which a number of modifications to the Plan were recommended. At the Planning Committee on 1 December 2020, members agreed to the approval of all of the modifications; the publication and public deposit of the Plan, as modified; and the submission of the Plan to Scottish Ministers.
- 3.1.2 For the purposes of determining planning applications the Council will, therefore, assess these against the policies contained within the adopted South Lanarkshire Local Development Plan (SLLDP) and those within the proposed SLLDP2. As the SLLDP2 is now approved for adoption, when considering planning applications, greater weight should be given to the policies and guidance contained in this Plan. If the relevant proposed SLLDP2 policy differs materially from those in the adopted SLLDP, this will be discussed within the assessment section of this report.
- 3.1.3 In land use terms, the application site is identified within the adopted SLLDP as a housing land supply site. However, following the 2019 housing land audit, the site is no longer identified as a housing land supply site in the proposed SLLDP2. Instead, the site is identified within the settlement boundary and designated as part of the general urban area of Law. As such, Policy 6 General Urban Area and Policy DM13 Development in the General Urban Area of the adopted SLLDP and Policy 3 General Urban Area of the proposed SLLDP2 apply. These policies seek to retain the character and amenity of the general urban area which is predominately residential.

- 3.1.4 Policy 4 (Development Management and Place Making) of the adopted SLLDP and corresponding Policy 5 (Development Management and Place Making) of the proposed SLLDP2 are also considered to be relevant. These policies require all development proposals to take account of, and be integrated with, the local context and built form and also consider access and parking arrangements.
- 3.2 **Relevant Government Advice/Policy**
- 3.2.1 Scottish Planning Policy (SPP) provides guidance on various topics including business and employment and valuing the natural environment. SPP encourages local authorities to ensure there are suitable sites to meet the diverse needs of different sectors and sizes of business and accommodate changing circumstances and realisation of new opportunities. Planning should also support opportunities to enjoy and learn about the natural environment. Planning should direct the right development to the right place, supporting development which is distinctive, safe and pleasant, welcoming, adaptable, resource efficient and easy to move around and beyond.
- 3.2.2 The Scottish Government policy statement on early education and care details a commitment to increasing outdoor play and learning. Scotland's Outdoor Play and Learning Coalition Position Statement details the various benefits of outdoor play, including improved physical health, mental, social and emotional wellbeing.
- 3.3 **Planning Background**
- 3.3.1 There is no previous planning application history on this site. A separate application, P/20/1728, has been submitted for a temporary portacabin on the same site in association with the outdoor nursery. This will be assessed separately.
- 4 **Consultation(s)**
- 4.1 **Environmental Services** - No objection subject to conditions relating to waste and an informative including notes on noise nuisance.
- Response:** Noted, appropriate conditions shall be imposed on any permission granted.
- 4.2 **Countryside and Greenspace** - Blueknowes Road is not designated as a Core Path, wider access network or Right of Way. However, the Land Reform (Scotland) Act advises non-motorised access rights do apply if members of the public wish to use the land.
- Response:** Noted, the use of this area for parking cars would not prevent those from walking or jogging on it.
- 4.3 **Roads and Transportation** - Initially requested further details on parking, which were duly received on 18 December 2020. Roads and Transportation have noted the existing access has already been used for the existing childcare facilities and have concluded that the expected increase in traffic would be minor and the connection between Blueknowes and Brownlee Road would remain sufficient. Roads have no objection to the proposal subject to details of surface finishes and the parking layout. Following further discussion, Roads and Transportation noted that the applicant was in ownership of Blueknowes Road and added a further condition in the form of a dilapidation survey being carried out prior to works commencing on site and, thereafter, any necessary repairs being undertaken.
- Response:** Noted, appropriate conditions shall be imposed on any permission granted.

4.4 **Care Inspectorate** - No response received

**Response:** Noted

4.5 **Early Years Co-ordinator** - No response received.

**Response:** Noted

## **5 Representation(s)**

5.1 Statutory neighbour notification was undertaken and the proposal was advertised in the local press for non-notification of neighbours. A total of 19 representations have been received. The content of which is summarised and responded to below.

- a) **Various concerns relating to road safety, including the exit from Blueknowes Road on to the blind crest of Brownlees Road. It is noted that visibility is less than shown on plans and speed of cars on this road. Blueknowes Road is impassable in adverse winter weather which would result in drop offs on a blind crest. Recent photographs have been provided showing recent snowfalls on adjacent Brownlee Road which prevented vehicles from reaching past Blueknowes Road junction.**

**Response:** Roads and Transportation have been consulted on the application and have raised no road safety concerns on the basis that Blueknowes Road has been used for the use of childminding already. Nevertheless, Roads and Transportation have requested improvements to ensure the access and parking is sufficiently desirable to users to avoid users parking elsewhere or on the public road. It is the responsibility of the operator of the nursery to ensure the private access (Blueknowes Road) is suitable for users, including during adverse weather. It is the Council's responsibility to treat and deal with surfaces of public roads (such as Brownlee Road) during adverse weather. However, there are occasions when, due to weather events, it is not possible to keep every road functioning. This, however, would not be a reason to refuse planning permission on the circumstances that a road may be closed in adverse weather.

- b) **The gravel road is unsuitable for this increase in traffic volumes, there is no surface water drainage and it has already deteriorated due to the childminding use. It has also been queried whether the private road would be upgraded to a tarmac road surface; Roads and Transportation Services response does not make any obligation for the applicant to bring the road up to an appropriate standard. Photographs were also provided showing the current surfacing of the access.**

**Response:** Blueknowes Road is a private road which has a gravel surface up to 1 Blueknowes Road, beyond which the area is grassed and this includes the proposed parking area. The photographs submitted by the representation and the site visit do identify the presence of some potholes on the gravel road. The scale of development is such that it would not be reasonable or fair for the Council to condition that Blueknowes Road is brought up to an 'adoptable standard'. Nevertheless, Roads and Transportation have requested improvements to the parking area and the area outlined in brown, on Drawing No. 8 which is currently grassed and connects the parking area to the rest of Blueknowes Road. This is to ensure the access and parking is sufficiently desirable to users to avoid parking elsewhere or on the public road. These improvements include a gravel/hardcore finish across the parking area and the connection to Blueknowes Road. On receipt of information that the applicant owns Blueknowes Road, they have requested a dilapidation survey to assess the current condition of the road prior to any works starting on site

and requesting appropriate repair, if deemed required. The exact specification requires to be agreed prior to works beginning on site. Nevertheless, the specification and maintenance of a private road remains a private legal matter for the parties involved.

- c) **Insufficient width for turning of vehicles, associated damage to verges has already occurred and will be exacerbated.**

**Response:** The submitted plans detail a parking layout with sufficient width behind parking spaces to allow for turning. The turning arrangement is different to that currently used by the childminding business.

- d) **Blueknowes Road is still in ownership of Mauldslie Estate and not owned by the applicant.**

**Response:** The applicant has detailed on the land ownership certificate, part of the application form, they are in ownership of the site. The planning assessment considers the use of the land, irrelevant of ownership.

- e) **Concerns relating to noise disturbance, to elderly residents between hours of 7am and 7pm.**

**Response:** It is appreciated that the neighbouring residents may experience an increase in noise from children in the field. However, the total number of children is limited, there will be times the children will use the shelter and the total area of the field usable for the nursery is sizable. Environmental Services have raised no issues with the proposal generating a noise nuisance. However, all businesses have a duty of care to avoid creating a noise nuisance. Therefore, if a noise nuisance is experienced, residents can raise a noise complaint with Environmental Services.

- f) **The proposal would result in the closing of Blueknowes Road as an access route for walking.**

**Response:** During the site visit it appeared Blueknowes Road was blocked off by fencing, although walkers may choose to climb this. The proposal would use part of the track as a parking area but this would remove the existing fencing and would not prevent the use of Blueknowes Road for walking or jogging.

- g) **Query whether the proposal is a childminding setting in a non-domestic premises or a daycare of children service.**

**Response:** The proposal is for an outdoor children's nursery.

- h) **Concerns that current use is not clear. Applicant has noted on application that the land has not been farmed for many years. The representation notes that the land has been used for horticulture, agriculture and recently grazing horses.**

**Response:** The application form has detailed the land has been used as agricultural rough pasture and has not been farmed in many years. The representations have detailed that the land has been used for horticulture, agriculture and recently grazing horses. Grazing land is still considered an agricultural use, even if the land has not been ploughed or actively managed for livestock. The current use description is considered suitable for the purposes of the application.

- i) **Query relating to description as outdoor nursery and whether this would not be deemed as a public park.**  
**Response:** The proposed use is distinct from a public park in that it is not available for public use and only for the paying patrons of the outdoor nursery.
- j) **Query as to what the carbon footprint of the proposal is compared to the current green belt site.**  
**Response:** The site is not designated as Green Belt and is part of the settlement boundary, previously allocated for housing. The proposal is a relocation of an existing business, changing the use of an existing field and using a temporary building (separate application). It is considered any increase in carbon footprint is minimal.
- k) **There are various childminding services in the village, what is the need for the facility.**  
**Response:** The planning assessment considers the suitability of land use. The demand for a business or service is for market forces to determine and not part of the planning assessment.
- l) **The exit from 58 Brownlee Road shall be adversely affected by the proposal.**  
**Response:** The submitted plans have been updated to show this exit. The parking area is set back behind the existing access to the field and gates. As such, the exit from 58 Brownlee Road will have the same entry and exit space as previously.
- m) **Insufficient lighting, particularly for winter pick-ups and drop offs.**  
**Response:** It is for the operator of the business to ensure there is suitable lighting and their premises are fit for purpose. Should lighting be required, a condition shall be imposed on any permission to ensure lighting is considered to prevent any unacceptable light pollution.
- n) **Queries regarding why Mr J Frame of neighbouring Birks Farm has not been notified and the applicant has neighbour notified himself.**  
**Response:** The Council carries out neighbour notification and identifies the properties to be lettered. All properties within 20 metres of the red line site boundaries are required to be lettered, this includes the applicant's dwellinghouse. The dwellinghouse of Birks Farm lies out with 20 metres of the red line boundary. Where there is open land within the 20 metre buffer i.e. farm land, an advertisement for non-notification of neighbours is placed in the local press, which has been done in this case.
- o) **Queries regarding right of access of residents and visitors to the agricultural land. Access has been denied to a local farmer and local walkers on Blueknowes Road as the applicant has parked his trailer in front of it since 2018/2019.**  
**Response:** The rights of access over private land as detailed in title deeds is a private legal matter. The use of the parking area does not prohibit access to any residential property on Blueknowes Road nor does it prohibit walkers from using Blueknowes Road.

**p) There will be an increase in traffic volume generated as children numbers increase from 7 to 10.**

**Response:** The Roads and Transportation consultation response makes clear they are aware of the increase in numbers from 7 to 10 and have concluded that any increase would be relatively minor.

5.2 These letters are available for inspection on the planning portal.

**6 Assessment and Conclusions**

- 6.1 The applicant seeks planning permission to change the use of an agricultural field to an outdoor nursery. The main planning considerations in determining the application are whether the proposal complies with the development plan and the impact upon the general urban area of Law, residential amenity and access arrangements.
- 6.2 Policy 6 and Policy DM13 of the adopted SLLDP and Policy 3 of the proposed SLLDP2 seek to ensure proposals consider the residential nature of the general urban area. Policy 6 of the adopted SLLDP details that uses ancillary to residential areas, of which a children's nursery is considered to be, will be assessed on individual merit with particular regard to the proposals' effect on the amenity and character of the area. Representations have raised concerns relating to road safety, noise, traffic and suitability of the private road.
- 6.3 The proposed outdoor nursery, which replaces an existing childminding business, would result in dedicated parking for 5 spaces and a turning area for users on Blueknowes Road (a private road). The field to the rear of dwellings 60 and 58 Blueknowes Road will now be used to accommodate the children 5 days a week from 7am to 7pm. The submitted statement details the applicant's family will staff the outdoor nursery which consists of 2 members of staff both residing at 1 Blueknowes Road, who currently run the childminding business. The number of children being cared for would increase from 7 to 10. The children being catered for would consist of 3-5 year olds and before and after school care for school age children.
- 6.4 Given the context that the proposal relates to an existing business in close proximity and accessed off the same private road, it is not considered that there would be a significant intensification of the use as a result of the business being relocated. It is appreciated that the neighbouring residents may experience an increase in noise from children in the field. However, the total number of children is limited, there will be times the children will use the shelter and the total area of the field usable for the nursery is sizable. Environmental Services have raised no issues with the proposal generating a noise nuisance. However, all businesses have a duty of care to avoid creating a noise nuisance and if any noise issues arise, residents can raise a noise complaint with Environmental Services.
- 6.5 Roads and Transportation have raised no road safety concerns on the basis the access is already used for a childcare business. Parking details which show 5 parking spaces have been provided and deemed to be suitable. On this basis, Roads and Transportation have considered the visibility and suitability of the access would be acceptable. It is considered appropriate in this case to limit the maximum number of children attending the nursery by condition, to ensure there is no further intensification of the use beyond which the current access and proposed parking arrangement would not be suitable and could result in adverse impacts on residents by way of noise or disturbance.

- 6.6 It is considered that suitable access and parking arrangements are proposed, and there would not be a significant loss of residential amenity. As such, the proposal meets the terms of Policy 6, DM13 of the adopted SLLDP and Policy 3 of the proposed SLLDP2.
- 6.7 Policy 4 of the adopted SLLDP and Policy 5 of the proposed SLLDP2 are the general development management policies. The relevant criteria include impact on residential amenity, suitable access and parking, sustainability, and impact on the natural environment. Residential amenity, access and parking have been considered above. The proposal, by its nature as an outdoor nursery, limits the use of resources, such as heating and lighting, as children are predominately catered for outside. The proposal provides opportunity to use and learn about the natural environment whilst having minimal impact upon it, and additional landscaping is proposed. The proposal, therefore, meets the terms of Policy 4 of the adopted SLLDP and Policy 5 of the proposed SLLDP2.
- 6.8 An outdoor nursery is a suitable use within the general urban area. The proposal relates to the relocation of an existing business which already uses Blueknowes Road. Suitable parking arrangements on the private road have been proposed for the scale of the proposal. It is considered appropriate to limit the maximum numbers of the nursery to 10 as numbers beyond this would require further assessment to the suitability of the access, parking and impact on residential amenity. Overall, the proposal is considered to be acceptable since it complies with the relevant policies contained in the adopted and proposed local plans and will not have an unacceptable impact on the amenity of the surrounding area. It is, therefore, recommended that planning permission is granted.

## **7 Reasons for Decision**

- 7.1 The proposal is a suitable use for the general urban area. The proposal relates to the relocation of an existing business which already uses Blueknowes Road. Suitable parking arrangements on the private road have been proposed for the scale of the proposal. It is considered appropriate to limit the maximum numbers of the nursery to 10 as numbers beyond this would require further assessment to the suitability of the access, parking and impact on residential amenity. The proposal meets the terms of Policy 4 and 6 of the adopted South Lanarkshire Local Development Plan 2015 and Policy DM13 of the relevant associated supplementary guidance. The proposal also meets the terms of Policy 3 and 5 of the proposed South Lanarkshire Local Development Plan 2. The proposal is acceptable and there are no other additional material considerations which would justify refusing to grant planning permission.

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

12 February 2021

## **Previous References**

- ◆ None

## List of Background Papers

▶	Application form	
▶	Application plans	
▶	Supporting Statement	
▶	South Lanarkshire Local Development Plan 2015 (adopted)	
▶	Proposed South Lanarkshire Development Plan 2	
▶	Neighbour notification letter dated 28 October 2020	
▶	Lanark Gazette advert dated 4 <sup>th</sup> November 2020	
▶	Consultations	
	Countryside and Greenspace	14.12.2020
	Roads Development Management Team	17.11.2020 08.01.2021 11.02.2021
	Environmental Services	03.11.2020
	Early Years Co-ordinator	Not received
	Care Inspectorate	Not received
▶	Representations	Dated:
	Mrs Agnes Lannigan, 62 Brownlee Road, Law, Carluke, ML8 5JD	11.11.2020
	Mrs Fiona Rundell, 65 Brownlee Road, Law, Carluke, ML8 5JD	15.11.2020 15.11.2020
	Mr Neil Martin, 60 Brownlee Road, Law, Carluke, ML85JD	07.11.2020
	Miss Rosalind Findlay, 5, Lawhill Road, Law, ML8 5JQ	16.11.2020
	Mrs Caroline Findlay, 5, Lawhill Road, Law, ML8 5JQ	16.11.2020
	Mr Scott Findlay, 5, Lawhill Road, Law, ML8 5JQ	16.11.2020
	Mrs Annie Weir, 64 Brownlee Road, Law, by Carluke, ML8 5JD	11.11.2020
	Mr Marshall Findlay, 5, Lawhill Road, Law, ML8 5JQ	16.11.2020
	Mrs June Murdoch, 22, Lawhill Road, Law, ML8 5JQ	16.11.2020
	Mr John Rundell, 65 Brownlee Road, Law, Carluke, ML8 5JD	15.11.2020
	Mr William Jeffrey, 58 Brownlee Road, Law, Carluke, ML85JD	07.11.2020
	Mrs Linsey Cree, 57 Brownlee Road, Law, Carluke, ML8 5JD	17.11.2020 17.11.2020
	Mrs Carol Martin, 60 Brownlee Road, Law, Carluke, ML85JD	07.11.2020
	Carol Martin, via Email	15.12.2020

Mr John Wishart, 66 Brownlee Road, Law, Carluke, ML8 5JD	08.01.2021
	08.01.2021
Carol Martin, Received via Email	01.02.2021
Mr and Mrs Wishart, 66 Brownlee Road, Law, Carluke, South Lanarkshire, ML8 5JD	14.01.2021
Mrs A Wishart, 66 Brownlee Road, Law, Carluke, ML85JD	08.01.2021
Fiona Rundell, Received Via Email	11.02.2021

**Contact for further information**

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

Fiona Bailie, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB  
 Phone: 01698 455271  
 Email: [fiona.bailie@southlanarkshire.gov.uk](mailto:fiona.bailie@southlanarkshire.gov.uk)

### **Conditions and reasons**

01. The maximum number of children to be on site at any one time is 10.

Reason: Further detailed assessment would be required to increase the numbers to assess impact on the access, parking arrangements and residential amenity.

02. Any lighting required shall be agreed in writing with the below details with the Council as Planning Authority and may be subject to further planning permission.

Lighting details shall include, where appropriate, details of all aspects of the installation including specific luminaire and lamp type; beam control; wattage; use of reflectors; baffles; louvres; cowling; lux contours/distribution diagrams and column type.

The approved scheme shall be implemented prior to the development being brought into use and shall thereafter be operated in accordance with the approved scheme to the satisfaction of the Council as Planning Authority.

Reason: To minimise the risk of nuisance from light pollution to nearby occupants.

03. 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., including, where appropriate, the planting of fruit/apple trees;
- (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.

Reason: To ensure the appropriate provision of landscaping within the site.

04. 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.

Reason: In the interests of the visual amenity of the area.

05. That before the development hereby approved is brought into use, details of the storage and collection of waste arising from the development shall be submitted to and approved by the Council as Planning Authority. The storage and waste collection scheme shall be implemented before the development is brought into use and shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

Reason: To minimise nuisance, littering and pest problems to nearby occupants.

06. Development shall not commence until details of surface finishes to all parking and manoeuvring areas has been submitted for the consideration and written approval of the Council as Planning Authority. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the Council as Planning Authority.

Reason: To retain effective planning control and safeguard the amenity of the area.

07. That before the development hereby approved is completed or brought into use, 5 no. parking spaces (3m x 6m modules) shall be laid out, constructed and thereafter maintained to the specification of the Council as Roads and Planning Authority.

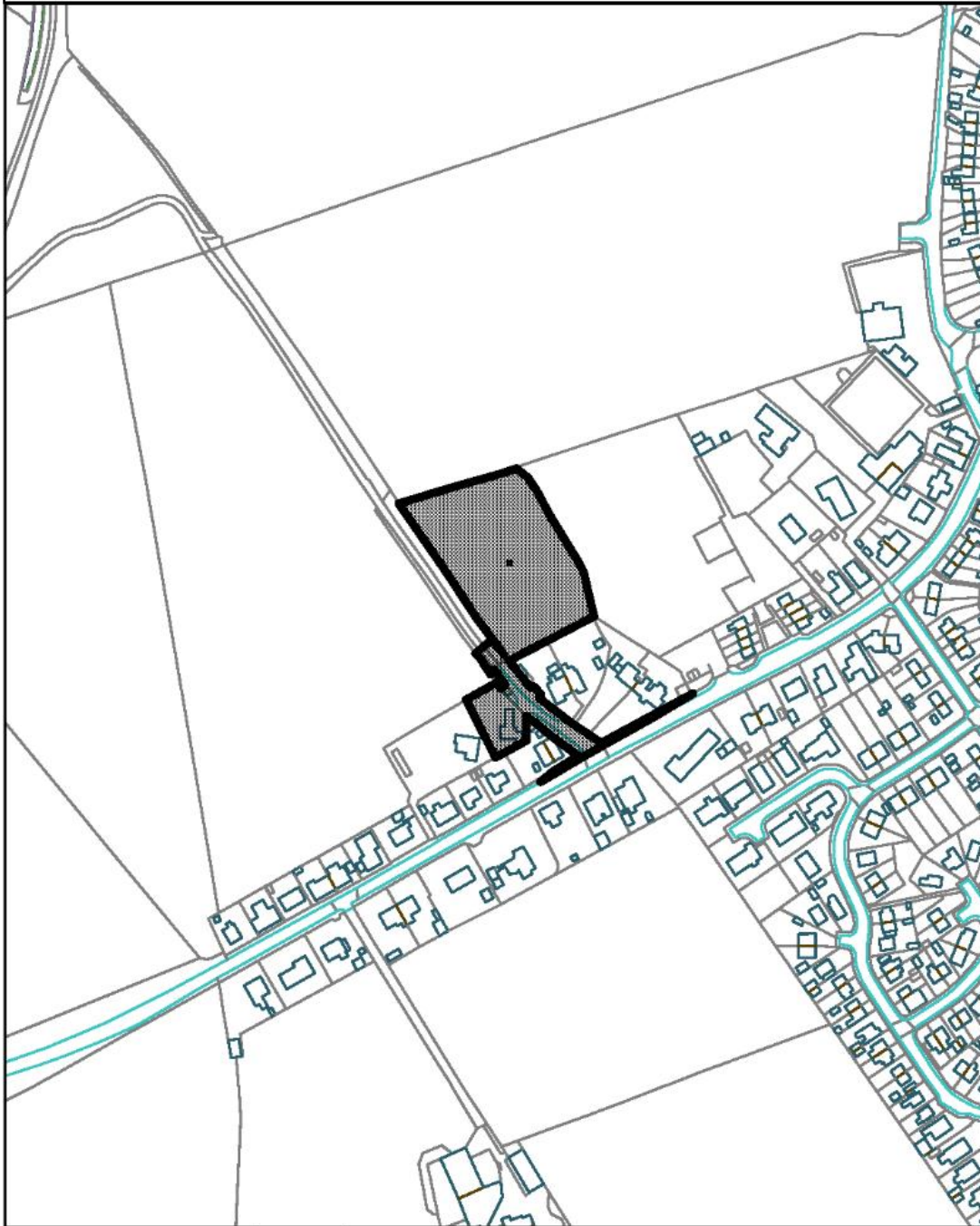
Reason: To ensure the provision of adequate parking facilities within the site.

08. That, before any works commence on site, a dilapidation survey shall be undertaken by the applicants, in accordance with the requirements of the Council's Roads and Transportation Services, along the length of Blueknowes Road, unless otherwise agreed in writing with the Council as Roads and Planning Authority. Thereafter, any subsequent repair works to the road in question shall be undertaken by the applicants, to the satisfaction of the Council's Roads and Transportation Services, before the development is brought in to use, unless otherwise agreed in writing with the Council as Planning Authority.

Reason: In the interests of road safety.

P/20/1006

Land 100M North of 1 Blueknowes Road, Law



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Scale:  
1:3,000  
Date:  
28/01/2021



**South Lanarkshire Council**  
**Community and Enterprise Resources**  
Planning and Economic Development

# Report

4

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>23 February 2021</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/20/1728
Planning proposal:	Siting of temporary accommodation associated with outdoor children's nursery

## 1 Summary application information

Application type:	Detailed planning application
Applicant:	Mr John Hendrie
Location:	Land 100 metres north of 1 Blueknowes Road Blueknowes Road Law Carluke South Lanarkshire

## 2 Recommendation(s)

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

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

### 2.2 Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application.  
 (2) A corresponding planning application for this same site and proposal has been submitted under reference P/20/1006 Change of use of agricultural land (sui generis) to form an outdoor children's nursery (Class 10) associated access and parking which is also presented for determination to this Planning Committee.

## 3 Other information

- ◆ Applicant's Agent:
- ◆ Council Area/Ward: 01 Clydesdale West
- ◆ Policy Reference(s): **Proposed SLDP2:**  
Policy 3 General Urban Areas  
Policy 5 Development Management and Placemaking

**Supplementary Guidance 3: Development Management, Placemaking and Design**  
Policy DM13 Development within general urban area/settlement  
**South Lanarkshire Local Development Plan:**  
Policy 4 Development management and placemaking  
Policy 6 General urban area/settlements

◆	<b>Representation(s):</b>		
	▶	6	Objection Letters
	▶	0	Support Letters
	▶	0	Comment Letters
◆	<b>Consultation(s):</b>		
	None		

## **Planning Application Report**

### **1 Application Site**

- 1.1 The application site relates to an open field sited to the rear of residential properties, 58 and 60 Blueknowes Road, accessed via Blueknowes Road. The application site includes part of a tree lined track on its western boundary known as Blueknowes Road. The other boundaries are marked by a post and wire fence and boundary trees or hedges. To the north and west of the application site lies open land designated as the Green Belt. To the east of the site lies open land situated within the settlement boundary of Law. To the south of the site there are 4 residential properties. The application site includes Blueknowes Road, a private road connecting the site to the public road, Brownlee Road.

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

- 2.1 The proposal is to site a temporary building to provide shelter and toileting in association with an outdoor nursery. The portacabin building measures 2.97 metres in overall height and 14.5 metres by 4 metres wide sited on 300mm concrete pads and on jack legs. The change of use of the field to an outdoor nursery has been applied for separately under reference P/20/1006 and is also being presented to this Committee.
- 2.2 The applicants currently operate a childminding business from their property located at 1 Blueknowes Road, sited to the west of the site. The proposal is to relocate that childminding business from their dwellinghouse to this field. The childminding business caters for up to 7 children. The proposed outdoor nursey will cater for up to 10 children. The supporting statement details that the outdoor nursey will be operated by the applicant's family and the same people as the childminding business, which consists of 2 staff residing at 1 Blueknowes Road. Therefore, the proposal is to relocate an existing childminding business from a residential property to an adjacent field. The recommendation for the change of use application is for the overall numbers in the nursery to be limited to 10.

### **3 Background**

#### **3.1 Local Development Plan Status**

- 3.1.1 On 17 August 2020, the Directorate for Planning and Environmental Appeals issued its report of the Examination of the proposed South Lanarkshire Local Development Plan 2 (SLLDP2) where a number of modifications to the Plan were recommended. At the Planning Committee on 1 December 2020, members agreed to the approval of all of the modifications; the publication and public deposit of the Plan, as modified; and the submission of the Plan to Scottish Ministers.
- 3.1.2 For the purposes of determining planning applications, the Council will, therefore, assess these against the policies contained within the adopted South Lanarkshire Local Development Plan (SLLDP) and those within the proposed SLLDP2. As the SLLDP2 is now approved for adoption, when considering planning applications, greater weight should be given to the policies and guidance contained in this Plan. If the relevant proposed SLLDP2 policy differs materially from those in the adopted SLLDP, this will be discussed within the assessment section of this report.
- 3.1.3 In land use terms, the application site is identified within this adopted SLLDP as a housing land supply site. However, following the 2019 housing land audit the site is no longer identified as a housing land supply site in the proposed SLLDP2. The application site is within the settlement boundary and designated as part of the general urban area of Law. As such, Policy 6 General Urban Area and Policy DM13 Development in the General Urban Area of the adopted SLLDP and Policy 3 General

Urban Area of the proposed SLLDP2 apply. These policies seek to retain the character and amenity of the general urban area which is predominately residential.

- 3.1.4 Policy 4 (Development Management and Place Making) of the adopted SLLDP and corresponding Policy 5 (Development Management and Place Making) of the proposed SLLDP2 are also considered to be relevant. These policies require all development proposals to take account of, and be integrated with, the local context and built form and also consider access and parking arrangements.

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

- 3.2.1 Scottish Planning Policy (SPP) provides guidance on various topics including business and employment and valuing the natural environment. SPP encourages local authorities to ensure there are suitable sites to meet the diverse needs of different sectors and sizes of business and accommodate changing circumstances and realisation of new opportunities. Planning should also support opportunities to enjoy and learn about the natural environment. Planning should direct the right development to the right place. Supporting development which is distinctive, safe and pleasant, welcoming, adaptable, resource efficient and easy to move around and beyond.
- 3.2.2 The Scottish Government policy statement on early education and care details a commitment to increasing outdoor play and learning. Scotland's Outdoor Play and Learning Coalition Position Statement details the various benefits of outdoor play, including improved physical health, mental, social and emotional wellbeing.

### 3.3 **Planning Background**

- 3.3.1 There is no previous planning application history on this site. A separate application, P/20/1006, has been submitted for a change of use of an agricultural field to outdoor nursery. The two elements have been applied for separately as a temporary building would only be granted a temporary permission as the building is not designed to last in the long term.

## 4 **Consultation(s)**

- 4.1 None

## 5 **Representation(s)**

- 5.1 Statutory neighbour notification was undertaken and the proposal was advertised in the local press for non-notification of neighbours. A total of 6 representations have been received. The content of which is summarised and responded to below.

a) **Query as to whether the private road would be upgraded prior to any heavy plant/machinery being used to deliver modular building**

**Response:** During the assessment of planning application P/20/1006 Roads and Transportation Services were consulted and requested improvements were made to the private road to ensure it was desirable to patrons. It is the responsibility of the owner of the private road and operator of the business arranging delivery of the modular building to ensure suitable site access for construction purposes. The maintenance or any damage to a private road is a private legal matter.

b) **Queries as to what services and connections would be made – i.e. heating, sewerage, lighting and whether these are to be separate of 1 Blueknowes Road. The mains sewerage connection would require input from Scottish Water and SEPA. Would residents be subject to a constant pumping noise if a pump is required for sewerage.**

**Response:** The Supporting Statement details the cabin is to be connected to mains electricity and plumbed to mains water and sewerage. Whether or not these are separate of 1 Blueknowes Road is not relevant to the planning assessment. The applicant will require to make relevant contact with utility companies to provide these services.

- c) **Blueknowes Road was inaccessible in recent adverse weather by the refuse collection team, who is responsible/liable to ensure the road was free of snow and ice.**

**Response:** The applicant is the operator of the proposed nursery and the owner of the private road, as detailed on the application form. It would be the responsibility of the operator of the business to ensure the access is suitable for use by patrons, including in adverse weather conditions.

- d) **Requests clarification over the phrase ‘temporary accommodation’ is that it is not permanently fixed down or length of time sited**

**Response:** The phrase relates to the design of the building i.e. it is a building designed to last for a temporary basis, can be relocated or removed and would not be permanent. For that reason, the applicant was advised this type of building would only be permitted on a temporary basis and to submit a separate planning application for the building.

- e) **If the application was approved, does this enable the land to be developed further in the future.**

**Response:** Each proposal is assessed on its own merits against the relevant planning policies at the time. It should be borne in mind that the application site was until recently allocated as housing land and is within the settlement boundary. It is not part of the Green Belt.

- f) **Concerns in relation to the view of properties of 58 and 60 Brownlee Road**

**Response:** The right to a view is not a planning matter. The assessment considers whether a proposal would be overbearing or lead to loss of light or privacy. Given the distance of the temporary building from the rear of these properties and its scale, there is unlikely to be any significant loss of light or privacy and it will not be overbearing.

- g) **This is not a ‘gap site’ and our Green Belt requires to be protected for mental health and well being.**

**Response:** This site is allocated as part of the settlement boundary of Law. It is not designated as Green Belt. The desire for protection of the Green Belt is noted. The development of the temporary accommodation and the outdoor nursery does not prevent residents using Blueknowes Road as a walking route and enjoying the surrounding Green Belt.

- h) **Concerns relating to the suitability of a modular building and wider site as appropriate shelter for an outdoor nursery facility**

- ◆ **in relation to disabled access and whether a ramp is required and wheelchair access**
- ◆ **whether the cabin would be risk assessed**
- ◆ **maintenance of the cabin**
- ◆ **meets national space standards for childcare**
- ◆ **whether heating and ventilation would meet sustainable energy use and health protection Scotland requirements in relation to COVID-19**

- ◆ **whether any mains electricity cabling which is overhead is a danger and needs to be underground**
- ◆ **security of the site for children**

**Response:** Planning's assessment relates to the use of the land and the impact on the wider environment and residents. Planning conditions cannot cover the duties of other regulatory bodies. The suitability of the building for the purpose, in this case, would be guided by regulations governing childcare, such as The Care Inspectorate, and any building warrant process if required. If further works are required as a result of these regulations, they may require further planning permissions dependent on their scale. Building maintenance is the responsibility of the owner. It is for the operator to consider and meet current COVID-19 regulations and consider any health and safety regulations. However, as modular buildings can deteriorate on a quicker basis than permanent buildings. This is part of the reasoning for imposing a temporary planning permission, if granted.

- i) **If demand increased will there be a possibility of additional modular buildings on site?**

**Response:** Any additional modular buildings on site would be subject to further planning permission. The related planning application for the change of use to outdoor nursery has been recommended to be limited to 10 children on the basis of the suitability of the access and parking. Therefore, if demand and numbers were to increase, a wider assessment of the suitability of the site would be required.

- j) **Is there any infrastructure required around the cabin for paths, prams and buggys?**

**Response:** The applicant has advised that the temporary accommodation is the only development required.

- k) **Query whether the proposal makes provision for sustainable drainage of water, it is not clear from the application form**

**Response:** The proposal is not at the scale which would require consultation from the Council's Flooding service. As with many smaller scale proposals, it is the landowners responsibility to ensure suitable surface water drainage and avoid impact on any neighbouring land. The applicant has advised the intention is to use a waterbutt for a rainwater harvesting system.

- l) **Is a coal mining report required?**

**Response:** Where a proposal is a change of use and includes non-permanent structures with no significant ground works, no Coal Mining Risk Assessment is required. It is considered 300mm concrete pads are not significant ground works. The relevant informative on conducting exempt works within a High Risk Coal Area shall be added to any permission granted.

- m) **Trees that have been planted are planted against the perimeter fence with 58 and 60 Brownlee Road, these could cause ground disturbance and canopies could encroach over and into neighbouring properties.**

**Response:** Planning permission is not required to plant trees. A landscaping condition has been added to any permission granted for the change of use. The applicant has advised that this planting consists of hedging to supplement existing hedges.

- n) **Queries regarding why Mr J Frame of neighbouring Birks Farm has not been notified and whether this would be rectified prior to the Planning Committee.**

**Response:** The Council carries out neighbour notification and identifies the properties to be lettered. All properties within 20 metres of the red line site boundaries are required to be lettered. The dwellinghouse of Birks Farms lies out with 20 metres of the red line boundary. Where there is open land within the 20 metre buffer i.e. farm land, an advertisement for non-notification of neighbours is put in the local press. As the Council does not carry records of who owns land. The advertisement in the local press has been carried out.

- o) **There will be an increase in traffic volume generated as children numbers increase from 7 to 10. Access has been denied to local farmer and local walkers on Blueknowes Road as the applicant has parked his trailer in front of it since 2018/2019. Query as to whether the private road would upgraded to a tarmac road surface.**

**Response:** These comments are relevant to application P/20/1006 and have been responded to in that report.

- p) **Request assurances that the overall height of the portacabin will not exceed 3.5 metres once on foundation.**

**Response:** The applicant has advised the portacabin will be sited on 4 concrete pads off 300mm with jack legs to stabilise. This would not significantly alter the overall height of the portacabin, nor would it take it over 3.5 metres, which is considered to be suitable.

5.2 These letters are available for inspection on the planning portal.

## **6 Assessment and Conclusions**

- 6.1 The applicant seeks planning permission to site a temporary building in association with an outdoor nursery. The main planning considerations in determining the application are whether the proposal complies with the development plan and the impact upon the general urban area of Law, residential amenity and access arrangements.
- 6.2 The wider outdoor nursery's impact on residential amenity, access and parking arrangements have been considered under a separate planning application, P/20/1006. It is not considered the temporary accommodation raises any additional concerns in relation to impact on residential amenity, access or parking arrangements. The proposal, therefore, meets the terms of Policies 4, 6, and DM13 of the adopted SLLDP and Policies 3 and 5 of the proposed SLLDP2.
- 6.3 The temporary accommodation is being considered separately due to the design of the portacabin being of a temporary nature. It would, therefore, be inappropriate to grant a permanent planning permission. This is in accordance with the planning policies which relate to types of temporary accommodation, i.e. for extended family or in association with developing rural business. This allows appropriate controls over the building should it deteriorate and permits the applicant time to develop the business and consider a more permanent solution. A temporary consent of 5 years is considered a suitable juncture to re-consider the temporary accommodation.
- 6.4 The change of use to an outdoor nursery which has been assessed under planning reference P/20/1006 has been considered as a suitable use for the general urban area. The proposal relates to the relocation of an existing business which already uses Blueknowes Road. Suitable parking arrangements on the private road have

been proposed for the scale of the proposal. It is considered appropriate to limit the maximum numbers of the nursery to 10 as numbers beyond this would require further assessment to the suitability of the access, parking and impact on residential amenity. It is not appropriate to issue a planning permission with a portion of it being temporary. Therefore, the applicant was advised to apply separately for the temporary accommodation. It should be noted that both aspects of the proposal are interdependent and one could not function without the other.

- 6.5 In conclusion, it is considered that the outdoor nursery use is a suitable use for the location. The temporary accommodation is an essential part of the infrastructure for the outdoor nursery. It is small scale, simple in form and does not raise any significant adverse issues in terms of residential or visual amenity. The proposal is acceptable and it is, therefore, recommended that a temporary planning permission of 5 years is granted.

## **7 Reasons for Decision**

- 7.1 The proposal relates to temporary accommodation in association with an outdoor nursery, applied for separately under P/20/1006. The temporary accommodation is an essential part of the infrastructure for the outdoor nursery. It is small scale, simple in form and does not raise any significant adverse issues in terms of residential or visual amenity. Due to the non-permanent design of the building proposed, it is appropriate to issue a temporary consent. The proposal meets the terms of Policies 4 and 6 of the adopted South Lanarkshire Local Development Plan 2015 and Policy DM13 of the relevant associated supplementary guidance. The proposal also meets the terms of Policies 3 and 5 of the proposed South Lanarkshire Local Development Plan 2. There are no other additional material considerations which would justify refusing to grant planning permission.

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

3 February 2021

## **Previous References**

- ◆ None

## **List of Background Papers**

- ▶ Application form
- ▶ Application plans
- ▶ Supporting Statement
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated 11 December 2020
- ▶ Lanark Gazette advert dated 16 December 2020

- |   |            |
|---|------------|
| ▶ Representations   | Dated:     |
| Mr and Mrs J Wishart, 66 Brownlee Road, Law, Carluke,<br>South Lanarkshire, ML8 5JD | 21.01.2021 |
| Fiona Rundell, 65 Brownlee Road, Law, Carluke, South<br>Lanarkshire, ML8 5JD        | 21.01.2021 |

Mr William Jeffrey, 58 Brownlee Road, Law, Carluke, ML8 5JD	29.12.2020
Mrs Carol Martin, 60 Brownlee Road, Law, Carluke, ML8 5JD	29.12.2020
Mr Neil Martin, 60 Brownlee road, Law, Carluke, ML85JD	29.12.2020 29.12.2020
Mr John Rundell, 65 Brownlee Road, Law, Carluke, South Lanarkshire, ML8 5JD	21.01.2021

**Contact for further information**

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

Fiona Bailie, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB  
 Phone: 01698 455271  
 Email: [fiona.bailie@southlanarkshire.gov.uk](mailto:fiona.bailie@southlanarkshire.gov.uk)

Detailed planning application

Paper apart – Application number: P/20/1728

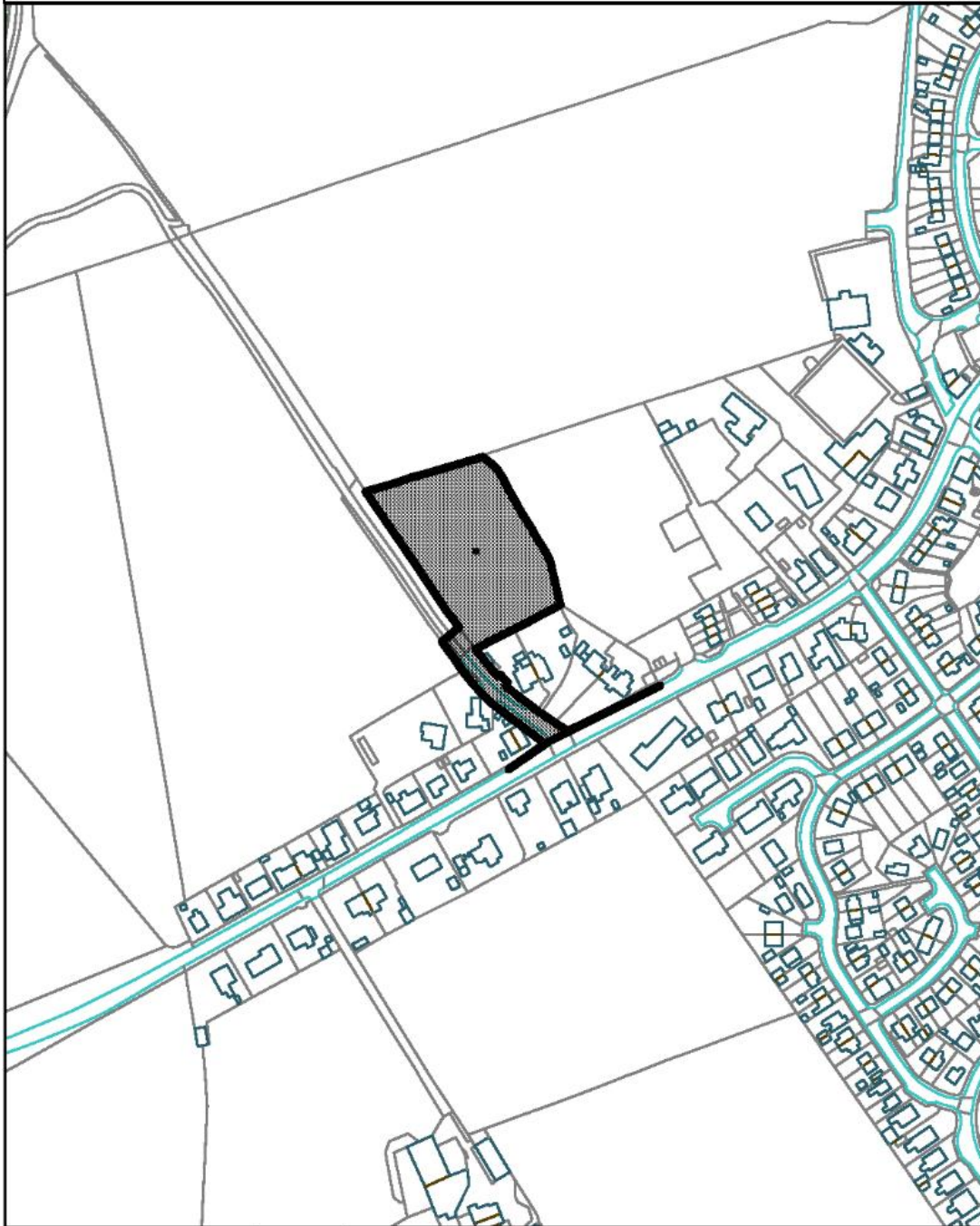
**Conditions and reasons**

01. That the permission hereby granted is for a temporary period only and shall expire on 21.01.2026. Thereafter, the temporary building shall be removed from site and the ground on which the building sited reinstated to its original condition to the satisfaction of the Council as Planning Authority within 3 months of the consent expiring.

Reason: The accommodation for the nursery is a temporary building and to ensure satisfactory reinstatement of the land.

P/20/1728

Land 100M North of 1 Blueknowes Road, Law



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22/01/2021



**South Lanarkshire Council**  
**Community and Enterprise Resources**  
Planning and Economic Development



# Report

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Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>23 February 2021</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/20/1857
Planning proposal:	Erection of 120 metre wind monitoring mast and associated measuring equipment for a temporary 3 year period

## 1 Summary application information

Application type:	Detailed planning application
Applicant:	Banks Renewables
Location:	Proposed Meteorological Mast at Scaur Hill Bodinglee Road Wiston Biggar South Lanarkshire

## 2 Recommendation(s)

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

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

## 2.2 Other actions/notes

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

## 3 Other information

- ◆ Applicant's Agent: Ellen Morton
  - ◆ Council Area/Ward: 04 Clydesdale South
  - ◆ Policy Reference(s): **South Lanarkshire Local Development Plan:**  
Policy 2 Climate Change  
Policy 3 Green belt and rural areas  
Policy 4 Development management and placemaking  
Policy 15 Natural and historic environment  
Policy 19 Renewable energy
- Supplementary Guidance 3: Development Management, Placemaking and Design**  
Policy DM1 – Design

## **Supplementary Guidance 10: Renewable Energy**

Policy RE1 Spatial framework for wind energy

Policy RE2 Renewable energy developments

### **Proposed SLLDP2:**

Policy 2 Climate Change

Policy 4 Green Belt and Rural Area

Policy 5 Development Management and Placemaking

Policy 14 Natural and Historic Environment

Policy 18 Renewable Energy

#### ◆ **Representation(s):**

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

#### ◆ **Consultation(s):**

BAA Aerodrome Safeguarding (Glasgow)

Civil Aviation Authority (CAA)

MoD (Windfarms)

National Air Traffic Services Limited

Countryside and Greenspace

## **Planning Application Report**

### **1 Application Site**

- 1.1 The application site relates to an area of approximately 0.4 hectares of undulating moorland located on the summit of Scaur Hill which lies to the east of the M74, close to its junction with the A70.

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

- 2.1 Planning permission is sought for the erection of a 120 metre wind monitoring mast for a temporary period of 3 years. The mast is approximately 6.5cm wide and is of a lattice construction with meteorological equipment located at intervals running up the mast with wind measuring equipment at its tip. The mast would be held in place by guy cables anchored into the ground. Bird flight diverters are proposed at 5 metre spacing intervals on the guy wires. Bird diverters are brightly coloured, round discs that act as deterrents to birds flying close to the cables. LiDAR measuring equipment is also proposed as part of the application and this comprises a self-standing ground unit that utilises a laser light beam to measure the speed of airborne particles and, therefore, wind speed itself. The proposed LiDAR unit does not involve any construction and is simply left in situ. The LiDAR unit is powered by solar panels and is small scale. The temporary protective fencing surrounding the equipment would be the tallest part of the proposals at 2 metres in height.
- 2.2 Due to the temporary nature of the proposals, all equipment can be tracked to site without the need for an access/haul road to be installed. Access to the site is proposed from the B7078 and then over existing an existing access track, where possible, with the remainder of the route being tracked over the flat moorland.
- 2.3 Whilst not part of this planning application, the submission makes reference that the monitoring equipment relates to gathering data for a potential 62 turbine wind farm within the surrounding area. It should be noted that any reference to the wind farm is solely in relation to providing context for the requirement for the proposed monitoring equipment. Any proposed wind farm would be required to form part of a separate, formal application and this current application is, therefore, required to be considered on its own merits and not in relation to any future scheme.

### **3 Background**

#### **3.1 National Policy**

- 3.1.1 Scottish Planning Policy (SPP) Principles (page 9) state that there will be “a presumption in favour of development that contributes to sustainable development”. The SPP also identifies a number of considerations to be taken into account when determining energy infrastructure developments including net economic benefit, the contribution to renewable energy targets, cumulative impacts, visual impacts, residential amenity, and landscape and visual impacts (paragraph 169).
- 3.1.2 It is considered that, whilst the proposed monitoring mast does not automatically lead to the generation of renewable energy, its intrinsic purpose is to gather data of the wind resource in the area for potential future renewable energy use and it can be considered to fall within the envelope of sustainable development and can, therefore, be considered to accord with the principles of SPP, subject to detailed assessment of the proposals in relation to the Development Plan, as set out in Section 6 below.

#### **3.2 Glasgow and Clyde Valley Strategic Development Plan 2017**

- 3.2.1 Policy 10 Onshore Energy of the Glasgow and Clyde Valley Strategic Development Plan 2017 (ClydePlan) requires proposals to accord with local development plans. As the ClydePlan is a strategic document, it is considered that this application is not of a

strategic scale where further assessment is required against this Plan, subject to the detailed assessment of the proposals in relation to the local development plan as set out in Section 6 below.

### **3.3 Local Development Plan Status**

3.3.1 The application site is on land identified as rural within the South Lanarkshire Local Development Plan (SLLDP) 2015 and contains the following policies against which the proposal should be assessed:-

- ◆ Policy 2: Climate change
- ◆ Policy 3: Green belt and rural areas
- ◆ Policy 4: Development management and placemaking
- ◆ Policy 15: Natural and historic environment
- ◆ Policy 19: Renewable energy

3.3.2 The following approved Supplementary Guidance documents support the policies in the SLLDP and also require assessment:-

- ◆ Supplementary Guidance 3: Development Management, Placemaking and Design
- ◆ Supplementary Guidance 10: Renewable Energy

3.3.3 On 17 August 2020, the Directorate for Planning and Environmental Appeals issued its report of the Examination of the proposed South Lanarkshire Local Development Plan 2 (SLLDP2) in which a number of modifications to the Plan were recommended. At the Planning Committee on 1 December 2020, members agreed to the approval of all of the modifications; the publication and public deposit of the Plan, as modified; and the submission of the Plan to Scottish Ministers.

3.3.4 For the purposes of determining planning applications the Council will, therefore, assess these against the policies contained within the adopted South Lanarkshire Local Development Plan (SLLDP) and those within the proposed SLLDP2. As the SLLDP2 is now approved for adoption, when considering planning applications, greater weight should be given to the policies and guidance contained in this Plan. If the relevant proposed SLLDP2 policy differs materially from those in the adopted SLLDP, this will be discussed within the assessment section of this report.

### **3.4 Planning Background**

3.4.1 There is no previous planning application history on this site.

3.4.2 On 21 January 2021, the Council received a scoping opinion consultation request from the Scottish Government, Energy Consents Unit (SLC Ref: P/21/0108). A scoping opinion request is a technical exercise required to be carried out to allow relevant consultees to comment on the proposed scope of a future Environmental Impact Assessment Report. This scoping opinion relates to the proposed 62 turbine wind farm as referenced in 2.3 above. Again, it should be noted that a scoping opinion is not a formal application for a wind farm and is separate from the assessment of this current application.

## **4 Consultation(s)**

4.1 **National Air Traffic Services Limited (NATS)** – have assessed the proposals from a technical safeguarding aspect in relation to en-route air traffic and they do not conflict with their safeguarding criteria.

**Response:** Noted.

- 4.2 **Ministry of Defence (MOD Wind Farms)** – have no objections to the proposals subject to a condition requiring aviation warning lighting and that the applicant must notify the MOD of the precise location of the development, the date of construction starting and finishing and the maximum height of construction equipment and of the tallest structure installed.

**Response:** Noted, appropriate conditions shall be imposed on any permission granted.

- 4.3 **BAA Aerodrome Safeguarding (Glasgow)** – have assessed the proposals from an aerodrome safeguarding perspective and it does not conflict with their safeguarding criteria and, therefore, they have no objections to the proposals. Note that this response is solely in relation to the current proposals and does not relate to the acceptability of a wind farm in this area.

**Response:** Noted, and as previously referenced, this application is for a monitoring mast only and does not involve any form of assessment or opinion on a potential wind farm in the area.

- 4.4 The following consultees had no comments to make on the application:-

- ◆ Civil Aviation Authority (CAA)
- ◆ Countryside and Greenspace

## **5 Representation(s)**

- 5.1 Statutory neighbour notification was undertaken and the proposal was advertised in the local press for non-notification of neighbours and, due to its height, a schedule 3 development.

- 5.2 Following this publicity, 9 letters of objection have been received with the following concerns:-

- a) **The application site is in a location that has a low capacity for wind farms within the South Lanarkshire Capacity Study for Wind Energy.**

**Response:** As noted in 2.3, this application solely relates to the erection of a 120 metre monitoring mast which is intended to provide data to inform the future submission of a planning application for a wind farm. Granting planning permission for the monitoring mast does not set any precedent or make any opinion in relation to future turbines in the area.

- b) **The application site is part of a turbine free corridor that extends from the M74 to the Pentland Hills. SPP and Nature Scot (formerly SNH) state that these types of wind turbine free areas should be maintained. A wind farm would have an unacceptable visual impact on the landscape, including Tinto Hill.**

**Response:** As previously noted, this application relates solely to the erection of a monitoring mast and is required to be assessed on its own merits. There is no policy within SPP that prohibits the erection of met masts within this area. Any future wind farm application would be required to be fully assessed against national and local planning policy and in consultation with Nature Scot.

- c) **The area is unsuited for a large wind farm and, therefore, there is no need for the monitoring mast.**

**Response:** The application seeks consent for a monitoring mast and, therefore, is required to be assessed on its own merits and not in relation to the suitability of any potential wind farm on the site which requires a different assessment in terms of landscape capacity and other material considerations.

**d) Impact on birds and wildlife.**

**Response:** Aviation deflectors are proposed as part of the application and it is considered that these are a proven and effective way to protect birds from the guy cables. The footprint of the monitoring mast is of a relative small scale and, therefore, does not result in the detrimental removal of any habitat within a large, moorland area.

**e) A wind farm would have a detrimental impact upon leisure and tourism in the area.**

**Response:** The current application does not propose any wind farm development and is for a monitoring mast only.

5.3 These letters are available for inspection on the planning portal.

## **6 Assessment and Conclusions**

6.1 Under the terms of 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. In this case, the development plan comprises the approved Glasgow and the Clyde Valley Strategic Development Plan 2017 (GCVSDP), the adopted South Lanarkshire Local Development Plan 2015 (SLLDP) and associated Supplementary Guidance.

6.2 As noted in 3.3 above, on 17 August 2020 the Directorate for Planning and Environmental Appeals issued its report of the Examination of the proposed South Lanarkshire Local Development Plan 2 (LDP2). A number of amendments to policy have been recommended. At the Planning Committee on 1 December 2020, members agreed to the approval of all of these modifications; the publication and public deposit of the Plan, as modified; and the submission of the Plan to Scottish Ministers. For the purposes of determining planning applications the Council will, therefore, assess these against the policies contained within the adopted South Lanarkshire Local Plan and those within the proposed South Lanarkshire Local Development Plan. For the purposes of this report, SLLDP2 Policies are only referenced where they differ from the aims of SLLDP.

6.3 Policy 2: Climate change, seeks to minimise and mitigate against the effects of climate change by a number of criteria. The criteria relevant to this proposal are (iii) utilising renewable energy sources, (vii) having no significant adverse impacts on the water and soils environment, air quality, biodiversity (including Natura 2000 sites and protected species) and green networks. The proposals are to monitor the wind resource in the area to determine if it is suitable for wind farm development. In addition, the equipment would utilise solar energy and not require any generators or other non-renewable energy sources. The proposals do not involve any large scale or permanent construction and, therefore, would not have a detrimental impact upon the water and soils environment nor biodiversity and air quality. It is, therefore, considered that the proposals accord with the relevant policy criteria in this instance.

6.4 The application site is located on land designated as Rural within the SLLDP. SLLDP Policy 3 'Green Belt and Rural Area' states that support will not be given for development proposals within the Green Belt, unless they relate to uses which must have a countryside location. In this instance, the proposals are to monitor the wind resource at this location and, therefore, it is considered that this specific, rural location can be justified subject to further assessment against development management criteria as below.

- 6.5 Policy 4 'Development Management and Placemaking' states that development proposals should take account of and be integrated within the local context and built form. New development should also have no significant adverse impacts on the local community. This advice is supported within Development Management, Placemaking and Design Supplementary Guidance under Policy DM1 – Design. The application site is located within a remote, rural location on the summit of Scaur Hill, one of the higher points of the surrounding moorland. The proposed mast is 120 metres in height and so would have a visual impact on the landscape. It is considered, however, that its lattice construction would reduce its visibility within the landscape. The lattice would visually soften the mast as it would not be a solid object on the landscape. It is also noted that the proposals would only be for a temporary 3 year period which would ensure that there is not permanent impact upon the landscape. The bird deflectors proposed on the guy cables would also introduce some visual distraction into the landscape but these deflectors would be small scale and, due to the remote location of the site, not be visible over the wider landscape which would minimise their impact. It is also considered that their function in protecting birds outweighs any minimal visual impact they may have on the surrounding landscape. The proposals do not require any intrusive infrastructure such as an access road and can be tracked to site. It is, therefore, considered that the proposals are in line with the criteria of this Policy.
- 6.6 Policy 15: Natural and Historic Environment provides the context for assessing all development proposals in terms of their effect on the character and amenity of the natural and built environment. In this instance, the proposals do not involve the loss of any habitat and propose mitigation (the bird deflectors) to ensure there is no detrimental impact upon flying birds. The site is not located in proximity to any listed building, Conservation area or other historical asset that would be impacted upon by the proposals. It is, therefore, considered that the proposals accord with the relevant criteria of this policy.
- 6.7 Policy 19: Renewable Energy and the associated Supplementary Guidance (SG) requires renewable energy projects to comply with the Spatial Framework set out in SG Policy RE1 and the relevant development management criteria set out in SG Policy REF2. In terms of the Spatial Framework, this relates to wind turbines and, therefore, does not relate to a monitoring mast. In terms of the development management criteria set out in REF2, the majority of this relates again to wind turbines and it is considered that the relevant, remaining development management criteria has already been assessed in this section of this report. It is, therefore, considered that the monitoring mast accords with the relevant policy criteria in this instance. It is noted, however, that this relates solely to the merits of the current application and does not set out any policy position in relation to any future renewable energy development on this site.
- 6.8 In conclusion, the proposals are considered to accord with planning policy in the adopted South Lanarkshire Local Development Plan and associated Supplementary Guidance and the proposed South Lanarkshire Local Development Plan 2 (2020). It is, therefore, recommended that planning permission be granted for a temporary period of 3 years.

## **7 Reasons for Decision**

- 7.1 The proposal is considered to be acceptable and would not be detrimental to the environment subject to the attached conditions. It complies with Policies 2, 3, 4, 15 and 19 of the adopted South Lanarkshire Local Development Plan 2015 and associated Supplementary Guidance and Policies 2, 4, 5, 14, 18, DM1 and RE1 of the Proposed South Lanarkshire Local Development Plan 2 (2020).

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

3 February 2021

**Previous References**

- ◆ None

**List of Background Papers**

- ▶ Application form
- ▶ Application plans
- ▶ Supporting Statement
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Lanark Gazette advert dated 13<sup>th</sup> January 2021
  
- ▶ Consultations
  - BAA Glasgow 22.01.2021
  - MoD (Windfarms) 13.01.2021
  - National Air Traffic Services Limited 05.01.2021
  
- ▶ Representations Dated:
  - Mr Andrew Watt, Woodside, Howgate Road, Robertson, ML126RS 02.01.2021
  - Mrs Angela Watt, Woodside,, Robertson, Biggar, ML12 6RS 02.01.2021
  - Mr Stewart Kennedy, Braemoor, Howgate Road, Robertson, Biggar, ML12 6RS 14.01.2021
  - Mrs Lynn Morley, Longwood, Howgate Road, Robertson, ML12 6RS 19.01.2021
  - Mrs Anne Shearer, Braehead, Robertson, Biggar, ML12 6RS 15.01.2021
  - Mr Mike Morley, Longwood, Howgate Road, Robertson, ML12 6RS 19.01.2021
  - Mrs Jane Morrison-Ross, Ryefield House, Howgate Road, Robertson, Biggar, ML12 6RS 02.01.2021
  - Mrs Virginia Bennett, Kilnpotlees, Robertson, Biggar, ML12 6RT 03.01.2021
  - Mrs Kay Booton, Sabhal Mor, Robertson Biggar ML12 6RS 01.02.2021

**Contact for further information**

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

James Wright, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455903

Email: [james.wright@southlanarkshire.gov.uk](mailto:james.wright@southlanarkshire.gov.uk)

### Conditions and reasons

01. That the anemometer mast hereby permitted shall be removed, the uses discontinued and the land restored to its former condition to the satisfaction of the Council as Planning Authority, on or before 3 years from the date of this consent.

Reason: In order to ensure the satisfactory reinstatement of the land and in the interests of visual amenity.

02. That the bird deflectors attached to the guy wires of the mast hereby approved shall be maintained and replaced where necessary for the lifetime of the development, hereby approved.

Reason: To reduce the risk of bird strikes.

03. That before any work starts on site, details of all construction methods and a programme of works shall be submitted for the written approval of the Council, as Planning Authority. Once approved the fencing shall be installed and maintained as such for the lifetime of the development, hereby approved.

Reason: In the interests of visual amenity.

04. That before any work starts on site, details of any proposed fencing shall be submitted for the written approval of the Council, as Planning Authority. Once approved the fencing shall be installed and maintained as such for the lifetime of the development, hereby approved.

Reason: In the interests of visual amenity.

05. That upon completion of the mast structure an omni-directional red light shall be installed on the top and shall have a setting of 25 candela omni-directional red lighting or infrared lighting, all to the satisfaction of the Council in consultation with the Ministry of Defence.

Reason: To ensure the mast is visible to aircraft at night.

06. Following agreement of the construction programme specified in condition 3 but prior to any work starting on site, the MOD shall be notified of the following:-

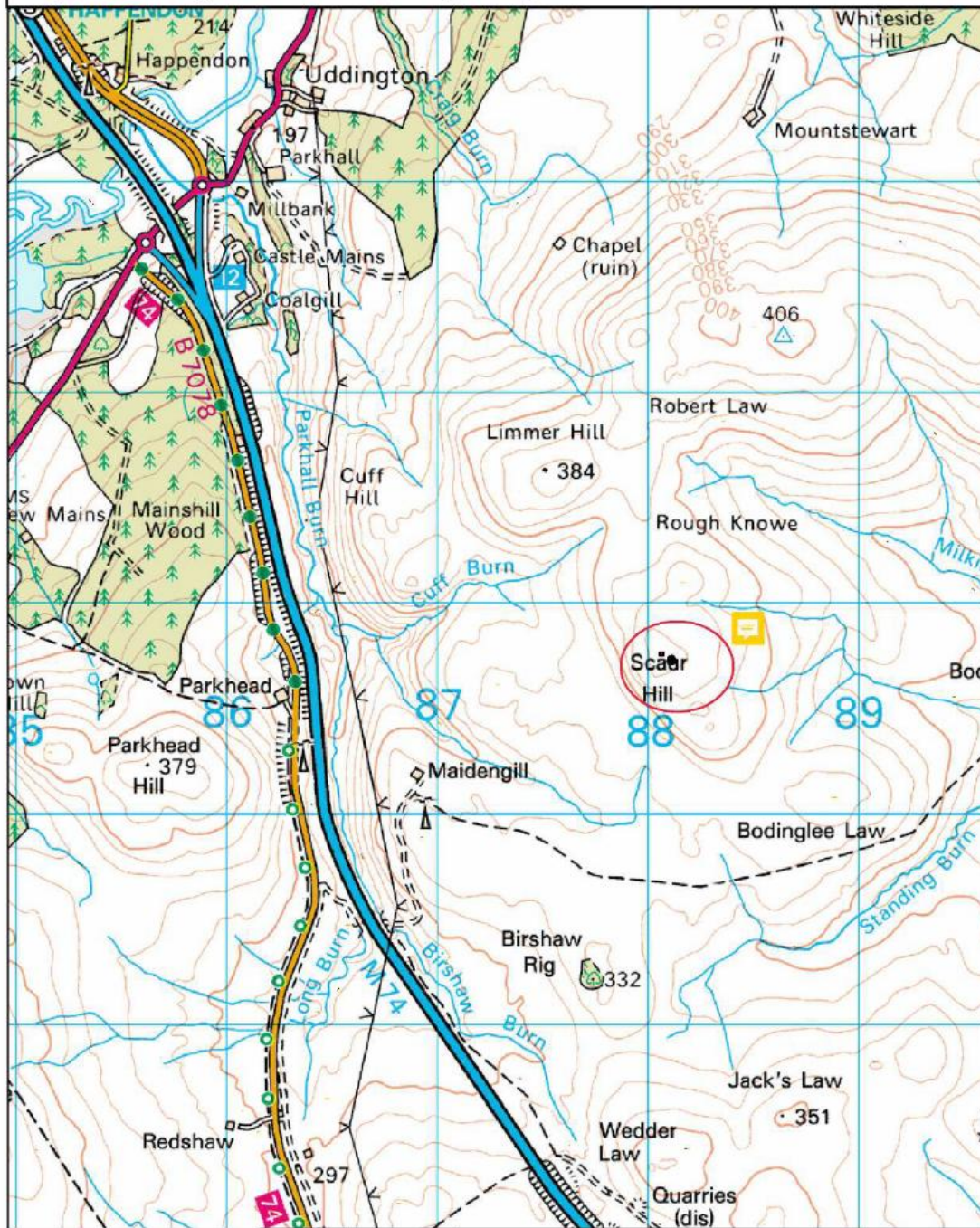
- ◆ Precise location of development
- ◆ Date of commencement of construction
- ◆ The maximum extension height of any construction equipment
- ◆ Details of aviation warning lighting to be fitted to the structure(s)

Following the submission of evidence to the Council of this notification, work can commence on site. No later than 1 week following completion of construction, the applicant shall notify the MOD of the date of completion of construction and the height above ground level of the tallest structure. Evidence will be provided no later than 2 weeks from the completion of construction, demonstrating that the MOD have been notified of these post construction details.

Reason: In the interests of aviation safety

P/20/1857

Proposed Meteorological Mast at Scaur Hill, Bodinglee Road, Wiston



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Date:  
25/01/2021



**South Lanarkshire Council**  
**Community and Enterprise Resources**  
Planning and Economic Development



# Report

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Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>23 February 2021</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/20/1148
Planning proposal:	Demolition of derelict dwelling and erection of licensed hotel, spa, restaurant and 4 no. lodges with associated landscaping, parking and access improvements

## 1 Summary application information

Application type:	Detailed planning application
Applicant:	Crossbasket Castle Holdings Limited
Location:	Land 160 metres east north east of Crossbasket Castle Stonemeadow Road Blantyre Glasgow South Lanarkshire

## 2 Recommendation(s)

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

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

## 2.2 Other actions/notes

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

## 3 Other information

- ◆ Applicant's Agent: Ian Gallacher – Icen Projects Limited
- ◆ Council Area/Ward: 10 East Kilbride East
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (Adopted 2015)**  
Policy 1 – Spatial Strategy  
Policy 2 - Climate Change  
Policy 3 - Green belt and rural area  
Policy 4 - Development management and placemaking  
Policy 7 - Employment  
Policy 15 - Natural and historic environment

**Supplementary Guidance 2: Green Belt and Rural Area**

Policy GBRA1 Economy/business related developments

**Supplementary Guidance 3: Development Management, Placemaking and Design**

Policy DM1 Design

**Supplementary Guidance 9: Natural and historic environment**

Policy NHE3 Listed buildings

**Proposed South Lanarkshire Development Plan 2 (2018)**

Policy 1 – Spatial Strategy

Policy 2 - Climate change

Policy 4 - Green Belt and Rural Area

Policy 5 - Development Management and Placemaking

Policy NHE3 - Listed Buildings

Policy 8 - Employment

◆ **Representation(s):**

▶	9	Objection Letters
▶	0	Support Letters
▶	1	Comment Letters

◆ **Consultation(s):**

Roads Development Management Team

Environmental Services

Planning and Economic Development Services

Scottish Water

Roads Flood Risk Management

SEPA West Region

Historic Environment Scotland

Arboricultural Services

West of Scotland Archaeology Service

Blantyre Community Council

## Planning Application Report

### 1 Application Site

- 1.1 The application site consists of a large part of the Crossbasket Castle estate, Stoneymeadow Road, High Blantyre. The application site is approximately 5 hectares in size and is largely flat with a steeply downward sloping section to the north towards the river, namely the Rotten Calder. To the west is located the existing group of buildings including the Category 'A' Listed castle, the ballroom and ceremony room, all associated with the current 9 bedroom hotel, wedding venue, restaurant and bar. To the north is the Rotten Calder River and mature woodland, to the south and southwest is the ornamental landscaped gardens of the estate and beyond to Stoneymeadow Road and to the east lies the gated residential properties of Crossbow Gardens. It should be noted that a children's pre-school nursery building exists and operates within the estate, located adjacent to the southwest corner of the application site with its dedicated car park located within the application site boundary.

### 2 Proposal(s)

- 2.1 The applicant seeks detailed planning permission for the demolition of a derelict dwelling and the erection of a licensed hotel, spa, restaurant and 4no. accommodation lodges with associated landscaping, parking and access improvements. A redundant dwellinghouse which is of poor fabric would be demolished and the new hotel complex would be located within a grassed field to the east of the existing castle, ceremony room and wedding ballroom. Car parking at the existing venue, some of which is located immediately east of the castle and ballroom would also be upgraded and extended together with the formation of a pedestrian footpath network within the grounds and to link the existing buildings with the new development.
- 2.2 More specifically, the proposal includes the following elements:-
- ◆ 2-storey 40 bedroom hotel element with associated public reception area
  - ◆ 4 No. 2-storey guest lodges each with 4 bedrooms and en-suites, lounge and kitchen/diner
  - ◆ restaurant and bar area
  - ◆ internal courtyard with glazed rooflights above
  - ◆ single storey spa facility with gym, pool, hydro pool, sauna, steam and treatment rooms
  - ◆ separate café/eating area and private external courtyard for spa guests
  - ◆ 128 additional car parking spaces including electric vehicle (EV) charging points
  - ◆ alterations to existing internal driveways within the Crossbasket estate including a service road for deliveries and refuse collection
- 2.3 In addition, extensive landscaping and tree planting, and an upgrade to the existing gated entrance and re-positioning of the driveway, including a reduction in its width, are proposed to reduce the impact of the development on the historic setting of the castle to ensure the castle remains the principal focus.
- 2.4 Furthermore, a parking area for the hotel and a separate parking area for the spa together with staff parking and coach drop-off is proposed.
- 2.5 A simple pallet of materials are proposed for the development including natural stone, natural slate roofs, glazing and horizontal timber cladding.

- 2.6 A landscaped scheme has been lodged as part of the proposals and this shows areas of native ornamental planting, tree planting, shrubs/grass and wildflower mix to safeguard the setting of the historic castle and to soften the appearance of the new building within the castle's existing parkland setting.
- 2.7 The development is classified as a major development under the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 and was the subject of pre-application consultation. A number of documents have been provided in support of the application, namely a Pre-application Consultation Report, Planning Statement, Design and Access Statement, Tree Survey Report, Transport Statement, Site Investigations Report, Surface Water Management Strategy, Drainage Strategy and Flood Risk Statement, and an Ecological Assessment.

### **3 Background**

#### **3.1 Local Plan Status**

- 3.1.1 In land use terms, the site is identified within the adopted South Lanarkshire Local Development Plan 2015 (LDP) as designated Greenbelt (Policy 3 – Greenbelt) and a site within a wider Special Landscape Area.

- 3.1.2 In addition to the above policy designation, the proposed development is affected by a number of additional policies within the Local Plan, as follows:-

- ◆ Policy 1 – Spatial Strategy
- ◆ Policy 2 – Climate change
- ◆ Policy 4 – Development management and placemaking
- ◆ Policy 7 – Employment
- ◆ Policy 15 – Natural and historic environment

- 3.1.3 Within the proposed South Lanarkshire Local Development Plan 2 (LDP2), the application site is identified as Greenbelt and is located within a wider Special Landscape Area. On 17 August 2020, the Directorate for Planning and Environmental Appeals issued its report of the Examination of LDP2 and a number of modifications to the Plan were recommended. At the Planning Committee on 1 December 2020, members agreed to the approval of all of the modifications; the publication and public deposit of the Plan, as modified; and the submission of the Plan to Scottish Ministers. For the purposes of determining planning applications the Council will, therefore, assess these against the policies contained within the adopted South Lanarkshire Local Plan and those within the proposed LDP2. In this regard, the application site and associated proposal is affected by Policy 1- Spatial Strategy, Policy 2 – Climate Change, Policy 4- Greenbelt, Policy 5 – Development Management and Placemaking and Policy 8 – Employment. As SLLDP2 is now approved for adoption, when considering planning applications, greater weight should be given to the policies and guidance contained in this Plan.

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

- 3.2.1 Relevant Government guidance is set out within the consolidated Scottish Planning Policy (SPP) which states that local authorities should support sustainable economic development in all areas by taking account of matters including the economic benefits of proposals, promoting development in sustainable locations and supporting development which will provide new employment opportunities.

### 3.3 Planning History

- 3.3.1 In the recent past, the owners of the existing castle had appointed a hotel management company to manage the operation of the overall wedding venue, together with the 'fine dining' restaurant within the main castle. This had necessitated that the ceremony room and ballroom be developed. The overall capacity of the existing castle/wedding venue and restaurant is 300 persons. The existing business opened in 2014 and the owners wish to further maximise the success of the castle as a wedding venue. In this regard, they need to further invest in the site and expand to include an additional 40 rooms for the hotel, a larger restaurant and bar together with the spa resort. This is required to meet client expectations of a 5-star facility and to ensure it has a strong business case moving forward.

### Consultation(s)

- 4.1 **Roads Development Management Team** – No objections subject to conditions relating to the submission of a Travel Plan and details of a construction traffic management plan.  
**Response:** It should be noted that during consideration of the application, detailed discussion took place with the Roads Engineer and additional information was supplied by the developer to satisfy the Engineer in terms of vehicular tracking for servicing, parking and dropping off. A revised layout drawing was submitted which was to the Roads Engineer's satisfaction.
- 4.2 **Environmental Services** – No objections subject to conditions including requiring the submission and approval of a Noise Assessment, dust management measures and appropriate extract systems being installed.  
**Response:** Noted. Appropriate conditions and informatives would be attached to any consent.
- 4.3 **Planning and Economic Development Services** – Were supportive of the proposal and welcome the plans to expand the Crossbasket Castle as a hotel and wedding and events venue. They site that this investment will safeguard, enhance and expand a high-quality South Lanarkshire accommodation and events venue and would realise 106 construction direct jobs and 100 indirect jobs and, once operational, the castle management estimated the expanded venue would attract an additional 35,000 visitors and would secure 52 extra jobs.  
**Response:** Noted.
- 4.4 **Scottish Water**- No objections. The response provided detailed advice for the applicant regarding Scottish Water capacity and assets.  
**Response:** Noted.
- 4.5 **Roads Flood Risk Management** – No objections subject to conditions relating to flood risk and the management of surface water, including during the construction phase.  
**Response** - Noted. Appropriate conditions would be added to any approval.
- 4.6 **SEPA West Region** – No objections to the proposal subject to a satisfactory SUDS scheme being introduced including a robust construction site SUDS and the requirement for the applicant to obtain a license from SEPA for the private foul drainage discharge.  
**Response:** Noted. Appropriate informatives and/or conditions would be added to any approval.

- 4.7 **Historic Environment Scotland** - While they do not object to the proposal, they recommend that every effort is made to reduce the impact of the overall development on the historic setting of Crossbasket through revisions to the landscaping proposals.  
**Response:** Following Historic Environment Scotland's response, the developer simplified the internal vehicular accesses and footpaths by narrowing the driveway and removing the roundabout to have a more traditional driveway approach. It is considered that the impact of the development on the setting of the castle has been addressed through a revised layout which simplifies the internal road and footpath network and improves the intervisibility between the gated entrance and the castle, which enables the castle to remain the principal focus.
- 4.8 **Arboricultural Services** – No objections subject to conditions to ensure that the new development is constructed without adverse impact on the root protection areas of the existing trees, the majority of which are being retained.  
**Response:** It should be noted that the architect and landscape architect have designed the development to retain and safeguard the majority of the existing trees. They have carried out detailed tree surveys and the landscape scheme submitted shows extensive new planting of trees (almost 300), shrubs, shelter belts and boundary planting to supplement the existing Crossbasket estate. Appropriately worded conditions would be attached to any approval.
- 4.9 **West of Scotland Archaeology Service** – Advised that a programme of intrusive evaluation trenching should be carried out across the site in advance of development taking place.  
**Response:** Noted and an appropriately worded condition would be attached to any approval.
- 4.10 **Blantyre Community Council** – while the Community Council (CC) generally welcomes the long-term investment by the present owners, employment opportunities, environmental and social improvements of proposals within or adjacent to Blantyre, this planning application should ensure protection of the local environment, local wildlife habitats and the setting of the historic castle. Also, Historic Environment Scotland's comments should be carefully considered as a material consideration. The Community Council is concerned that its representatives were not included as stated within the Pre-Application Consultation report of August 2020.  
**Response:** Noted. Historic Environment Scotland's comments have been carefully assessed and the architect revised the layout to address its concerns. Careful design of the proposal has been undertaken to ensure the retention of the majority of the existing trees and the required habitat survey was undertaken and submitted as additional supporting information. In terms of not including the local members in the Proposal of Application Notice (PAN)/Pre-Application Consultation (PAC) process, this has been noted, however, the relevant Community Council's, including Blantyre Community Council, were notified by the developers at the PAN/PAC stage and the PAC public event was advertised in the local newspaper together with the detailed application, after it was registered. In addition, Blantyre Community Council was consulted on the planning application and its comments have been taken into account.
- 5 Representation(s)**
- 5.1 Statutory neighbour notification was undertaken and the proposal was advertised in the East Kilbride News and the Hamilton Advertiser for neighbour notification purposes, development contrary to development plan (DCDP) and affecting the setting of a listed building. Following this, 10 letters of representation, including 1

comment letter, have been received. The issues raised in all representations can be summarised as follows:

- a) Ensure full protection for all wildlife, flora and fauna and no demolition should take place until it is absolutely established that there are no bats.**

**Response:** An Ecological Assessment was lodged and it is concluded that the existing habitats have very low value and the loss represents no significant constraint to development. The proposal includes the implementation of a detailed landscape scheme which will have a positive impact on biodiversity of the Crossbasket estate and will encourage wildlife habitats.

- b) Landscaping should be favourable to butterflies and moths and trees to be planted wherever possible.**

**Response:** A comprehensive landscape and maintenance and management scheme forms part of the proposals and a wide variety of native trees, plants, shrubs and wild flower mix are included which will be favourable to wildlife habitats.

- c) While supportive of the development in principle concerned regarding visual intrusion and overshadowing impact of the development on the Crossbow Gardens estate due to proposed boundary fencing.**

**Response:** The majority of the trees along the boundary of the site with Crossbow Gardens are to be retained. In addition, additional planting is proposed along the eastern boundary. A combination of existing trees and new planting will provide an appropriate screened boundary with the existing residential properties. There is no proposal to alter the existing boundary walling or fencing at this location.

- d) Concern regarding potential noise and disturbance during the operational life of the development particularly as the development including a spa pool and remote footpaths will be 50 metres from the boundary wall with Crossbow Gardens. How will noise and privacy be mitigated?**

**Response:** The landscape buffer between the new development and Crossbow Gardens will assist in mitigating any noise. In addition, the closest development to the site's eastern boundary with Crossbow Gardens is the staff car park, spa pool, with a 6 metre high wall enclosure (dropping to 4.4 metres at a lower section) on the east elevation. The main wedding banqueting hall and ceremony room remains farthest west adjacent to the castle with the hotel accommodation block, restaurant and bar located to the west of the spa resort. The remote footpath proposed would be designed within the existing and supplemented landscape buffer and would result in limited pedestrian movement within the estate. Environmental Services were consulted and have no objections subject to conditions including the submission of a Noise Assessment for submission and consideration.

- e) It is noted the increase in vehicle numbers expected by the large increase in parking spaces and service areas proposed. This will exacerbate the problem of accidents at the Expressway slip road and junction with Stoney Meadow Road. What Traffic Impact Assessment has taken place?**

**Response:** A Transport Statement was lodged in support of the application and the Council's Roads and Transportation Services considered the document carefully and have no objections subject to conditions.

- f) **Such major development will overwhelm the current foul drainage systems. What is proposed as the primary means of effluent disposal and to protect the river from pollution?**

**Response:** The foul drainage is a private system and is not connected to the adjacent Scottish Water Drainage System. SEPA were consulted and had no objections together with the Council's Roads Flood Management Team.

- g) **Concerned that the existing surface water run-off problem at Crossbow Gardens will be exacerbated by the additional hardstanding and buildings and that the river profile may change and have downstream effects on Crossbow Gardens.**

**Response:** The proposed surface water discharges are restricted to the greenfield run-off with attenuation of the 1 in 200 year storm plus climate change being stored within the development. The discharges rates to the watercourse are low and will not affect the current rate of erosion of the watercourse due to the predominant rock bed.

- h) **Construction impact including hours of construction, noise, dust, traffic impact, river pollution.**

**Response:** It is recognised that with any construction site there will be noise and construction traffic movements. However, through careful management of the construction phase this can be mitigated and reduced to a minimum. Environmental Services were consulted and have no objections subject to conditions including the submission of a Noise Assessment for submission and consideration. Conditions would be imposed on any approval to require the submission of the Noise Assessment together with a construction traffic management scheme.

- i) **Any planning application must not compromise the status of the designation of Greenhall and Millheugh as a Local Nature Reserve (LNR) as shown on the Proposed Local Development Plan 2.**

**Response:** This proposed LNR is recognised. It lies east of the Crossbasket Estate and would remain unaffected by any development within this application site.

5.2 These letters are available for inspection on the planning portal.

## **6 Assessment and Conclusions**

- 6.1 The applicant seeks detailed planning consent for a hotel, spa and restaurant development together with 4 no. guest lodges within the Crossbasket Estate, Stoneymeadow Road, High Blantyre. In addition, expanded car parking areas are proposed and an improved access driveway and footpath network are proposed.
- 6.2 The adopted South Lanarkshire Local Development Plan 2015 (LDP) identifies the site, in land use terms, as being within the Greenbelt (as defined by Policy 3 – Greenbelt). It also falls within a wider Special Landscape Area.
- 6.3 The determining issues in the assessment of this application are its compliance with Local Development Plan policy as well as its impact on the amenity of adjacent properties. Under the terms of 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. In this case, the development plan framework against which the proposal requires to be assessed

comprises the South Lanarkshire Local Development Plan (adopted 2015) and its relevant associated Supplementary Guidance documents.

- 6.4 Section 3 of the report explains that the proposed South Lanarkshire Local Development Plan 2 (SLLDP2) as modified (in accordance with the modifications recommended in the Examination report) was approved by the Planning Committee on 1 December 2020. Notice has now been given by the Council of the Intention to Adopt the Plan. The weight attached to SLLDP2 as a material consideration in determining this application is, therefore, significant. For the purposes of determining planning applications the Council will, therefore, assess these against the policies contained within the adopted South Lanarkshire Local Plan and those within the proposed South Lanarkshire Local Development Plan. For the purposes of this report, SLLDP2 Policies are only referenced where they differ from the aims of SLLDP.
- 6.5 In terms of national planning policy, Scottish Planning Policy (SPP) states that local authorities should support sustainable economic development in all areas by taking account of matters including the economic benefits of proposals, promoting development in sustainable locations and supporting development which will provide new employment opportunities.
- 6.6 In this instance, the proposed development would be constructed within the wider estate of Crossbasket Castle, a Category 'A' Listed Building. The new facilities would ensure the continued, successful future of the castle as a five star hotel and wedding venue. This would be to the wider benefit of the community of South Lanarkshire. A planning statement has been lodged which describes the extent of the site and its surroundings and provides historical background on the proposed development, setting out key factors which should be taken into consideration when determining the application, including the fact that the planning history of the site confirms the amount of investment that the current owners have already made which secured the future of Crossbasket Castle which had previously been on the Buildings at Risk Register. It is argued that the location of the proposed development, while on greenbelt land, is justified in terms of locational need as this expansion of enhanced facilities would secure the future of Crossbasket Castle as a 'high end' iconic wedding venue for South Lanarkshire. In addition, the design layout of the buildings has evolved to ensure that the historic character and setting of the castle is preserved but is also enhanced through detailed landscaping and careful design of vehicular and pedestrian linkages to ensure that the castle remains the focus upon entering the estate. Therefore, such new build at this location, within the Greenbelt is justified in this instance.
- 6.7 Policy 1 – Spatial Strategy states that the Council will encourage sustainable economic growth and regeneration, protect and enhance the built and natural environment and move towards a low carbon economy. In this instance, although the site is within the Greenbelt, it forms part of the wider Crossbasket Estate where currently a luxury hotel and wedding venue operates. This proposal would expand and enhance the experience and would ensure the economic security of this five star venue going forward.
- 6.8 Policy 2 seeks to ensure that proposed developments, where possible, seek to minimise and mitigate against the effects of climate change. Furthermore, any proposal should not result in significant adverse environmental or amenity impacts. In this instance, by concentrating the facilities including bedroom accommodation at Crossbasket, it would enable wedding guests to remain on the estate rather than the current situation which requires them to be transported by car, taxi or bus to other

hotels, often several miles outwith the South Lanarkshire Area. In addition, the site is located within 500 metres of bus routes and a Travel Plan would be prepared and implemented as part of the proposal.

- 6.9 Policy 3 (Greenbelt and Rural Area) states that the Greenbelt functions primarily for agriculture, forestry, recreation and other uses appropriate to the countryside. Where it is demonstrated that there is a specific locational requirement and established need for a proposal. Exceptionally, proposals for larger scale business development that generate employment opportunities will be considered on their own merits with particular regard to their economic benefits for the area. In this regard, this proposal would provide significant social and economic benefits through the creation of potentially 106 construction jobs and, once operational, an additional 52 new jobs together with increased local expenditure. The proposal can be developed at Crossbasket estate without adverse impact on the setting of the castle itself and the surrounding policies would be enhanced through additional planting of trees, shrubs, shelter belts and boundary planting. It is, therefore, considered that the proposal accords with Policy 3 and GBRA1 (economy/business related developments).
- 6.10 Policy 4 (Development Management and Placemaking) and DM1(Design) seeks to ensure that development takes account of and is integrated with the local context and built form. Proposals should have no significant adverse impacts on the local community and include, where appropriate, measures to enhance the environment. It is considered that the overall benefits of the development proposal including the enhancement of the existing driveway and the implementation of a detailed landscape scheme, together with the proposed introduction of a safe footpath network within the estate will have an overall positive impact on the immediate and wider area. The buildings have been sensitively designed so as not to overdominate the castle and to ensure subtle integration via a carefully designed footpath network and car parking area. The proposed development is, therefore, considered to be consistent with Policy 4 of the SDLLP and with the policy guidance set out within the associated Supplementary Guidance Development Management, Placemaking and Design.
- 6.11 Policy 7 (Employment) states that the Council will support sustainable economic growth. The provision of good quality visitor attractions and accommodation will be supported based on sustainable management and interpretation of the area's natural, built and cultural resources. As mentioned above, this proposal will provide significant social and economic benefits through the creation of potentially 106 construction jobs and, once operational, an additional 52 new jobs together with increased local expenditure. The proposal can be developed at Crossbasket estate without adverse impact on the setting of the castle itself. It is, therefore, considered that the proposal accords with Policy 7.
- 6.12 Policy 15 (Natural and Historic Environment) seeks to protect important natural and historic sites and features. The Category 'A' Listed Crossbasket Castle would remain unchanged with the development site located directly to its east. As mentioned above, the site is located within a wider Special Landscape Area and in this context the proposal respects this designation with a design which would fit into the existing historic setting. In relation to protected species, following assessment of the Ecological Report submitted in support of the proposal, it is not considered to have any adverse impact on protected species or habitats. Various protection measures can be put in place during the construction process in respect of any protected species and habitats. In addition, Policy NHE3 Listed Buildings is relevant given the proposed development is within the estate of a listed building. The layout, design, materials, scale, siting and use of any development shall be sensitive to, and

respect the character and appearance of, the listed building and its setting. In this instance, no alterations are proposed to the actual castle and, in terms of the new development within the grounds of the castle, it is considered that the siting and design of the new development will not adversely impact upon the setting of the castle; with any impact being addressed through careful landscape design with enhancement of the surrounding grounds through an improved driveway design, tree retention and substantial tree planting.

- 6.13 As detailed above under paragraph 4.7, Historic Environment Scotland (HES) was consulted and further discussions took place with the developer to address its comments. HES has advised that while it does not object to the proposal, it recommends that every effort is made to reduce the impact of the overall development on the historic setting of Crossbasket through revisions to the landscaping proposals. HES encouraged revisions to the landscape design to simplify the approach and to ensure that Crossbasket castle itself remains the focus of its setting. HES considered that the proposal introduced a proliferation of access drives and hard landscaping which would further detract from the historic character of the setting of the castle. The Planning Service is confident that having sought changes to the hard and soft landscaping proposals to simplify the structured footpath linkages with the castle and by the omission of a roundabout on the approach to the hotel and spa, together with a more refined and narrower sweeping driveway to the castle, that the impact on the setting of the castle would be reasonably limited and, in fact, the intervisibility between the gated entrance and the castle would be improved.
- 6.14 The proposal was advertised as development contrary to the development plan due to the land use designation of the site as Greenbelt (Policy 3) in the adopted South Lanarkshire Local Development Plan 2015 (SLLDP) and Policy 4 in the proposed South Lanarkshire Development Plan (SLDP2). However, as outlined above, the proposal would provide enhanced facilities for an existing hotel facility to the benefit of South Lanarkshire and it is demonstrated that there is a locational need. On that basis, it is considered that the proposal is not contrary to the terms of the SLLDP or SLDP2. Furthermore, as noted at paragraph 6.10 above, the proposal also complies with the development management policies and similarly with the policies within the proposed Local Development Plan 2. The proposed development has also been carefully assessed in terms of potential amenity impacts and is considered acceptable, subject to the imposition of conditions relating to noise, dust and construction phase management.
- 6.15 It is, therefore, recommended that planning permission is granted.

## **7 Reasons for Decision**

- 7.1 The proposal will provide substantial local employment opportunities and will have no adverse impact on amenity. It complies with the relevant policies of the adopted South Lanarkshire Local Development Plan and Supplementary Guidance (Policies 1, 2, 3, 4, 7, 15, DM1, GBRA1 and NHE3) and the proposed South Lanarkshire Local Development Plan 2 (Policies 1, 2, 4, 5, 8, DM1 and NHE3).

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

10 February 2021

## Previous References

- ◆ EK/13/0314 and EK/13/0315 - External fabric repairs; internal alterations and improvements to castle to form wedding venue including erection of single storey rear extension – Approved 16 December 2014
- ◆ EK/16/0078 - Erection of new single storey ceremony room, ancillary to the Crossbasket Castle – Approved 23 May 2016
- ◆ EK/17/0109 - Proposed link extension and viewing gallery between existing ballroom and ceremony room – Approved 2 May 2017

## List of Background Papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
  
- ▶ Neighbour notification letter dated 16.09.2020
- ▶ East Kilbride News advert 23.09.2020
- ▶ Hamilton Advertiser advert 24.09.2020
  
- ▶ Consultations
  - Blantyre Community Council 26.11.2020
  - West of Scotland Archaeology Service 29.09.2020
  - Roads Development Management Team 29.09.2020
  - Environmental Services 03.12.2020
  - Scottish Water 18.09.2020
  - Roads Flood Risk Management 05.02.2021
  - SEPA West Region 06.11.2020
  - Arboricultural Services 10.02.2021
  - Historic Environment Scotland 09.11.2020
  - Planning and Economic Development Services 27.01.2021
  
- ▶ Representations Dated:
  - Mrs Kerry Gorman, 7 Crossbow Gardens, High Blantyre, G72 7RH 05.10.2020
  - Mr David Fox, 3 Crossbow Gardens , Blantyre, Glasgow, G72 9UR 04.10.2020
  - Mr Paul Prentice, 4 Crossbow Gardens, High Blantyre, G72 9UR 04.10.2020
  - Mr Stephen Bates, 6 Crossbow Gardens, Blantyre, G72 9UR 05.10.2020
  - Mr John Ilgunas, 8 crossbow Gardens, High Blantyre, South Lanarkshire, G72 9UR 05.10.2020
  - Joe Allan, 94 Franklin Place, Westwood, East Kilbride, G75 8LS 06.10.2020

Mrs Anne O'Neill, 5 Crossbow Gardens, Stonymeadow Road, Blantyre, G72 9UR	06.10.2020
Mr Greig Rowand, 2 Crossbow Gardens, High Blantyre, G72 9UR	06.10.2020
Mrs Georgia Codona, 1 Crossbow Gardens, Stonymeadow Road, High Blantyre, G72 9UR	08.10.2020
Mr Graeme Stewart, 9 Crossbow Gardens, Blantyre, G72 9UR	05.10.2020

### **Contact for further information**

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

Maud McIntyre, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455043

Email: [maud.mcintyre@southlanarkshire.gov.uk](mailto:maud.mcintyre@southlanarkshire.gov.uk)

### **Conditions and reasons**

01. 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.

Reason: In the interests of amenity and in order to retain effective planning control.

02. All external colours shall be agreed in writing with the Council as Planning Authority prior to the commencement of works.

Reason: In the interests of amenity and in order to retain effective planning control.

03. That unless otherwise agreed, there shall be no visible external ducting or services' plant on the roofs or elevations of the new development.

Reason: In the interests of amenity.

04. Development shall not commence until details of surface finishes to the access roads (new and existing), all parking and manoeuvring areas (including any overspill car park) has been submitted for the consideration and written approval of the Council as Planning Authority. Surfacing materials to the car parking shall include 'grasscrete' type or similar. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the Council as Planning Authority.

Reason: These details have not been submitted or approved.

05. That all trees to be removed must be replaced by semi-mature/mature trees of a similar species at the locus within the first planting season following the premises being brought into operation, to the satisfaction of the Council as Planning Authority.

Reason: In the interests of amenity.

06. Prior to the commencement of the development hereby approved (including any demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Council as Planning Authority. Specific issues to be dealt with in the TPP and AMS:-

- a) Location and installation of services/ utilities/ drainage.
- b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
- c) Details of construction within the RPA or that may impact on the retained trees.
- d) A full specification for the installation of boundary treatment and soil retaining features within the RPA of retained trees.

- e) A full specification for the construction of any roads, parking areas, driveways and pathways within the RPA of retained trees, including details of the no-dig specification and extent of the areas of the roads, parking areas, driveways and pathways to be constructed using a no-dig specification. Details shall include relevant sections through them.
- f) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent buildings' foundations and carpark areas.
- g) A revised specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- h) A specification for scaffolding and ground protection within tree protection zones.
- i) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- j) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires.
- k) Methodology and detailed assessment of any proposed root pruning.
- l) Arboricultural supervision and inspection by a suitably qualified tree specialist. Reporting of inspection and supervision.
- m) Methods to improve the rooting environment for retained and proposed trees and landscaping

The development shall thereafter be implemented in strict accordance with the approved details.

Reason: To ensure that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality.

07. That the landscaping scheme relating to the development hereby approved shall be carried out simultaneously with the development, or each phase thereof, and shall be completed and thereafter maintained and replaced where necessary to the satisfaction of the Council as Planning Authority.

Reason: In the interests of the visual amenity of the area.

08. That notwithstanding the Landscape Scheme approved under Condition 7 above, and Landscape Management Maintenance Plan submitted, prior to completion or first occupation of the development hereby approved, whichever is the sooner; full details of all proposed tree planting shall be submitted to and approved in writing by the Council as Planning Authority. This will include planting and maintenance specifications, including cross-section drawings, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period. All tree planting shall be carried out in accordance with those details and at those times. Any trees that are found to be dead, dying, severely damaged or diseased within five years of the completion of the building works OR five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season.

Reason: To safeguard and enhance the amenity of the area, to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality.

09. That before development starts, details of all boundary treatment(s) shall be submitted to and approved by the Council as Planning Authority and thereafter all approved works shall be completed to the satisfaction of the Council prior to the development hereby approved being occupied or brought into use.

Reason: These details have not been submitted or approved.

10. Prior to the commencement of the development hereby approved, details shall be submitted to the Council as Planning Authority of the driveway, car parking bays, footpath network lighting proposals for the development.

Reason: These details have not been submitted or approved.

11. That the new development hereby approved shall not be brought into operation until the developer provides a written agreement from Scottish Water that the site can be served by an adequate water supply constructed to the specification and satisfaction of Scottish Water as the Water Authority.

Reason: To ensure that the development is served by an appropriate water supply.

12. That no development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

Reason: In order to determine the character and extent of any archaeological remains within the proposed development area, to safeguard and allow any archaeological remains which may exist on the site to be satisfactorily recorded.

13. That the foul, waste and surface water systems proposed to serve the development shall be to the entire satisfaction of the Scottish Environmental Protection Agency and the Flood Management Team within South Lanarkshire Council.

Reason: In order to prevent nuisance conditions arising from inadequate disposal systems and/or the contamination of nearby watercourses.

14. That the applicant shall implement a surface water management plan during the construction phase of the development, with appropriate sediment control measures. Details of the required management plan shall be submitted to and approved by the Council's Flood Management Officers within 3 months of the date of this consent.

Reason: To reduce the risk of pollution to local watercourses.

15. That the submitted flood risk and drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design Criteria and shall include signed appendices A, B, C, D and E. The development shall not be occupied until the surface drainage works have been completed in accordance with the details submitted to and approved by the Council as Planning Authority.

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

16. That, in relation to the submitted Flood Risk Assessment and prior to the commencement of site works, the applicant shall provide written clarification that the ground conditions in the area shaded orange on the approved layout plan are suitable for the drainage measures being proposed.

Reason: To ensure that this area is suitable for the construction of proposed underground attenuation features.

17. That unless otherwise agreed, prior to the commencement of site works, the applicant shall undertake a noise assessment to determine the impact of noise from the proposed development on nearby dwellings and any noise sensitive premises using the principles set out in British Standard BS 4142:2014 - Method for Rating and Assessing Industrial and Commercial Sound, or by a method agreed by the Planning Authority. The assessment shall be submitted to and approved by the Planning Authority and shall identify the predicted Rating Level and measured Statistical Average Background Noise Level at nearby dwellings and noise sensitive premises. Where the Level of Significance as described within the Scottish Government Document: Technical Advice Note Assessment of Noise, identifies changes in noise as moderate or greater (assessed with windows open), a scheme for protecting the dwellings from commercial noise shall be submitted to, and approved by, the Planning Authority. The approved scheme for the mitigation of noise shall be implemented prior to the development being brought into use and where appropriate, shall be retained in accordance with the approved scheme to the satisfaction of the Council as Planning Authority.

The Background Noise Level for the most sensitive period that the source could operate should be used for this assessment. Any survey submitted should assess the noise effects of commercial vehicle deliveries on adjacent dwellings and noise-sensitive premises.

Reason: In the interests of residential amenity.

18. That before the hotel, spa, and lodges are brought into use, the proposed method of ventilation shall be submitted to and approved in writing by the Council as Planning Authority. The proposed 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 to 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 open, 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.
- d) The discharge stack shall:-
  1. Discharge the extracted air not less than 1m above the roof ridge of any building within 20m of the building housing the commercial kitchen.
  2. If 1 cannot be complied with for planning reasons, then the extracted air shall be discharged not less than 1m above the roof eaves or dormer window of the building housing the commercial kitchen. Additional control measures may be required.
  3. If 1 or 2 cannot be complied with for planning reasons, then an exceptionally high level of odour control will be required.

Reason: In order to safeguard residential amenity.

19. That unless otherwise agreed, prior to the commencement of site works the applicant shall undertake a Noise Assessment (NA) to determine the impact of noise from amplified music from the proposed development using the principles set out in the Institute of Acoustics - Good practice Guide on the Control of Noise from Pubs and Clubs March 2003, or a method agreed by the Planning Authority. This would require that for premises where entertainment takes place on a regular basis, music and associated sources should not be audible inside noise sensitive property at any time.

The following may be used as an objective guide for the aforementioned requirement:-

1. The L10 entertainment noise shall not exceed the representative background noise levels L90 (without entertainment noise) in any 1/3 octave band between 40 Hz and 160 Hz.
2. The LAeq.15min of the entertainment noise shall not exceed the representative background noise LA90.15min (without entertainment noise).

The above applies both externally and internally at noise sensitive properties.

Reason: In order to safeguard residential amenity.

20. That, as recommended within the submitted Crossbasket Castle, High Blantyre, Report on Site Investigation, dated November 2020 Project Reference P19/225, further investigation of potentially contaminated material shall be undertaken if such potentially contaminated material is identified during the site preparation and/or construction work, and the adoption of good working practices and adherence to the requirements of the Waste Management Legislation shall be undertaken.

Reason: In the interests of amenity.

21. Details for the storage and the collection of waste arising from the proposed development shall be submitted to and approved in writing by the Planning Authority. The agreed details shall be in place prior to the development being brought into use and thereafter be satisfactorily maintained.

Reason: In the interests of amenity.

22. 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.

Reason: In the interests of amenity.

23. That after the development has been fully operational for 6 months, a comprehensive Travel Plan that sets out proposals for reducing dependency on the private car shall be submitted and approved in writing by the planning authority, after consultation with the Council's Roads Authority. The Travel Plan shall identify measures to be implemented, the system of management, monitoring, review, reporting and the duration of the plan and shall take cognisance of the travel plan framework included in the transport statement dated August 2020.

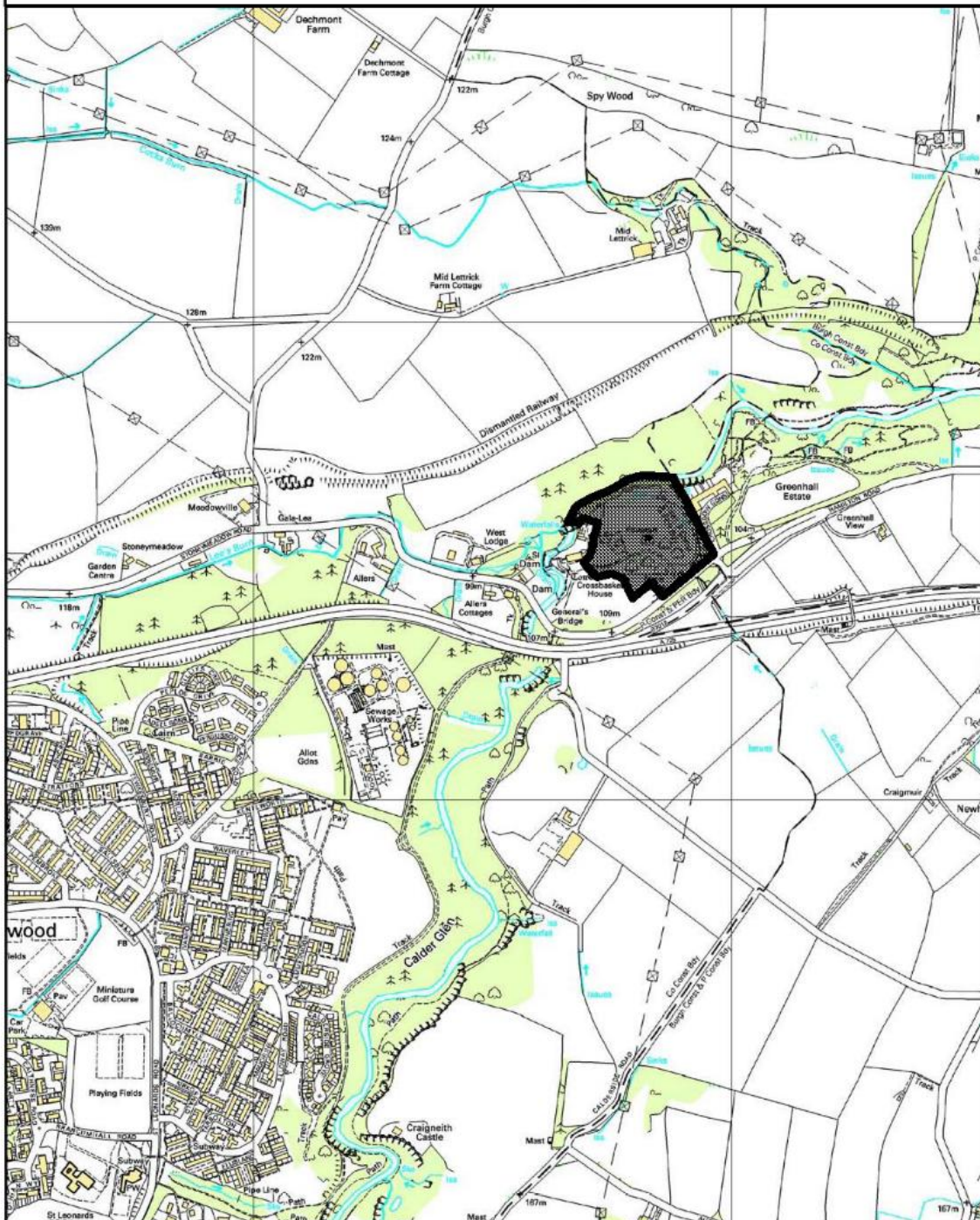
Reason: To be consistent with the requirements of Scottish Planning Policy (SPP) and Policy 2 – Climate Change of the SLLDP(adopted) and the SLDP2(proposed).

24. That a construction traffic management plan should be submitted for approval before any works commence. Staff parking, wheel wash facilities, dilapidation survey, routing of construction vehicles should all be included in the plan, and all required measures shall be implemented to the satisfaction of the Council as Planning and Roads Authority.

Reason: In the interests of amenity and traffic safety.

P/20/1148

Land 160M ENE of Crossbasket Castle, StoneMeadow Road, Blantyre



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Scale:  
1:11,000  
Date:  
22/01/2021



**South Lanarkshire Council**  
Community and Enterprise Resources  
Planning and Economic Development

# Report

7

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>23 February 2021</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/20/1168
Planning proposal:	Change of use of vacant office to licensed restaurant, bar with associated take-away facility and installation of extraction system

## 1 Summary application information

Application type: Detailed planning application

Applicant: SALT Hamilton Limited  
Location: 115 Cadzow Street  
Hamilton  
ML3 6HG

## 2 Recommendation(s)

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

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

### 2.2 Other actions/notes

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

## 3 Other information

- ◆ Applicant's Agent:
- ◆ Council Area/Ward: 17 Hamilton North And East
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**  
Policy 4 - Development Management and Place Making  
Policy 6 - General Urban Area/Settlements  
Policy 15 - Natural and Historic Environment

### **Proposed South Lanarkshire Local Development Plan 2**

- Policy 3 - General Urban Areas
- Policy 5 - Development Management and Place Making
- Policy 14 - Natural and Historic Environment

◆ **Representation(s):**

▶	6	Objection Letters
▶	105	Support Letters
▶	0	Comment Letters

◆ **Consultation(s):**

Roads Development Management Team

Environmental Services

## **Planning Application Report**

### **1 Application Site**

- 1.1 The planning application site comprises an existing single storey building, which is situated on the corner of Cadzow Street and Auchingramont Road. The building relates to a traditional sandstone property, with a flat roof design, which was constructed in the 1930's. The application site is situated within the Hamilton Area 1 Conservation Area.
- 1.2 The site is enclosed to the north by Cadzow Street and further by a range of uses, including the Town House. The site is enclosed to the east by Auchingramont Road and further by 'Rocca' restaurant and office accommodation. The site is enclosed to the south by a vehicular access to the office accommodation at 117 Cadzow Street, an electric substation and further by a robust tree line and residential accommodation. In addition, the site is enclosed to the west by office accommodation.
- 1.3 The site is situated in close proximity to Hamilton town centre and Cadzow Street (B701) is a busy main route through Hamilton. There is on-street parking provision on Cadzow Street and Auchingramont Road. In addition, there is also off-street parking available nearby in two established car parks.
- 1.4 The applicant has submitted information (email dated 25 January 2021) in support of the application, which establishes that the property has now been vacant for over five years. This correspondence establishes that the current owner purchased the property from the Council in May 2018 and, prior to this date, the building had been vacant for a three year period. The submitted information identifies that, following the purchase, the property was marketed for lease by Whyte and Barrie Surveyors and this marketing included the use of an advertising board at the site and the building was also advertised on the internet. This marketing was undertaken for a one year period and did not result in the re-occupation of the property. Internal and external works were subsequently undertaken to the property and it was re-marketed again from January 2020.
- 1.5 An application for Listed Building Consent has been submitted for 'alterations to existing building (Listed Building Consent)' (reference P/20/1309) at the site. This application is currently being assessed by the Planning Service.

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

- 2.1 The applicant seeks detailed planning consent for the change of use of a vacant office to a licensed restaurant, bar with associated take-away facility and the installation of an extraction system at 115 Cadzow Street, Hamilton.
- 2.2 The proposed change of use will accommodate a seating area, kitchen, take-away service area, toilets and a storage area. The proposed external alterations to the property include the installation of a new extraction system, the formation of a new door and a ramped access to the rear of the property. The small basement level is proposed to be utilised for storage and a staff WC.
- 2.3 During the planning application process, the proposal was amended slightly to include a revision to the design and position of the flue and the formation of a fire door to the rear of the property.

### **3 Background**

#### **3.1 Local Plan Status**

- 3.1.1 The determining issues in the consideration of this application are its compliance with the adopted South Lanarkshire Local Development Plan and its impact on residential

amenity and the Conservation Area. In addition, the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance are now a significant material consideration in the determination of planning applications.

3.2 On 17 August 2020, the Directorate for Planning and Environmental Appeals issued its report of the Examination of the Proposed South Lanarkshire Local Development Plan 2 (SLLDP2) and a number of modifications to the Plan were recommended. At the Planning Committee on 1 December 2020, members agreed to the approval of all the modifications, the publication and public deposit of the Plan (as modified) and the submission of the Plan to Scottish Ministers. For the purposes of determining planning applications, the Council will, therefore, assess all proposals against the policies contained within the adopted South Lanarkshire Local Plan and those within the proposed South Lanarkshire Local Development Plan 2. As SLLDP2 is now approved for adoption, when considering planning applications, greater weight should be given to the policies and guidance contained in this Plan.

3.3 The planning application site is designated under the provisions of the general urban area and the Conservation Area in both the adopted and emerging Local Development Plan. The site is affected by Policy 4 'Development Management and Place Making,' Policy 6 'General Urban Area/Settlements,' and Policy 15 'Natural and Historic Environment' of the adopted Local Development Plan. In addition, Policy 3 'General Urban Areas,' Policy 5 'Development Management and Place Making,' and Policy 14 'Natural and Historic Environment' of the proposed Local Development Plan are also relevant to the assessment of this planning application.

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

3.2.1 Given the nature and scale of the proposal, there is no specific Government guidance directly relevant to the proposed development.

### 3.3 **Planning Background**

3.3.1 There is no recent planning history relative to the application site.

## 4 **Consultation(s)**

4.1 **Roads Development Management Team** - have advised that they have no objection to the proposal.

**Response:** Noted.

4.2 **Environmental Services** - have offered no objection to the proposal subject to the imposition of a condition and advisory notes relating to the ventilation system, health and safety, noise and nuisance.

**Response:** Noted. It is advised that these requirements can be addressed through the use of a planning condition and advisory notes, where appropriate.

## 5 **Representation(s)**

5.1 Statutory neighbour notification was undertaken following the validation of the application and the neighbours were subsequently re-notified regarding the design changes to the proposal which were undertaken during the application process. In addition, the proposal was advertised in the local press. Following this publicity, 105 letters of support and 6 letters of objection were received in relation to the application. The grounds of objection are summarised below:-

(a) **There is an oversaturation of similar restaurant and hot-food take away venues in this area.**

**Response:** It is accepted that there are already similar premises within the locality of the site. However, it is well established that it is not the role or function of the planning system to control or regulate the supply or demand for the provision of such outlets, as this is for the 'market' to determine.

- (b) **There have been several road traffic accidents adjacent to the site and the proposal will exacerbate the traffic issues in the area.**

**Response:** It is noted that the site is situated at a busy junction, however, Roads and Transportation Services have been consulted in relation to the proposed development and they have not raised any issue regarding traffic safety at the site.

- (c) **There are currently parking issues associated with the existing commercial venues which operate in close proximity to the site and the proposal will result in additional parking problems in the area.**

**Response:** There is existing on-street parking provision on Cadzow Street and Auchingramont Road. In addition, there are two car parks located in close proximity to the site, one of the car parks is accessed via Auchingramont Road and the other is situated to the rear of the Town House and is accessed via Lower Auchingramont Road. It is, therefore, considered that there is adequate parking provision available for potential users of the development.

Roads and Transportation Services were consulted in relation to the development and they did raise any concerns in relation to parking provision associated with the proposed change of use.

- (d) **There is currently a noise issue in the area from the other nearby venues, particularly the Bombay Cottage and Rocca. The noise is generated from patrons arriving and leaving, refuse collection and the ventilation systems relating to these premises. It is considered that the proposal will result in an increase in noise and adversely impact on the general residential amenity of the Auchingramont Road area.**

**Response:** It is noted that the site is situated in close proximity to Hamilton town centre and the surrounding land uses include a wide range of commercial uses. In addition, the site is located adjacent to a busy main route. Therefore, whilst the concerns regarding existing noise issues are noted, those residents who live in close proximity to this site cannot expect to have the same level of amenity as those occupiers who reside in exclusively residential estates as they are impacted by the existing mix of land uses. Therefore, it is not considered that the proposed development will significantly adversely affect the existing residential amenity of the area.

Environmental Services have been consulted in relation to the proposed development and have advised that they have no objection to the change of use, subject to the imposition of a condition relating to the method of ventilation. This condition also relates to noise levels arising from the site.

Notwithstanding the above, if the current or future level of noise is considered significant then the Council's Environmental Services can be contacted as they have the statutory provision to investigate such concerns.

- (e) **The letters of support which have been submitted to the Planning Service are from people that do not live near the site and they are unlikely to use the development.**

**Response:** Noted.

- (f) **Neighbours to the site object to this application on the grounds of the odours which will be generated from the proposed use.**

**Response:** As identified in (d) in the foregoing, Environmental Services were consulted in relation to the proposal and they have no objection to the proposal, subject to the imposition of a condition relating to the method of ventilation at the site. They have further advised that this condition will require that all odours, fumes and vapours generated on the premises shall be controlled by best practicable means in order to prevent them causing nuisance to occupants of nearby dwellings or premises. Therefore, it is considered that, in accordance with this condition, a sufficient ventilation system will be required to be installed at the premises, which will minimise any potential odour issues.

- (g) **The property has no allocated car parking provision and we already have a problem with people parking in our private car park. It is considered that this proposal will exacerbate this ongoing issue.**

**Response:** The concerns regarding the unauthorised use of this parking area are noted. However, as it is a private parking area, it is the responsibility of the owner to restrict/control vehicle access through the use of physical mechanisms such as a gated access, removable bollards etc. to their property.

As identified in (c) above, it is not considered that the proposal will exacerbate any parking issues within the local area.

- (h) **The kitchen is proposed to be situated in close proximity to a neighbouring property and it is expected that this will result in more dirt and grease, requiring more regular property maintenance.**

**Response:** To the rear of the site, adjacent to the proposed kitchen area, there is a vehicular access and a robust line of trees. The nearest residential property is situated approximately 21m from the site and, therefore, the considerable distance between the properties, the screening provided by the trees and the ventilation system at the property will ensure that any such potential issues would be mitigated and minimised.

- (i) **It relates to a B Listed Building and it is considered that this development will have a negative impact on the character of the property.**

**Response:** The application site relates to a C Listed Building, which is situated within the designated Conservation Area. The proposed external alterations to the building are relatively minor, however, a full assessment of the impact of the proposal on the existing building, the Conservation Area and surrounding streetscape within the context of the Local Development Plan policies are undertaken in Section 6 below.

5.2 There were a significant number of letters of support which were received in relation to the proposed development. The key issues raised by the supporters of the application include that the proposal will result in the re-use of a vacant property, which could fall into disrepair if not occupied, and that this new business would result in job creation. Other reasons provided for supporting the application include that the restaurant will sell sushi which will add to the variety of offer in the area and the new use of the building could potentially bring more people to Hamilton town centre who may use the shops and other facilities.

5.3 These letters are available for inspection on the planning portal.

## **6 Assessment and Conclusions**

- 6.1 The applicant seeks detailed planning consent for the change of use of a vacant office to a licensed restaurant, bar with associated take-away facility and the installation of an extraction system at 115 Cadzow Street, Hamilton.
- 6.2 The determining issues in the consideration of this application are its compliance with the adopted and proposed Local Development Plan policies and its impact on residential amenity and the Conservation Area.
- 6.3 With regards to Government guidance and advice, as detailed in section 3.2, it is considered that there are no significant issues raised by the proposal in this regard.
- 6.4 In terms of Local Plan policy, the site is affected by Policy 6 of the adopted Local Development Plan and Policy 3 of the emerging Local Development Plan. These policies establish that residential developments, and those of an ancillary nature, may be considered acceptable provided that they do not have a significant adverse impact on the amenity and character of the area.
- 6.5 The site is situated in close proximity to Hamilton town centre, adjacent to a busy main route through Hamilton, and is surrounded by a mix of commercial land uses including a number of restaurants. As a consequence of these contributory factors, it is accepted that those residents who live in close proximity to this site do not have the same level of amenity as those occupiers who reside solely in residential estates. Therefore, it is not considered that the proposed development raises any issues within the context of Policy 6 of the adopted Local Development Plan and Policy 3 of the emerging Local Development Plan.
- 6.6 Policy 4 of the adopted Local Development Plan and Policy 5 of the emerging Local Development Plan identify that all development proposals will require to take account of and be integrated with the local context and built form.
- 6.7 The applicant has advised that the property has now been vacant for over five years and has been actively marketed for occupation without interest. Therefore, on this basis it would appear that there has not been demand for the occupation of this property by an alternative end user. A long-term vacant property can result in an adverse visual impact on an area and, therefore, it is considered that the grant of planning permission for the proposed change of use should ensure the reoccupation of the unit whilst simultaneously improving the vitality of the area. In addition, the proposed alterations to the property are acceptable and the development will not result in a significant material impact on the streetscape or any nearby properties. Therefore, the proposal raises no issues within the context of Policy 4 of the adopted Local Development Plan and Policy 5 of the emerging Local Development Plan.
- 6.8 Policy 15 of the adopted Local Development Plan and Policy 14 of the emerging Local Development Plan establish that the Council will assess the impact of all proposals on the character and amenity of the built environment. It is considered that the scale, design and finishes of the proposed alterations to the property respect, and are sensitive to, the character and appearance of the existing building and the Conservation Area. Therefore, it is considered that the proposal raises no issues within the context of Policy 15 of the adopted Local Development Plan and Policy 14 of the emerging Local Development Plan.
- 6.9 The issues raised by the third party representations received are not, in this instance, significant enough in terms of substance or weight to warrant the refusal of the proposal. In addition, it should be noted that a significant number of letters have been

submitted in support of the proposal. In addition, the Council's Economic Development Service support the proposal as it would bring a vacant unit back into use and contribute to enhancing the vitality and viability of the surrounding area which is also a key route into the town centre.

- 6.10 In conclusion, the proposal relates to the occupation of a long-term vacant building which is situated on a prominent corner site, in close proximity to Hamilton town centre. There are a mixture of uses in the surrounding area and the proposed use is considered to be acceptable. In addition, the proposed alterations to the property are considered minimal and will not adversely affect the character/appearance of the Conservation Area. The proposal is considered to be acceptable and complies with the relevant policies contained in both the adopted and proposed local plans since it is an acceptable form of development at this location and it will not have a detrimental impact on the amenity of the surrounding area. In view of the above, it is recommended that planning consent be granted subject to conditions.

## **7 Reasons for Decision**

- 7.1 The proposal will not result in a significant adverse impact on the residential amenity or the character/appearance of the Conservation Area. The proposal raises no issues within the context of Policies 4, 6 and 15 of the adopted South Lanarkshire Local Development Plan. In addition, the proposal raises no issues within the context of Policies 3, 5 and 14 of the proposed Local Development Plan 2. There are no other material considerations which would justify the refusal of planning permission.

**Michael McGlynn**

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

12 February 2021

## **Previous References**

- ◆ P/20/1309

## **List of Background Papers**

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter, dated 16 September 2020 and 2 December 2020
- ▶ Press Adverts, Hamilton Advertiser, dated 24 September 2020 and 10 December 2020
- ▶ Site Notice, dated 15 September 2020
- ▶ Operations Statement, received 15 September 2020
- ▶ Email from Applicant, dated 25 January 2021
  
- ▶ Consultations
  - Roads Development Management Team 28.01.2021
  - Environmental Services 23.09.2020
  - Environmental Services 01.12.2020

► Representations	Dated:
Miss Angela Harris, 7 Strath Halladale, Law, ML8 5LQ	23.09.2020
Mrs Gemma Skimming, 21 St Andrews Way, Wishaw, ML2 8SS	25.09.2020
Mrs Nicolle Devlin, 8 Auchingramont Court, Hamilton, ML3 6NB	07.10.2020
Miss Linzi Dodd, 15 Alexander Gibson way, Motherwell, ML1 3FA	25.09.2020
Mrs Claire Leghorn, 14 Glenafeoch Road, Carluke, ML8 4DR	22.09.2020
Mrs Laura Findlater, Upper flat 2-4, Auchingramont Road, Hamilton, ML3 6JT	29.09.2020
Mrs Sarah Cleary, 35 Sportsfield Road, Hamilton, ML3 8RF	22.09.2020
Mrs Lisa Wilson, 23 Roadmeetings Crescent, Carluke, ML84GZ	29.09.2020
Mr Kevin McAllister, 34 Cadzow Street, Hamilton, ML3 6DG	30.09.2020
Miss Monica Millar, 54 Woodlands Avenue, South Lanarkshire, ML8 5JL	30.09.2020
Mr Owen McGowan, 54 Woodlands Avenue, Law, ML8 5JL	30.09.2020
Miss Steph Jones, 5 Low Waters Road, Hamilton, ML3 7NP	22.09.2020
Mrs Kerrie Mackay, 72 Sportsfield Road, Hamilton, ML3 8RF	23.09.2020
Miss Louise Mackin, 7 Park Holme Court, Hamilton, ML3 0FB	24.09.2020
Miss Emma Buckley, 36 High Patrick Street, Hamilton, ML3 7JB	30.09.2020
Mrs Laura Findlater, Upper Flat 2-4, Auchingramont Road, Hamilton, ML3 6JT	21.09.2020
Mr Iain Mclellan, 124 Craigbank Street, Larkhall, ML9 1JP	05.10.2020
Mr Craig Main, 1 Orion Way, Carluke, ML8 5TP	05.10.2020
Mrs Louise McCutcheon, 7 Hayward Court, Carluke, ML8 4LR	27.09.2020
Michael Makes, By Email	29.09.2020
Mrs Gillian Clarkson, 6 Cotton Vale, Motherwell, ML1 5NL	22.09.2020
Dr David Devine, 19/5, Union Street, Hamilton, ML3 7PA	25.09.2020

Miss Kirsten McCully, 328 Ladywell Road, Motherwell, ML1 3HG	22.09.2020
Mrs Mairi McMinn, 10 Braefoot Court, Law, Carluke, ML8 5HY	22.09.2020
Mrs Lynne Rowan, 7 Mcmillan Way, Law, Carluke, ML8 5NT	22.09.2020
Mrs Jane Leghorn, 8 Braefoot Court, Law, ML8 5HY	22.09.2020
Mrs Kimberley Bell, 27 John Ogilvie Crescent, Hamilton, ML3 9GD	22.09.2020
Ms Joanne Burns, Willowbank Mill Toad, Morningside, Wishaw, ML2 9QR	22.09.2020
Ms Allison Grubb, 119 Ladywell Road, Motherwell, ML1 3EU	22.09.2020
Miss Hayley Allan, 2/1 27 Victoria Park Drive South, Glasgow, G14 9RH	06.10.2020
Ms M McAllister, Townhouse 4, 4 Auchingramont Road, Hamilton, ML3 6JT	08.10.2020
Mr Douglas Kemp, 69 Cantieslaw Drive, Calderwood, East Kilbride, G74 3AH	23.09.2020
Miss Debbie Kehoe, 60 Balcastle Crescent, Carluke, Carluke, ML8 4LG	24.09.2020
Miss Caroline Johnstone, 57 Shieldhill Road, Carluke, ML8 5AL	24.09.2020
Mrs Fiona Thomson, 6, Buchan Street, Wishaw, ML2 7HG	24.09.2020
Miss Stephanie Dunn, 59 Camelon Crescent, Blantyre, G72 0BG	24.09.2020
Mr Lee Tancock, 36 High Patrick Street, Hamilton, ML3 7JB	24.09.2020
Mr Neil Hose, 77 Southbrae Drive, Glasgow, G13 1PU	24.09.2020
Ms Susan Mackin, 10 Clarksville Close, Carlisle, CA1 3GT	24.09.2020
Mrs Susan Ingram, 2 Jasmine Way, Carluke, ML8 5AU	24.09.2020
Mr Martin McCluskey, 31 Scott Street, Hamilton, HAMILTON, ML3 6SH	29.09.2020
Mr Stephen Hunter, 36 Backmuir Crescent, Hamilton, ML3 0LL	29.09.2020
Ms M McAllister, Townhouse 4, 4 Auchingramont Road, Hamilton, ML3 6JT	30.09.2020

Mr Andrew Smith, 10 Mackenzie Gardens, East Kilbride, Glasgow, G74 4SA	30.09.2020
Miss Helen Steel, 124 Craigbank Street, Strutherhill, Larkhall, ML9 1JP	09.10.2020
Miss Kirsty Binnie, 2 Spindleside Road, Cleland, ML1 5NT	09.10.2020
Mr David Shirra, 86 Lyle Road, Greenock, PA1 67QT	09.10.2020
Mr Greg McNab, 105, Goremore Road, Carluke, ML8 4PF	10.10.2020
Mrs Claire Roarty, 2 Glebe Road, Newton Mearns, G77 6DU	14.10.2020
Mr Chris Henry, 15 Howes St, Coatbridge, ML5 4HZ	05.10.2020
Mr Donald Connell, 58 Imlach Place, Motherwell, ML1 3FD	23.09.2020
Mrs Carol McDowall, 95 Clyde street, Carluke, ML8 5BG	23.09.2020
Mrs Sandra Miller, Overton Lodge, 1 Overton Farm Cottage, Crossford, ML8 5QF	24.09.2020
Victoria Maley, By Email	29.09.2020
Mrs Elaine Boag, 20 Castleknowe Gardens, Carluke, ML8 5UX	25.09.2020
Mr James Liddell, 31, Cheviot Road, Hamilton, ML3 7HB	23.09.2020
Miss Stephanie Coia, 15 Glenisla Drive, Carluke, ML8 4RS	30.09.2020
Miss Courtney Allan, 3 Montgomery Crescent, Wishaw, ML2 0DH	02.10.2020
Mrs Victoria Dickson, 75 Glenafeoch Road, Carluke, Carluke, ML8 4DS	22.09.2020
Mr Stuart McVicar, 21 Quarry Road, Law, ML8 5HB	22.10.2020
Mr Vincent Shockledge, Quarry Street, Hamilton, ML3	22.09.2020
Miss Carrie Lithgow, 111 Ryhber Avenue, Lanark, ML11 7HQ	24.09.2020
Mrs Victoria Langford, 27 Castleknowe Gardens, Carluke, ML8 5UX	24.09.2020
Miss Erin Hunter, 19, Whiteshaw Drive, Carluke, ML8 5UR	24.09.2020
Mr David Campbell, 119 Ladywell Road, Motherwell, ML1 3EU	26.09.2020
Mrs Victoria Gemmell, 43 Louisville Avenue, Wishaw, ML2 8XU	26.09.2020

Mrs Leslie Burns, Garrionburn Farm, Wishaw, ML2 8HD	27.09.2020
Mr Jamie McCutcheon, 22 Auldton Terrace, Ashgill, ML9 3AG	30.09.2020
Ms Meriel Clunas, 6 Woodlinn Avenue, Glasgow, G44 5TX	14.10.2020
Miss Mandy McGarrell, 58 Imlach Place, Motherwell, ML1 3FD	23.09.2020
Mrs Cheryl Grierson, 7 Hyndshaw View, Law, ML8 5JX	23.09.2020
Mr James Douglas Miller, Berry View, 65 North Back Road, Biggar, ML12 6EJ	23.09.2020
Miss Julie Ingram, 25 Kintyre Wynd, Carluke, ML8 5RW	24.09.2020
Mr Marc Allan, 3 Montgomery Crescent, Wishaw, ML2 0DH	21.10.2020
Miss Katie Duddy, 55 Glenhead Drive, Motherwell, ML1 2DS	21.10.2020
Mr Tony O'Neill, 91 Parkneuk street, Motherwell, ML1 1BY	21.10.2020
Mr Owen Leach, 96 Catherine Street, Motherwell, ML1 2RB	21.10.2020
Mrs Alana Reilly, 3 Woodlinn Avenue, Glasgow, G44 5TY	14.10.2020
Mrs Dawn McMaster, 20 West Avenue, Carluke, ML8 5AE	14.10.2020
Mrs Kelly Sutton, 51 Aberdour Court, Blantyre, G72 0JR	22.09.2020
Mrs Joanne Keenan, 154 Shankly Drive, Wishaw, ML2 9QZ	24.09.2020
Mrs Fiona Thomson, 6 Buchan Street, Wishaw, ML2 7HG	24.09.2020
Ms Jacqui O'Rourke, 31, Cheviot Road, Hamilton, ML3 7HB	23.09.2020
Mr Steven McFarlane, 6 General Roy Way, Carluke, ML8 4LP	23.09.2020
Mr Calum Mackin, 18, Merchants Way, Inverkeithing, KY11 1PE	24.09.2020
Miss Alix Miller, 1/1 45 Apsley Street, Glasgow, G11 7SN	23.09.2020
Mr Craig McCutcheon, 7 Hayward Court, Carluke, ML8 4LR	27.09.2020
Mrs Lisa Smith, Stone Park, Broadwath, Carlisle, CA8 9BA	29.09.2020
Mrs Tracey Allan, 3 Montgomery Cres, Wishaw, ML2 0DH	30.09.2020
Mr Laurie Reid, 96 Vesuvius Drive, Motherwell, ML1 2FA	30.09.2020
Mr Stuart Foster, 21, Selvage Street, Dunfermline, KY11 2QB	13.10.2020

Mrs Lyndsey Bryce, 6 Milton Street, Carluke, Carluke, ML8 5BL	15.10.2020
Mrs Victoria King, 412 Hyndford Road, Lanark, ML11 8QS	24.09.2020
Mr Alastair Hill, 19 Alder Avenue, Hamilton, ML3 7LN	27.09.2020
Mr Tom Frame, 24 Allan Avenue, Carluke, ML8 5UA	22.09.2020
Mrs Grace Muircroft, 22 Muir Street, Law, South Lanarkshire, ML8 5JJ	22.09.2020
Miss Arlene Fox, 44 Laighmuir Street, Uddingston, Glasgow, G71 7JY	23.09.2020
Mr Allan Chalmers, 59 Whiteshaw Drive, Carluke, ML8 5UL	22.09.2020
Ms Pauline Raby, 21 South Avenue, Carluke, ML8 5TW	24.09.2020
Mrs Ruth Neill, 27 Heathfield Drive, Blackwood, ML11 9SR	24.09.2020
Ms Danieia Coia, 2 General Roy Way, Carluke, ML8 4LP	30.09.2020
Miss Lauren Leghorn, 14 Glenafeoch Road, Carluke, ML8 4DR	22.09.2020
Mrs Michelle Watt, 15 Glen Isla Place, Carluke, ML8 4RT	24.09.2020
Mrs Stefanie Chalmers, 59 Whiteshaw Drive, Carluke, ML8 5UL	22.09.2020
Miss Donna-Marie Creaney, 72 Sandyford Place Lane, Glasgow, G3 7HS	22.09.2020
Mr Kevin McAllister, 34 Cadzow Street, Hamilton, ML3 6DG	30.09.2020
Ms Meriel Clunas, 6 Woodlinn Avenue, Glasgow, G44 5TX	14.10.2020
Mr Wallace Sedgeworth, 31 Strathpeffer, Law, Carluke, ML8 5SQ	15.10.2020
Miss Natalie Mcbain, 33 Udston Mill Road, Stonehouse, ML9 3JL	30.09.2020
Mrs Jacquie Ross, 5 The Whinny, Blackwood, Lanark, ML11 9UD	23.09.2020
Mr Jon Patrick Lennox, 3/2 133, Allison Street, Glasgow, G42 8RY	23.10.2020

**Contact for further information**

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

Gail Neely, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455932

Email: [gail.neely@southlanarkshire.gov.uk](mailto:gail.neely@southlanarkshire.gov.uk)

**Conditions and reasons**

01. Before the development type is brought into use, further details of the proposed method of ventilation shall be submitted to and approved in writing by the Council. The approved ventilation system shall be thereafter maintained to the satisfaction of the Council as Planning Authority. 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, designed, installed and operated employing the principles of 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.
  - d) The discharge stack shall:-
    - 1. Discharge the extracted air not less than 1m above the roof ridge of and building within 20m of the building housing the commercial kitchen.
    - 2. If 1 cannot be complied with for planning reasons, then the extracted air shall be discharged not less than 1m above the roof eaves or dormer window of the building housing the commercial kitchen. Additional control measures may be required.

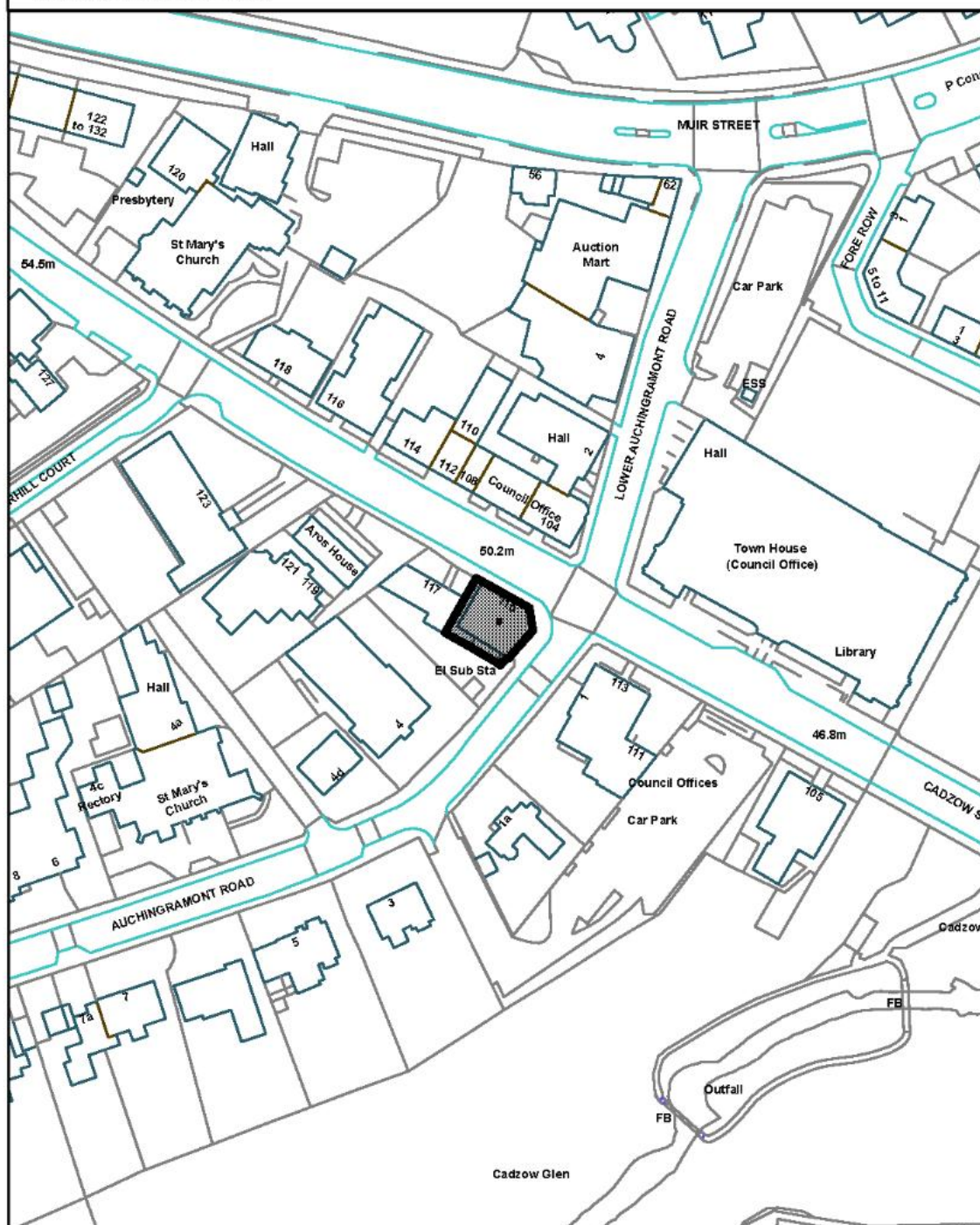
Reason: To minimise nuisance to occupants of nearby buildings as a result of cooking smells, vapours, airborne pollutants or noise from the premises.

02. That before the restaurant and associated take-away hereby approved is brought into use, details of the storage and the collection of waste arising from the development shall be submitted to and approved in writing by the Council. Thereafter, the storage and collection of waste shall be maintained to the satisfaction of the Council as Planning Authority.

Reason: To minimise nuisance, littering and pest problems to nearby occupants.

P/20/1168

115 Cadzow Street, Hamilton



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Scale:  
1:1,250  
Date:  
22/01/2021



**South Lanarkshire Council**  
Community and Enterprise Resources  
Planning and Economic Development