

Report

Report to:	Planning Committee
Date of Meeting:	29 March 2022
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/21/0739
Planning proposal:	Erection of dwellinghouses, formation of vehicular access, parking and landscaping (Planning Permission in Principle)

1. Summary application information

Application type:	Permission in principle
Applicant:	Mr Iain McKillop
Location:	Land adjacent to 129 Main Street Blantyre G72 0EL

2. Recommendation(s)

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

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

2.2 Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application.
- (2) Planning permission in principle should not be issued until an appropriate obligation under Section 75 of the Planning Act, and/or other appropriate agreement, has been concluded between the Council, the applicants and the site owner(s). This planning obligation should ensure that appropriate financial contributions are made at appropriate times during the development towards the following:
 - The provision of appropriate community facilities, either on site or off.

In accordance with agreed procedure, should there be no significant progress, on behalf of the applicant, towards the conclusion of the Planning Obligation within 6 months of the date of the Committee, the proposed development may be refused on the basis that, without the planning control/developer contribution which would be secured by the Planning Obligation, the proposed development would be unacceptable.

If, however, this matter is being progressed satisfactorily, the applicant will be offered the opportunity to enter into a Processing Agreement, if this is not already in place. This will set an alternative agreed timescale for the conclusion of the Planning Obligation.

All reasonable legal costs incurred by the Council in association with the above Section 75 Obligation shall be borne by the developers.

3. Other information

- ◆ Applicant's Agent: Mohsen Najafian
- ◆ Council Area/Ward: 15 Blantyre
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2 (Adopted April 2021)**
 - Policy 1 - Spatial Strategy
 - Policy 2 - Climate Change
 - Policy 3 - General Urban Areas
 - Policy 5 - Development Management and Placemaking
 - Policy 15 - Travel and Transport
 - Policy DM1 - New Development Design

Residential Design Guide (2011)

◆ **Representation(s):**

▶	11	Objection Letters
▶	1	Support Letters
▶	0	Comment Letters

◆ **Consultation(s):**

Community and Enterprise Resources - Play Provision Community Contributions

Roads Development Management Team

Scottish Water

Environmental Services

Blantyre Community Council

Planning Application Report

1. Application Site

- 1.1 The planning application site is essentially rectangular in shape and extends to 0.26ha. The site comprises an area of vacant land. The planning application site is situated in the settlement boundary of Blantyre, within an established residential area.
- 1.2 Historically the site was occupied by residential properties and the topography of the majority of the site reveals it to be relatively level.
- 1.3 The site is enclosed to the north by Main Street, which is a busy main route through Blantyre with access from the A725, and there is a bus stop adjacent to the northern site boundary. The site is further enclosed to the north by residential properties and a care home. In addition, the site is enclosed to the east and to the west by residential properties. The site is enclosed to the south by residential properties and an area of vacant ground.
- 1.4 The surrounding area is predominantly characterised by traditional sandstone single storey and storey and a half semi-detached properties, with frontage onto Main Street. In addition, the area is also characterised by two storey terraced properties, which were constructed during the early 1960s.

2. Proposal

- 2.1 The applicant seeks planning permission in principle for the erection of dwellinghouses, the formation of a vehicular access, parking and landscaping at land adjacent to 129 Main Street. Blantyre.
- 2.2 An indicative site layout was submitted with the application which illustrates both vehicular and pedestrian access to the site from Main Street. The development would include semi-detached and terraced properties and the site could potentially accommodate up to 10 residential units. In addition, the proposal includes a landscaping buffer along the southern boundary of the site.
- 2.3 The application proposals were accompanied by a Design Statement.

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, traffic safety and infrastructure issues. The South Lanarkshire Local Development Plan was adopted in April 2021.
- 3.1.2 The planning application site is designated under the provisions of the general urban area in the adopted Local Development Plan. The site is affected by Policy 1 'Spatial Strategy,' Policy 2 'Climate Change,' Policy 3 'General Urban Areas,' Policy 5 'Development Management and Place Making,' Policy 15 'Travel and Transport' and Policy DM1 'New Development Design' of the adopted South Lanarkshire Local Development Plan.

3.2 Relevant Government Advice/Policy

- 3.2.1 In terms of residential development, SPP requires councils to maintain a five year supply of effective housing land. Planning Authorities are also required to promote the efficient use of land by, where possible, directing development towards sites within existing settlements in order to make effective use of established infrastructure and service capacity.

3.2.2 Designing Streets - A Policy Statement for Scotland was introduced in March 2010 and establishes the Scottish Government's commitment to move away from a standardised engineering approach to streets and to raise the quality of design in urban and rural development. Development layouts should be designed to encourage a safe environment for pedestrians and cyclists with narrower streets, carefully positioned dwellings, landscaping and off-street parking which can be more effective at achieving slower traffic movements. Permeability which encourages walking is now seen as a high priority and footpath links are encouraged to ensure that houses can be easily accessed from main public transport routes.

3.3 Planning Background

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

4. Consultation(s)

4.1 **Roads Development Management Team** - have no objection to the development, subject to the imposition of conditions. These conditions include the widening and resurfacing of the existing footway, the provision of a minimum visibility splay, the submission of a Construction Traffic Management Plan and the construction of dropped kerb vehicular footway crossings.

Response: Noted. As the proposal relates to an application for planning permission in principle it is considered that appropriately worded conditions could be incorporated into any consent granted. This would require the submission of the above details for the Council's approval of the required matters specified in conditions application(s).

4.2 **Environmental Services** - have advised that they have no objection to the development, subject to the imposition of advisory notes relating to noise and nuisance.

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

4.3 **Scottish Water** - have offered no objection to the proposal.

Response: Noted.

4.4 **Community and Enterprise Resources Play Provision Community Contributions** – Requested to be consulted in relation to the planning application.

Response: The applicant would be required to enter into a Section 75 Obligation and/or other legal agreement with the Council regarding these contributions.

4.5 **Blantyre Community Council** - no response to date.

Response: Noted.

5. Representation(s)

5.1 Statutory neighbour notification was undertaken and the proposal was advertised in the local press. Following this publicity, eleven letters of objection and one letter of support were received in relation to the application. The grounds of objection are summarised below:-

a) **The applicant does not wholly own the land within the application site and instead this land is owned by a number of parties. In addition, the site has historically been the subject of a compulsory purchase order (CPO).**

Response: As part of the submitted planning application package, the agent has completed a land ownership certificate which identifies that the applicant is the sole owner of the application site. It should be noted that there is no obligation on the Planning Service to investigate the accuracy of an ownership

certificate and that no other third parties have submitted any legal documentation to demonstrate that they have land ownership over this site.

Notwithstanding the above, in this instance, the Planning Service have consulted the Council's Legal Services in relation to the land ownership of this site. Legal Services have advised that following the creation of the Land Registry system there has not been any ownership registered relating to this site (this would suggest that this is a historic title) and there is no record of a historic CPO associated with the site. Therefore, the Planning Service have accepted the ownership certificate and ultimately this issue of land ownership would require to be challenged through the court process by any third parties.

b) We have concerns that the proposal will result in overlooking, loss of privacy and overshadowing of neighbouring properties.

Response: The proposal relates to an assessment of the principle of the use of the site for future residential development. Any subsequent application(s) submitted for the approval of matters specified in conditions would have to take account of the design guidance contained within the Council's Residential Design Guide and be in keeping with established development in the surrounding area. Therefore, the further details relating to the proposed dwellings including height, window positions and similar information will require to be provided in the further application. Only at this later stage can the detailed impact on neighbouring properties be fully assessed.

c) Concern regarding the noise, disturbance, dirt and dust which will result from construction work at the site and the impact on mental health.

Response: Whilst it is generally acknowledged that the construction process can result in some increase in noise and disruption for nearby residents, it is noted that this is only in the short term until the completion of such developments.

Environmental Services were consulted regarding the proposal and have advised that they have no objection to the development subject to the use of appropriate informatives, including an informative relating to noise control. Notwithstanding the above, if the future level of noise or disturbance is considered significant then the Council's Environmental Services can be contacted as they have the statutory provision to investigate such concerns.

d) The proposal will result in additional traffic generation in the area and the availability of kerb side parking for the residents of 149-153a Main Street would be greatly reduced.

Response: The proposed vehicular access to the site is from Main Street. The development will include off-street parking associated with each residential unit within the site and therefore the proposal will not result in additional on-street parking in the area. In addition, Roads and Transportation Services were consulted in relation to the development and they did not raise any concerns in relation to these matters.

e) The development will result in environmental issues such as the removal of mature trees and foliage.

Response: The concerns regarding the removal of existing trees and foliage are noted. However, conditions can be attached to any consent which require the submission of a tree survey and the landscaping proposals for the development in any subsequent application.

- f) **Concern regarding the impact of the development of the site on wildlife and protected species such as bats.**

Response: The proposal relates to an assessment of the principle of the use of the site for future residential development. Any subsequent application(s) submitted for the approval of matters specified in conditions would require to include the submission of an ecological survey for the development site to identify the presence of any protected species. In addition, if protected species are found to be present, a species protection plan would require to be submitted to the Planning Authority.

- g) **Concern regarding road safety in relation to the proposed access to the site.**

Response: It is noted that the proposed vehicular access to the site is from a busy main route. However, Roads and Transportation have not raised any concerns regarding the proposed access although they have specified that appropriate sightlines are required to be provided at the proposed vehicular access on Main Street.

- h) **The sun path diagrams illustrating 9am and 5pm during May, submitted in support of the planning application, are incorrectly positioned.**

Response: The design statement which was initially submitted had illustrated the sun pattern for the site at 9am and 5pm during May incorrectly. The agent has revised the design statement to correct this oversight.

- i) **The drainage in my garden has never been very good. I am concerned that the works will result in further drainage issues for my garden.**

Response: The concerns relating to the exacerbation of existing drainage issues at surrounding properties are noted. However, the application for the further design and associated submissions will require to include a detailed scheme for treating surface water associated with the site.

- j) **Clarification is sought in relation to the proposed visitors parking.**

Response: The proposal relates to an assessment of the principle of the use of the site for future residential development and any subsequent application(s) submitted in relation to the site will provide clarification on this issue. The parking requirements will however accord with the National Roads Development Guidelines

- k) **Concern regarding the increasing amount of parked cars in the area and that the cars and parking provision associated with the site will result in an increase in pollution levels.**

Response: Further applications will require to provide adequate off street parking and therefore no additional cars would be likely to park on Main Street. The provision of the new access may result in a relocation of a small number of parked cars.

- l) **The proposal is adjacent to an existing bus stop and a lot of the community utilise the footpath on Main Street, including school children. It is considered that there is a public safety risk associated with the development.**

Response: Roads and Transportation Services were consulted in relation to the development and they have undertaken a detailed assessment of the proposal, including a review of the proposed access and visibility splays. They have advised that, subject to the attachment of conditions relating to any

subsequent application(s), they consider that the proposed development is suitable at this location.

- m) The applicant does not look after the site and there are rats who occupy it.**

Response: This is a matter outwith the remit of the Planning Service.

5.2 There was one letter of support received in relation to the proposed development. The key issues raised by the supporter were that they were glad to see the site developed as there was an infestation of vermin and fly tipping at the site.

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

6. Assessment and Conclusions

6.1 The applicant seeks planning permission in principle for the erection of dwellinghouses, the formation of a vehicular access, parking and landscaping at land adjacent to 129 Main Street. Blantyre.

6.2 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, traffic safety and infrastructure issues.

6.3 With regards to Government guidance and advice, as detailed in section 3.2, the site relates to vacant land which is situated within an established urban area and therefore it is considered that there are no significant issues raised by the proposal in this regard. In relation to Designing Streets, any detailed layout submitted with a subsequent application(s) for the approval of matters specified in conditions will require to comply with this guidance. It is, therefore, considered that the principle of the proposal is acceptable and is in accordance with national planning policy.

6.4 Policies 1 and 2 of the adopted Local Development Plan promote sustainable economic growth and regeneration, a move towards a low carbon economy, the protection of the natural and historic environment and mitigation against the impacts of climate change. The proposal involves the reuse of an area of vacant land, at a sustainable location in Blantyre. The development is accessible by public transport, in particular there is a bus stop directly adjacent to the site on Main Street. In addition, the site would also be integrated with existing walking and cycling networks. Therefore, it is considered that the proposal raises no issues within the context of Policies 1 and 2 of the adopted Local Development Plan.

6.5 The site is affected by Policy 3 of the adopted Local Development Plan which establishes 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. Subsequently, it is considered that the proposed development will not result in an adverse impact on residential amenity and therefore raises no issues within the context of Policy 3 of the adopted Local Development Plan.

6.6 Policy 5 and Policy DM1 of the adopted Local Development Plan relate to the design and layout of new developments and these policies identify that all development proposals will require to take account of and be integrated with the local context and built form. As the application is for planning permission in principle, limited details have been submitted with the application in terms of the detailed layout and design of the proposal. Consequently, any subsequent application(s) submitted for the approval of matters specified in conditions would have to take account of the design guidance

contained within Designing Streets and the Council's Residential Design Guide and be in keeping with development in the surrounding area. Therefore, the proposal raises no issues within the context of Policy 5 and DM1 of the adopted Local Development Plan.

- 6.7 Policy 15 of the adopted Local Development Plan seeks to ensure that development considers and, where appropriate, mitigates the resulting impacts of traffic growth and encourages sustainable transport options that take account of the need to provide proper provision for walking, cycling and public transport. The site is accessible by public transport and the development would be well integrated into existing walking and cycling networks. In addition, Roads and Transportation Services consider that the proposal is acceptable in terms of access and road safety issues. Subsequently, it is considered that the proposal raises no issues within the context of Policy 15 of the adopted Local Development Plan.
- 6.8 In conclusion, the proposal relates to the development of a vacant site, situated within an established urban area, for residential use. In view of the above, it is recommended that planning permission in principle should be granted subject to conditions and the conclusion of an appropriate planning obligation.

7. Reasons for Decision

- 7.1 The proposal will have no adverse impact on either residential, visual amenity, environmental matters or infrastructure issues and raises no issues within the policy context of 1, 2, 3, 5, 15 and DM1 of the adopted South Lanarkshire Local Development Plan 2. There are no other material considerations which would justify the refusal of planning permission.

David Booth

Executive Director (Community and Enterprise Resources)

Date: 17 March 2022

Previous references

- ◆ None

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter, dated 5 May 2021
- ▶ Design and Access Statement, prepared by 13 Architect
- ▶ Press Advert, Hamilton Advertiser

- ▶ Consultations
 - Community and Enterprise Resources - Play Provision N/A
 - Community Contributions
 - Roads Development Management Team 26.05.2021
 - Scottish Water 06.05.2021
 - Environmental Services 01.06.2021
 - Blantyre Community Council N/A

► Representations	Dated:
Mr J Stewart, 125 Main Street, Blantyre, Glasgow, South Lanarkshire, G72 0EL	02.06.2021
Alexandra Blackburn, 47 Calderwood Drive, Blantyre, Glasgow, South Lanarkshire, G72 0HJ	03.06.2021
Mr Owen Madden, 149 Main Street Blantyre, Glasgow, G72 0EL	19.05.2021
Isobel Kane, Received Via Email	04.06.2021 04.06.2021
Mr Alexander Cuthbert, 53 Calderwood Drive, High Blantyre, Glasgow, G72 0HJ	06.05.2021
Mrs Joan Madden, 149 Main Street, Blantyre, Glasgow, G72 0EL	06.05.2021
Mrs Christopher Tomlinson, 37 Kingsheath Avenue, Rutherglen, Glasgow, G73 2DG	04.05.2021
Mr Robert Greenock, 22 Moorfield Road, Blantyre, G72 0RH	07.05.2021
Mr Andrew Pirrie, 51 Calderwood Drive, High Blantyre, G72 0HJ	10.05.2021
Mr Richard Rankin, 33 Meadow Avenue, High Blantyre, Glasgow, G72 0HQ	10.07.2021
Mr Robert Macgregor, 43 Stonefield Crescent, Blantyre, GLASGOW, G72 9TF	09.10.2021

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

Conditions and reasons

01. That prior to the commencement of development on site, a further application(s) for the approval of any of the matters specified in this condition must be submitted to and approved by the Council as Planning Authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

These matters are as follows:

- (a) the layout of the site, including all roads, footways, parking areas and open spaces;
- (b) the siting, design and external appearance of all building(s) and any other structures, including plans and elevations showing their dimensions and type and colour of external materials;
- (c) detailed cross-sections of existing and proposed ground levels, details of underbuilding and finished floor levels in relation to a fixed datum, preferably ordnance datum.
- (d) the design and location of all boundary treatments including walls and fences;
- (e) the landscaping proposals for the site, including maintenance details and details of existing trees and other planting to be retained together with proposals for new planting specifying number, size and species of all trees and shrubs;
- (f) the means of drainage and sewage disposal.
- (g) details of the phasing of development (covering all relevant aspects of development detailed in (a) above).

Reason: To comply with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.

02. That the further application(s) required under the terms of Condition 1 above shall comply with the guidance on new residential development contained in the Council's Residential Design Guide and any subsequent updates of this document.

Reason: In the interests of amenity.

03. That a visibility splay of 2.4 metres by 43 metres measured from the road channel shall be provided at the proposed vehicular access on Main Street and the further application(s) required under the terms of Condition 1 above shall demonstrate that the applicant has control over these area within the adjacent properties.

Reason: In the interests of traffic and public safety.

04. That the further application(s) required under the terms of Condition 1 above shall include the following details:

- ◆ The provision of a vehicle swept path analysis within the development.
- ◆ The existing substandard footway- width along the frontage of the site shall be widened to 2m.
- ◆ The provision of a 5.5m wide dropped kerb vehicular footway crossing at the proposed access from Main Street.
- ◆ The provision of the first 2m (minimum) length of the access, which shall be measured from the rear of the widened footway, surfaced across its full width.

Reason: In the interests of traffic and public safety.

05. That the further application(s) required under the terms of Condition 1 above shall include details to demonstrate that each dwelling has access to their own electric vehicle charging (EVC) point and should identify the arrangements for the siting of the associated charging posts.

Reason: These details have not been submitted or approved.

06. That the further application required under the terms of Condition 1 above, shall include a detailed scheme for surface water drainage for the consideration and detailed approval of the Council as Planning Authority. Surface water from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland and with the Council's Sustainable Drainage Design Criteria and requirements and shall be agreed in writing with the Council in consultation with SEPA.

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.

07. That the further application(s) required under the terms of Condition 1 above shall include a Construction Traffic Management Plan which provides details of access and parking provision for staff and visitors, intended working hours, the management and storage of deliveries and further information regarding the provision of wheel washing facilities to prevent mud being carried on to the adopted road.

Reason: In the interests of traffic and public safety as well as to preserve the amenity of the surrounding area.

08. For the avoidance of doubt, the proposed drawings detailed in the submitted design statement are for illustration purposes only and do not relate to an approved residential layout.

Reason: These details have not been submitted or approved.

09. That the sandstone boundary wall along the frontage of the site, adjacent to Main Street, shall remain where possible and further details of the proposed removal of part of the wall to allow for vehicular access and footway provision to the site shall be provided in the further application(s) required under the terms of Condition 1 above.

Reason: These details have not been submitted or approved.

10. That the further application(s) required under the terms of Condition 1 above shall include the submission of a tree survey which identifies all of the existing trees within the site and those trees to be retained and measures for their protection during the course of the development.

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

11. That the further application(s) required under the terms of Condition 1 above shall include the submission of an ecological survey for the development site to identify the presence of any protected species and if protected species are found to be present the survey document shall include a species protection plan.

Reason: These details have not been submitted or approved.

12. That the further application(s) required under the terms of Condition 1 above shall include a proposed site layout with appropriate parking provision for the consideration and detailed approval of the Council as Planning Authority. All parking bays shall be in accordance with the National Roads Development Guidelines and the provision should be 1 parking space for a 1 bedroom property and 2 parking spaces for 2 and 3 bedrooms properties.

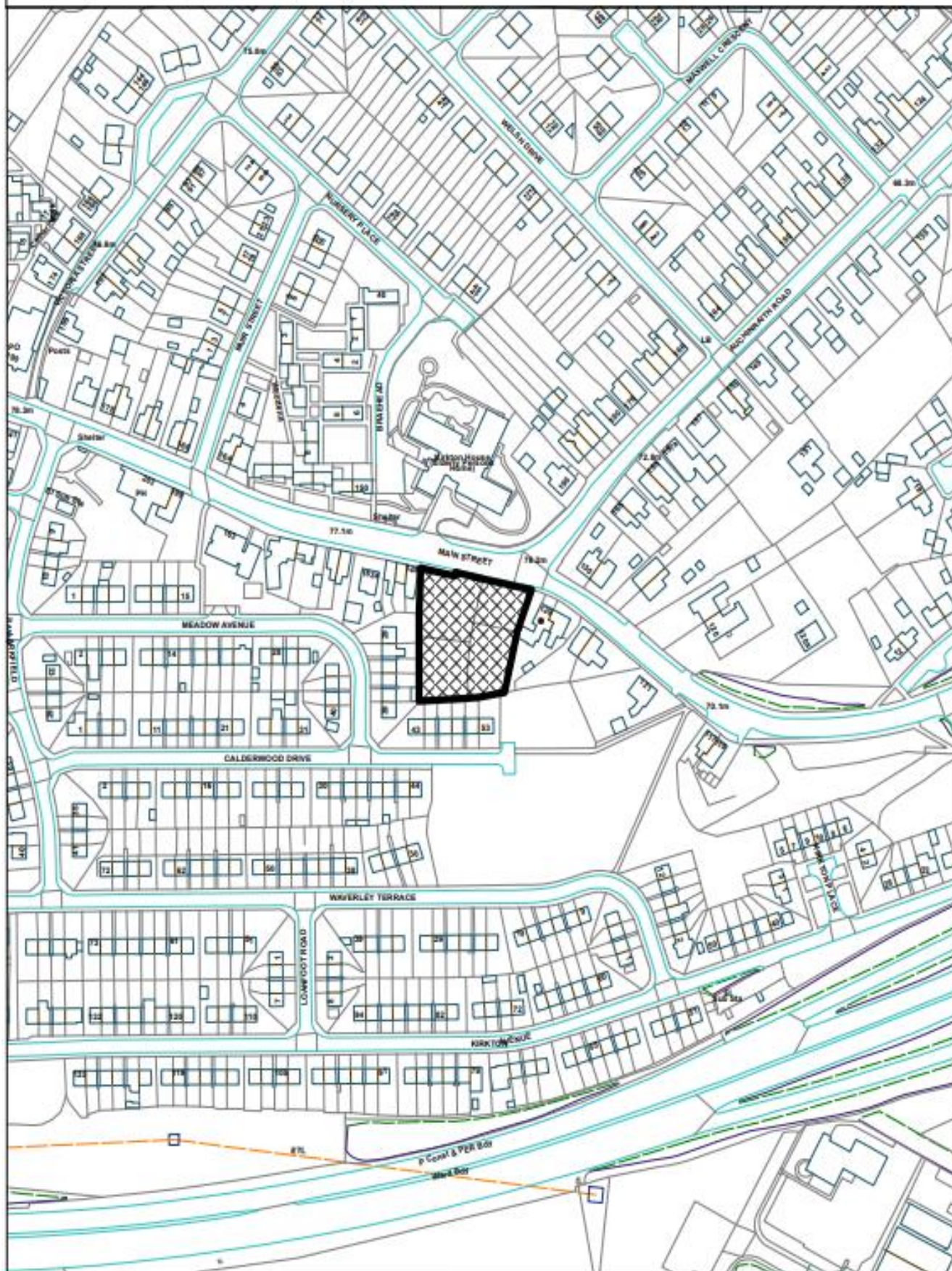
Reason: To ensure the provision of adequate parking facilities within the site.

13. That the further application(s) required under the terms of Condition 1 above shall include details of measures to facilitate the provision of full fibre broadband to serve the development, including details of appropriate digital infrastructure and a timescale for implementation, for the consideration and detailed approval of the Council as Planning Authority, unless otherwise agreed in writing with the applicant. The approved measures shall thereafter be carried out in accordance with the agreed implementation timescale.

Reason: To ensure the provision of digital infrastructure to serve the development.

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Land adjacent to 129 Main Street, Blantyre



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Scale:
1:2,500
Date:
04/03/2022



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development